

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) REGULATIONS
2012

2012 No. 977

1. This Explanatory Memorandum has been prepared by the Department for Transport (“DfT”) and is laid before Parliament by Command of Her Majesty. This Memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 These Regulations implement an EU Directive – being Council Directive 2006/126/EEC on driving licences (“the 3rd Directive”).

2.2 They amend:

- The Road Traffic Act 1988 (“the 1988 Act”);
- The Road Safety Act 2006 (“the 2006 Act”); and
- The Motor Vehicles (Driving Licences) Regulations 1999 (SI 1999/2864) (“the 1999 Regulations”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. The fee to renew a photocard licence in respect of bus and lorry licences issued after 18th January 2013 will not extend to licences valid for less than 10 years until there has been further consultation.

3.2 The 1999 Regulations will also shortly be amended by a further set of Regulations to implement changes from two other EU Directives, being Directive 2009/112/EC of 25 August 2009 and Directive 2009/113/EC of 25 August 2009, which amend respectively Directive 91/439/EEC of the European Parliament and of the Council on driving licences (“the 2nd Directive”) and the 3rd Directive. Although both sets of Regulations are being laid and will come into force in close proximity to each other, this was not foreseeable at the outset and has arisen due to the complexities of policy and drafting which have altered the timetable for both. Consideration has been given to consolidating both sets of implementing Regulations and to consolidating the 1999 Regulations themselves, but this runs the risk of delaying the transposition of the 3rd Directive further and increasing the risk of infraction. Therefore, consolidation was not pursued.

4. Legislative Context

4.1 Currently Part 3 of the 1988 Act; and the 1999 Regulations implement the 2nd Directive, adopted in 1991 and also contain domestic provisions. The 2nd Directive provides for mutual recognition of driving licences between Member States of the

European Union and the European Economic Area, and harmonisation of the licensing categories and driving test standards. The Parliamentary Scrutiny Committees considered an Explanatory Memorandum on the proposed directive at the beginning of 2004 and in December 2004 a supplementary to it with a revised Regulatory Impact Assessment was provided to the Committees to take into account negotiations with the Commission on the text. In June 2005 the Committees were informed that the Government intended to support the Common Position at the 27 June 2005 Transport Council.

4.2 The 3rd Directive was adopted at the end of 2006. Its provisions were required to be transposed into national law by 19th January 2011 and come into practical effect by 19th January 2013. The UK is currently facing infraction proceedings for failure to notify transposition. While many of the provisions of the 3rd Directive are already contained in domestic legislation (as was explained and notified to the Commission), some change was required and is covered by these Regulations .

4.3 The 3rd Directive makes further change to the driver licensing and testing regime established by the 2nd Directive, so as to achieve greater harmonisation within a specified timeframe. The changes impact on:

- definitions of vehicle sub-categories,
- progressive access to larger categories of motorbike;
- the rules on the duration of the administrative validity period (“AVP”) of a licence,
- mandatory medical checks on the renewal of a Group 2 (bus or lorry) licence,
- minimum standards for driving examiners; and
- steps to ensure that no one can at any one time possess more than one licence issued by an EEA State and that where a licence has been cancelled or withdrawn in an EEA State where the holder resided, other EEA States cannot issue a licence to that person.

5. Territorial Extent and Application

5.1 This instrument applies to Great Britain.

5.2 Northern Ireland is legislating separately to transpose the 3rd Directive within that jurisdiction.

6. European Convention on Human Rights

6.1 Mike Penning has made the following statement regarding Human Rights:

In my view the provisions of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 are compatible with the Convention rights.

7. Policy background

Amendments to the Road Traffic Act 1988

7.1 The 3rd Directive makes changes to the AVP for driving licences. Licences for Group 1 categories (cars and motorcycles) must generally have a validity period of 10

years. Licences for Group 2 categories must generally have a 5 year validity period. The 3rd Directive also permits shorter AVPs on grounds of age or disability. These new rules on AVPs must apply to any licence issued on or after 19 January 2013.

7.2 These requirements have been incorporated into existing provisions applying to “duration of licences” contained in section 99 of the 1988 Act. A licence remains in force for the period of entitlement already specified in section 99(1) and (2) of the 1988 Act. However, if it remains in force longer than the last day of the AVP specified in accordance with new section 99(2B) to (2H), it must be surrendered. This increases the frequency of licence renewal for Group 2 drivers who are aged under 45. It does not alter the period of entitlement applicable to a licence which applies in domestic law. It is already the case that Group 2 licences cease to be in force after 5 years when the driver is over 45; and cease to be in force after one year when the driver is over 65. Therefore, in those cases, the AVP will coincide with the period for which the licence is in force. A driver who drives a motor vehicle on a road after the relevant licence entitlement has ceased to be in force under section 99(1) and (2) of the 1988 Act commits the offence under section 87 of the 1988 Act of driving other than in accordance with a licence (which, inter alia, gives rise to obligatory endorsement and a fine of level 3 on the standard scale). By contrast, the offence committed if a person fails to surrender a licence in accordance with section 99(2A) of the 1988 Act, on expiry of the AVP, is the lesser offence under section 99(5), for which the punishment is a maximum fine of level 3 only.

7.3 The 3rd Directive increases the level of medical checks that must be made in respect of Group 2 drivers, who must meet the minimum current standards specified on a renewal, following the end of a Group 2 AVP period. New section 99(7C) of the 1988 Act provides for this requirement, and applies irrespective of the age of the driver, or licence group. It enables the Secretary of State to require medical evidence on administrative renewal of any licence. Regulation 10(5) of the 1999 Regulations already confers such a power on the Secretary of State when a new Group 2 licence is granted after the previous licence has ceased to be in force (for instance, in the case of 5 yearly expiries between the ages of 45 and 65). The new power in section 99(7C) of the 1988 Act is complementary to the existing power and is necessary for situations where the AVP expires but the licence entitlement remains in force. It will be used to comply with EU rules, i.e. on all Group 2 renewals; and Group 1 renewals where there is a particular medical condition which Annex III of the 3rd Directive requires to be regularly reviewed.

7.4 Section 97(1) of the 1988 Act is amended to prevent a driver disqualified in a State where they had formerly held a licence from being granted a licence in Great Britain (including a provisional licence).

7.5 Some changes in definitions set out in section 108 of the 1988 Act are also made, largely linked to vehicle category changes explained in more detail below.

Amendment to the Road Safety Act 2006

7.6 Minor amendments are made in Schedule 2 to these Regulations to various un-commenced provisions of the 2006 Act, which amend the 1988 Act. Section 39(1) of the 2006 Act inserts section 98A into the 1988 Act to enable the compulsory surrender of old style paper licences. This section is amended to enable the Secretary of State to require medical evidence, if necessary, on renewal of a licence following such a surrender. In addition, since section 99(7ZZA) of the 1988 Act (as inserted by Schedule 1 to these Regulations) refers to a counterpart licence, this new reference to “counterpart licence” is added to the list of repeals in Schedule 3 to the 2006 Act which will be commenced when counterpart licences are to be abolished.

Amendments to the Motor Vehicles (Driving Licences) Regulations 1999

7.7 Changes are made by the 3rd Directive to the categories and sub-categories of vehicles for licensing purposes and the 1999 Regulations (in particular Schedule 2) are amended to reflect these. Similarly, as mentioned in paragraph 7.5, changes are also made to vehicle definitions in section 108 of the 1988 Act. The 3rd Directive introduces for the first time a European ‘moped and light quadricycles’ category, namely AM, and correspondingly the definition of moped in section 108 of the 1988 Act is amended and a definition ‘light quadricycles’ is added. The 1999 Regulations are also amended to include references to category AM. Category AM covers vehicles with a maximum design speed of not more than 45km per hour. Since category AM mopeds excludes those which cannot exceed 25km per hour and also those which can exceed 45km but not 50km per hour, national categories Q and P respectively are introduced to allow these vehicles still to be licensed and ridden. The 3rd Directive provides for existing driving entitlements to be preserved.

7.8 The definition of “motor bicycle” in section 108 of the 1988 Act is amended to reflect the 3rd Directive meaning of ‘motorcycle’ and amendments are also made to implement the requirements in respect of its motorcycle categories A1, A2 and A. The 3rd Directive requires staged access to more powerful motorcycles subject to competence, age and previous experience. Changes are made to the 1999 Regulations to specify category and sub-category definitions, the types of vehicles that are allowed for driver testing purposes and the minimum ages at which a licence may be obtained. Wherever appropriate, existing GB minimum ages have been preserved to lessen the impact of the 3rd Directive and this degree of flexibility is permitted under the 3rd Directive.

7.9 Minimum age changes are also made to the 1999 Regulations to accommodate new requirements for drivers of vehicle categories C and D (lorries, buses, coaches and minibuses) but subject to the qualification and age requirements in the Certificate of Professional Competence Directive (2003/59/EC). Derogations in the 3rd Directive are being relied upon to allow such drivers to drive category C and D vehicles below the EU minimum age in prescribed circumstances, such as when working for the fire service or when driving vehicles for the purpose of maintaining public order.

7.10 The 3rd Directive has re-defined an upper maximum authorised mass weight limit for category B (cars and light vans) when towing a trailer. For the driving of vehicle and trailer combinations within this category between 3.5 tonnes and 4.25 tonnes the 3rd Directive sets a new training or test requirement. It is not proposed to make a change to implement this part of the 3rd Directive as it would not be cost-effective. Instead, drivers wishing to drive larger vehicle and trailer combinations will take the existing category B+E (car with trailer category) test which will provide them with a higher entitlement.

7.11 An amendment has been made in respect of fees for exchanging a photocard licence prescribed in Schedule 3, Part 1 of the 1999 Regulations. However, this amendment does not create any new fee liability. It clarifies how the existing fee liability will operate after these 2012 Regulations come into force. Its purpose is also, for the time being, to prevent Group 2 licence holders being charged more frequently for renewals after 19 January 2013, as explained in paragraph 3.1 above. If no amendment had been made in respect of this existing fee, a liability for those licence holders to pay a fee on a more frequent basis would have arisen as a consequence of the amendment made to section 99(2A) of the 1988 Act.

7.12 Consolidation – see paragraph 3.2

8. Consultation outcome

8.1 DfT, in conjunction with the Driving Standards Agency (“DSA”) and the Driver and Vehicle Licensing Agency (“DVLA”), consulted between 11 November 2009 and 5 February 2010 on proposals to implement the 3rd Directive.

8.2 DfT wrote to over 6,400 driver and rider training associations, trade associations, individuals, special interest groups and those associated with the police and judiciary system. The Consultation paper was posted on the DfT website and published in DSA’s trade magazine *Despatch* and sent to over 60,000 Approved Driving Instructors and others interested in road safety. A press release was also issued.

8.3 489 responses were received. The DfT’s response to consultation was published in March 2010. A written ministerial statement was also made. The response explained that after carefully considering views expressed by respondents, the DfT intended to maintain the approach of making as little change to our current arrangements as is consistent with the 3rd Directive and, where change is unavoidable, making it at least cost. Responses were broadly supportive of this.

8.4 The issue which attracted most comment was that of progressive access to larger categories of motorcycle. At the time the DfT decided not to introduce a training route to progressing through the motorcycle categories or, for car drivers, to towing a medium sized trailer. Although a training route was supported by many respondents some did not consider that in the current economic downturn the proposals were financially viable. This was also DfT’s assessment at the time. DfT is currently working with the motor cycle industry and trainers to consider if a training route would be viable in the future.

8.5 Many respondents opposed DfT's proposals that riders should first take a familiarisation course on a more powerful category of motorcycle before being able to ride that category with a provisional licence before taking their test. They argued instead that riders wishing to ride category A2 or A motorcycles who have not yet qualified for a full licence for the larger category should be accompanied by an Authorised Trainer when riding on the roads. DfT agreed with this argument and amended our proposals accordingly.

8.6 A link to the response to consultation may be found at <http://webarchive.nationalarchives.gov.uk/20101104083544/http://dft.gov.uk/consultations/closed/thirddirective/>

9. Guidance

9.1 No guidance has been specifically published alongside these Regulations. Before the practical implementation of the 3rd Directive in mid-January 2013, DfT will publish within the document sent out with each driving licence, a synopsis of the major changes. Information will also be made available on the Directgov website: <http://www.direct.gov.uk/>.

10. Impact

10.1 The impact on business, charities or voluntary bodies is considered to be negligible.

10.2 The impact on the public sector is considered to be negligible. There will be a one off development cost to DVLA of £1.25 million for implementation of more frequent Group 2 renewals under age 45 and ongoing running costs of £1.17 million in total, over 10 years. Licence fees may, in future, be changed to offset the cost of implementation but that would be subject to the consultation referred to in paragraph 3.1. No fee increases are contained in these Regulations, though there is an adjustment as a result of amendments made to the AVPs of licences.

10.3 An Impact Assessment is attached to this Memorandum and will be published alongside the Explanatory Memorandum on www.legislation.gov.uk.

11. Regulating small business

11.1 The legislation applies to individual drivers rather than small businesses specifically. The legislation on Group 2 licences applies to individual drivers rather than small businesses specifically, though just over 10% of drivers are thought to be self employed. The cost to business is the cost to drivers, either employed or self employed, to complete a self declaration at a total estimated cost of £1.6 million in total over a period of 10 years.

12. Monitoring & review

12.1 The Regulations require the Secretary of State to conduct a review of their operation and effect and publish the results before 19th January 2018 (5 years after the relevant changes to existing legislation come into force). There is already ongoing work with motorcycle groups which will inform any review and DSA/DVLA will also publish a communication plan closer to the review date.

13. Contact

Pauline Morgan at the Department for Transport email: Pauline.morgan@dft.gsi.gov.uk can answer any queries regarding the instrument.

DEPARTMENT FOR TRANSPORT

TRANSPOSITION NOTE

DIRECTIVE 2006/126/EC OF THE EUROPEAN PARLIAMENT AND THE COUNCIL OF 20 December 2006 on driving licences (Recast) (Text with EEA relevance) (“the third Directive”).

NB Unless otherwise stated:

Any reference to a “section” means a section number of the Road Traffic Act 1988 (“the 1988 Act”).

Any reference to a “regulation” means a regulation in the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”).

Any reference to a “new regulation” means a regulation contained in the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (“the 2012 Regulations”) and a reference to a “new paragraph” means a paragraph in a Schedule to those Regulations. Schedule 1 to the 2012 Regulations (“Schedule 1”) contains the amendments to the 1988 Act ; Schedule 2 contains the amendments to the Road Safety Act 2006; and Schedule 3 contains amendments to the 1999 Regulations.

Articles	Objectives	Implementation
Article 1: Model licence Article 1.1	Requires Member States to introduce a national driving licence based on the Community model. Requires emblem on page 1 to contain the distinguishing sign of the Member State issuing the licence.	Section 98 provides for the form of the driving licence. An amending Directive 2011/94/EU has been adopted and DVLA will issue a licence which conforms to the new requirements.
Article 1.2	Permits Member States to introduce a microchip as part of the driving licence, as soon as the Commission has laid down relevant requirements.	Provision to implement is not necessary as this is an option in the third Directive. Section 98 enables a microchip to be introduced without further legislative amendments.
Article 1.3 and Annex I	Sets out basic requirements for the microchip and provides for the Commission to amend Annex I.	A legislative provision to implement is not necessary.

Article 1.4	Permits Member States to make adjustments to the Community model licence, subject to Commission agreement, to enable computer processing.	GB already has legislation in force to enable implementation. Sections 98 and 98 (1A) provide for the form of the driving licence and would allow any necessary adjustments once agreed.
Article 2: Mutual recognition Article 2.1	Obliges Member States to mutually recognise driving licences issued in the EU.	Section 99A (1) sets out the rules for the mutual recognition of community licences. “Community licence” is defined in section 108. This includes licences issued in the EEA because this Directive extends to EEA States.
Article 2.2	When a licence-holder takes up normal residence in another Member State, this Article permits the host Member State to apply the administrative validity periods set out in Article 7 (2), and to do so by renewing the licence as from 2 years after the date on which the holder has taken up normal residence in the territory of the host State.	Provision to implement is not necessary as we do not intend to adopt this Directive option.
Article 3 – Anti-forgery measures. Article 3.1	Necessary steps must be taken to avoid risk of licence forgery (including those licences issued prior to this Directive).	Further provision to implement is not necessary. Sections 98 and 98 (1A) provide for the form of the driving licence and would allow us to make any necessary changes to the features of the driving licence.
Article 3.2	The material used for the driving licence, as set out in Annex 1, shall be made secure against forgery in application of specifications designed to amend non-essential elements of this Directive, by supplementing it, which are to be laid down by the Commission in accordance	Sections 98 and 98 (1A) provide for the form of the driving licence and would allow us to make any necessary changes to the features of the driving licence

	with the procedure referred to in Article 9(2). Member States are free to introduce additional security features.	
Article 3.3	By January 2033 all driving licences issued or in circulation must fulfil Directive requirements.	Section 39 of the Road Safety Act 2006 inserted a new Section 98A into the 1988 Act (which could be commenced if a date was decided for licence recall). The new section contains an order making power that provides for the compulsory surrender of old form driving licences.
Article 4: Categories, definitions and minimum ages. Article 4.1	Obliges the driving licences to be issued to authorise the driving of power driven vehicles in accordance with vehicle categories defined in the remainder of the Article, permits their issue from the minimum ages shown for each category, and defines “power-driven vehicle”.	Section 87 makes it an offence to drive on a road a motor vehicle otherwise than in accordance with licence. “Licence” is defined in section 108. “Motor vehicle” is defined in section 185 and includes power driven vehicles. By regulations 4, 5, 9, and 43 of, and Schedule 2 to, the 1999 Regulations and by new paragraphs 3, 4, 8 27(a)(ii), (c), (d) and (f), and 46(a) of Schedule 3 to the 2012 Regulations.
Article 4.2	Defines mopeds (Category AM) which includes small tricycles (excluding vehicles with a maximum design speed of 25km/h or less) and light quadricycles. Minimum age specified as 16 years	Definition of “light quadricycle” inserted and definition of “moped” is amended in section 108 by new regulation 2 and Schedule 1 of the 2012 Regulations, new paragraph 5(2) (b) and (c) respectively. . Also by new paragraphs 8(a) and 46(a)(i) of Schedule 3 to the 2012 Regulations.
Article 4.3	Defines “motorcycle” and “motor tricycle” by reference to Directive 2002/24/EC. Also defines three different size categories of motorcycles, A1, A2 and A, and fixes a minimum age for each category.	Amendments are made to section 97(3)(d) by new regulation 2 and by new paragraph 2(3) of Schedule 1 to the 2012 Regulations. Section 108 definition of “motor bicycle” is amended by new regulation 2 and new paragraph 5(2)(d) of Schedule 1 to the 2012 Regulations. .. By new paragraphs 2(a) and (f), 8(b) and (c) and 46(a)(ii) to (v) of Schedule 3 to the 2012 Regulations.

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Article 4.3(a) Category A1	Motorcycles with a cylinder capacity not exceeding 125 cc, of a power not exceeding 11 kW and with a power to weight ratio not exceeding 0.1kW/kg. Category A1 includes tricycles of a power of 15 kW or less. Minimum age specified as 16 years	Amendments made to section 97(3)(d) by new regulation 2 of , and Schedule 1, new paragraph 2(3) to, the 2012 Regulations. By new paragraph 2(a) and (f), 8(b) and (c) and 46(a)(iii)(aa) of Schedule 3 to the 2012 Regulations.
Article 4.3(b) Category A2	Motorcycles of a power not exceeding 35 kW and with a power to weight ratio not exceeding 0.2 kW/kg and not derived from a vehicle of more than double its power. Minimum age is 18 years.	By new paragraphs 2(a), 8(b) and (c) and 46(a)(iv) of Schedule 3 to the 2012 Regulations.
Article 4.3(c) Category A	Category A motorcycles are unlimited as to size, power or power to weight ratio. The minimum age is 20 years but candidate must have at least 2 years experience on a category A2 motorcycle if under 24. Category A also includes motor tricycles with a power exceeding 15 kW and a minimum age for access to these is fixed at 21 years.	By new paragraph 2(a) and (f), 8(b) and (c) and 46(a)(v) of Schedule 3 to the 2012 Regulations.

Article 4.4	Defines “motor vehicle” to include trolleybuses but to exclude agricultural or forestry tractors.	No amendment to the 1988 Act is necessary as the current definition in section 185 provides adequately for the new definition.
Article 4.4	Defines “agricultural or forestry tractor” as a vehicle the use of which for carrying persons or goods by road is only a secondary function.	No amendment to the 1988 Act is necessary as the current definition in section 108 provides adequately for the new definition.
Article 4.4(a) Category B1	<p>Quadricycles, other than light quadricycles, as defined in Article 1(3)(b) of Directive 2002/24/EC.</p> <p>Minimum age is 16 years.</p> <p>Category B1 is optional for member States but those not introducing it B1 must ensure a category B licence is required to driver category B1 vehicles.</p>	Option not being taken up in GB.
Article 4.4(b) Category B	<p>Motor vehicles (cars and light vans, including those with very small 750 kg trailers) with a maximum authorised mass not exceeding 3500 kg and designed and constructed for the carriage of no more than eight passengers.</p> <p>Without prejudice to the type approval rules for the various categories of vehicle concerned category B vehicle/trailer combinations are permitted:</p>	Already implemented in GB by regulations 4 and 5 and Schedule 2 to the 1999 Regulations and section 101.

	<ul style="list-style-type: none"> • Car plus trailer combination where the trailer exceeds 750kg but the maximum authorised mass of the combination does not exceed 3.5 tonnes; • Car plus trailer combination where the trailer exceeds 750kg and the maximum authorised mass of the combination exceeds 3.5 tonnes but does not exceed 4.25 tonnes. For this latter combination Member States must require the driver to complete a separate training course or pass a further test and indicate entitlement to drive such a combination on the driving licence via EU code 96. <p>Category B minimum age is 18 years.</p>	<p>By new paragraphs 4 and 46(a)(vi)(aa)(ii) of Schedule 3 to the 2012 Regulations.</p> <p>By new paragraph 46(a)(viii) of Schedule 3 to the 2012 Regulations.</p> <p>.</p> <p>Already implemented in GB by 101(1).</p>
<p>Article 4.4(c) Category BE</p>	<p>Without prejudice to the type approval rules, category BE is any category B tractor vehicle with a trailer or semi-trailer up to 3.5 tonnes maximum authorised mass.</p> <p>Minimum age is 18 years</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations and new paragraph 46(a)(viii) of Schedule 3 to the 2012 Regulations.</p> <p>.</p>
<p>Article 4.4(d) Category C1</p>	<p>Motor vehicles, other than in category D1 or D, with a maximum authorised mass</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations and new paragraph 46(a)(x) of Schedule 3 to the 2012 Regulations.</p>

	<p>exceeding 3.5 tonnes but not exceeding 7.5 tonnes, designed and constructed for the carriage of no more than eight passengers and the vehicle may be combined with a trailer having a maximum authorised mass not exceeding 750 kg.</p>	.
<p>Article 4.4(e) Category C1E</p>	<p>Without prejudice to the type approval rules, vehicles being-</p> <ul style="list-style-type: none"> - a category C1 tractor vehicle combined with a trailer or semi-trailer having a maximum authorised mass over 750 kg provided the authorised mass of the combination does not exceed 12 tonnes; - a category B tractor vehicle combined with a trailer or semi-trailer having a maximum authorised mass over 3.5 tonnes, provided the authorised mass of the combination does not exceed 12 tonnes. <p>The minimum age for C1 and C1E is 18 years, without prejudice to the provisions of the CPC Directive (Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles.</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations and new paragraph 46(a)(xii) of Schedule 3 to the 2012 Regulations.</p> <p>.</p> <p>Already implemented in GB by section 101(1).</p>
<p>Article 4.4(f) Category C</p>	<p>Motor vehicles, other than those in categories D1 or D, with a maximum authorised mass over 3.5 tonnes and designed and constructed for the carriage</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations and new paragraph 46(a)(ix) of Schedule 3 to the 2012 Regulations.</p> <p>.</p>

	<p>of no more than eight passengers.</p> <p>Such vehicles may be combined with a trailer having a maximum authorised mass not exceeding 750 kg.</p>	
Article 4.4(g) Category CE	<p>Without prejudice to the type approval rules, a tractor vehicle in category C combined with a trailer or semi-trailer having a maximum authorised mass over 750 kg.</p> <p>The minimum age for categories C and CE is 21 but without prejudice to the provisions of Directive 2003/59/EC.</p>	<p>Already implemented by Schedule 2, Part 1, to the 1999 Regulations.</p> <p>Already implemented by section 101(1) and regulation 9(7).</p>
Article 4.4(h) Category D1	<p>Motor vehicles designed and constructed for the carriage of no more than 16 passengers having a maximum length not exceeding 8 m and which may be combined with a trailer having a maximum authorised mass not exceeding 750 kg.</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations and new paragraph 46(a)(xi) of Schedule 3 to the 2012 Regulations.</p> <p>.</p>
Article 4.4(i) Category D1E	<p>Without prejudice to the type approval rules, tractor vehicles in category D1 combined with a trailer having a maximum authorised mass over 750 kg.</p> <p>The minimum age for D1 and D1E is 21 years but without prejudice to the provisions of Directive 2003/59/EC.</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations and new paragraph 46(a)(xiii) of Schedule 3 to the 2012 Regulations.</p> <p>.</p> <p>Already implemented by section 101(1) and regulation 9(9A).</p>
Article 4.4(j) Category D	<p>Motor vehicles designed and constructed for the carriage of more than eight passengers and which may be combined with a trailer having a maximum</p>	<p>By Schedule 2, Part 1, to the 1999 Regulations.</p>

	authorised mass not exceeding 750 kg.	
Article 4.4(k) Category DE	Without prejudice to type approval rules, a tractor vehicle in category D combined with a trailer having a maximum authorised mass over 750 kg. The minimum age for categories D and DE is 24 but without prejudice to Directive 2003/59/EC.	By Schedule 2, Part 1, to the 1999 Regulations. By regulation 9(9) and (9B) and new paragraph 8(g) of Schedule 3 to the 2012 Regulations.
Article 4.5	Permits Member States, with the permission of the Commission, to exclude from the application of Article 4 certain specific types of power-driven vehicle, e.g. special vehicles for the disabled.	Already implemented by regulation 5(3) and Part 3 of Schedule 2 to the 1999 Regulations.
Article 4.5	Permits Member States to exclude from the application of Article 4 vehicles used by, or under the control of, the armed forces and civil defence.	By regulation 9(10) and new paragraph 8(c) of Schedule 3 to the 2012 Regulations. .
Article 4.6	Member States may raise or lower the minimum ages for certain categories of vehicles, or when certain categories of vehicles are being driven in particular circumstances, within their own territory.	By new paragraph 8(b) and (c) of Schedule 3 to the 2012 Regulations. .
Article 5: Conditions and restrictions Article 5.1	Driving licences must state the conditions under which the driver is authorised to drive.	Section 98(1)(b) of the RTA describes what the licence shall specify; being either conditions under s.92(7ZA) or restrictions under section 101 RTA. Regulation 43(2)(b) and (3)(b) states that when a driving test is passed in a vehicle adapted for disability, the licence shall authorise driving for vehicles so adapted. Further implementation by new paragraph 5(a) of Schedule 3 to the 2012

		Regulations. .
Article 5.2	For licences restricted for reasons of physical disability to certain vehicle types or to adapted vehicles, obliges the driving test to be taken in such a vehicle.	Already implemented by regulation 37(3) and (6)(b). Further implementation by new paragraph 20(b) and (c) of Schedule 3 to the 2012 Regulations. .
Staging and equivalence between categories Article 6.1	To be granted a licence for category C1, C, D1 or D a person has to be entitled to drive category B vehicles. To be granted a licence for category BE, C1E, CE, D1E or DE a person has to be entitled to drive vehicles in categories B, C1, C, D1 or D respectively.	Already implemented by regulation 11.
Article 6.2 Article 6.2(a)	Equivalence rules are set out as follows: Licences to drive medium or large goods vehicles (C or C1) with trailers or to drive minibuses, buses or coaches (D1 or D) with trailers shall be valid for driving cars or light vans with trailers (BE).	Already implemented by regulation 6(1)(b) and Schedule 2 Part 1 to the 1999 Regulations.
Article 6.2(b)	Licences to drive large goods vehicles with trailer (CE) shall be valid for buses or coaches with trailer (DE) as long as their holders are entitled to drive buses or coaches (D).	Already implemented by regulation 45(1) and Schedule 9 (Table A) to the 1999 Regulations. .

Article 6.2(c)	Licences to drive large goods vehicles with trailer (CE) and to drive bus or coach with trailer (DE) shall be valid for medium-sized goods vehicles with trailer (C1E) and for minibus with trailer respectively (D1E).	Already implemented by regulation 6(1)(a), regulation 43(2) and Part 1 of Schedule 2 to the 1999 Regulations.
Article 6.2(d)	Licences to drive any category shall be valid for category AM vehicles (mopeds and light quadricycles). However, if a Member State imposes a practical test as a condition to obtaining a moped licence, then that Member State may limit moped equivalences to the motorcycle categories (A1, A2 and A).	By regulations 6(1)(b) and 43(3) and (5) to the 1999 Regulations and new paragraphs 5(c), 27(b) and (d) and 46(a)(ii), (iii), (iv) and (v) of Schedule 3 to the 2012 Regulations.
Article 6.2(e)	Licences for category A2 motorcycles shall also be valid for category A1 vehicles.	By regulation 6(1)(b) and new paragraph 46(a)(iv) of Schedule 3 to the 2012 Regulations.
Article 6.2(f)	Licences for categories A, B, C or D shall be valid for categories A1, B1, C1 or D1 respectively.	By regulations 6(1)(a) and 43(2) but only in respect of category A, C and D licences being valid for sub-categories A1, C1 and D1 respectively.
Article 6.3	<p>Member States may grant following the following equivalences:</p> <p>(a) motor tricycles under a category B (car and light van) licence as long as, for a motor tricycle of power over 15 kilowatts; the holder of the car/light van licence is aged at least 21 years; and</p> <p>(b) category A1 motorcycles under a</p>	<p>GB does not intend to implement this option.</p> <p>GB intends to maintain the status quo and does not intend to implement</p>

	<p>category B licence.</p> <p>Validity limited to territory of member State so entitlement not to be indicated on licence.</p>	<p>this option.</p>
<p>Article 6.4</p>	<p>Permit Member States after consulting the Commission, to authorise driving on their territory as follows:</p> <p>(a) category D1 vehicles (small minibuses up to a maximum authorised mass of 3.5 tonnes excluding specialised equipment for disabled passengers) by holders of a category B licence (car and light van) who are over 21 years of age, obtained their licence at least 2 years previously and provide their services on a voluntary basis and the vehicles are being used by non-commercial bodies for social purposes; and</p> <p>(b) vehicles of maximum authorised mass over 3.5 tonnes whose main purpose is to be used only when stationary as an instructional or recreational vehicle, and which are being used by non-commercial bodies for social purposes, and which have been modified so that they may be not be used to transport more than 9 people, or any goods not strictly necessary for their purposes by holders over 21 years of age of a category licence obtained at least 2 years previously.</p>	<p>Already implemented by regulation 7(6).</p> <p>Already implemented by regulations 7(5) and 51(1)(r).</p>

<p>Article 7: Issue, validity and renewal.</p> <p>Article 7.1</p>	<p>Licences shall be issued only to those applicants:</p> <p>(a) who have passed a theoretical test and a practical test and who comply with the medical standards, in accordance with Annexes II and III;</p>	<p>Already implemented by sections 89 and 92 and Parts 3 and 6 of, the 1999 Regulations.</p>
<p>Article 7.1(b)</p>	<p>Category AM licences to be issued to those who pass only a theory test although Member States may also require a practical test to be passed and the undergoing of a medical examination. Member States may impose a distinctive practical test for tricycles and quadricycles falling in Category AM. Allows a national code to be put on the licence to distinguish entitlement to category AM.</p>	<p>Category AM licences to be issued only to those who pass a theory and a practical test (maintaining the domestic status quo) and implementation is by amending paragraphs 20, 23, 24, 25, 46(a)(i), 49 and 52. Section 98(1) and (1A) allows for the provision of national codes. It is not proposed to introduce a distinct test for riders of tricycles and quadricycles within category AM.</p>
<p>Article 7.1(c)</p>	<p>For Category A2, (medium sized motor cycles) or Category A (unlimited motor-cycles) a licence shall be issued upon the passing of a practical test only or completing training as set out in Annex VI if the applicant has a minimum 2 years' experience on a motorcycle in Category A1 or Category A2 respectively</p>	<p>By new paragraphs 20, 23, 24 and 46(a)(ii) to (v) of Schedule 3 to the 2012 Regulations.</p>

Article 7.1 (d)	A category B licence will grant entitlement to drive a large combination of car/light van with trailer (but of maximum authorised mass less than 4.25 tonnes), subject to passing a further practical test or having completed training in accordance with Annex V, or having both completed the training and passed the test.	GB has opted not to implement this, instead passing a test for category B+E will allow heavier car plus trailer combinations to be driven.
Article 7.1 (e)	All applicants to whom a driving licence is issued are required to have their normal residence in the territory of the Member State issuing the licence, or are able to produce evidence that they have been studying there for at least 6 months.	Residence requirement must be met before a licence can be granted - section 89(1) and (1A) In addition, regulation 38(1) requires that an applicant presenting themselves for a driving test must meet the residency requirement.
Article 7.2 Article 7.2(a)	Deals with conditions of validity. Requires, from 19 January 2013, that all licences issued for categories AM, A1, A2, A, B, B1 and BE (mopeds, motor tricycles, quadricycles, cars and light vans with or without trailer), shall have an administrative validity of 10 years. Permits a Member State to choose to issue such licences with an administrative validity of up to 15 years.	This has been implemented through amendment of Section 99 (2A) of the RTA and the insertion of sections 99 (2B) to (2H) which set out the rules around the administrative validity periods of driving licences. Amendments have been made by new regulation 2 of and new paragraph 4 of Schedule 1 to the 2012 Regulations.
Article 7.2 (b)	Requires, from 19 January 2013, that all licences issued for categories C, CE, C1, C1E, D, DE, D1, and D1E (all medium and large goods vehicles, mini-buses, buses and coaches, including the largest articulated combinations with a car or light	This has been implemented through amendment of Section 99 (2A) of the RTA and the insertion of sections 99(2B) to (2H) which set out the rules around the administrative validity periods of driving licences. Amendments have been made by new regulation 2 and by new paragraph 4 of Schedule 1, to the 2012 Regulations.

	van as tractor) to have a validity period of 5 years.	
Article 7.2 (c)	The renewal of a driving licence may trigger a new administrative validity period for another category or categories the licence holder is entitled to drive, insofar as this is consistent with the conditions laid down in this Directive.	This has been provided by new section 99 (2F) (b) inserted by new regulation 2 of and new paragraph 4 of Schedule 1 to the 2012 Regulations.
Article 7.2 (d)	The presence of a microchip is not necessary to ensure that the licence is valid: loss of the microchip, its unreadability or damage to it will not invalidate the document.	There is, as yet, no requirement in this Directive to introduce the microchip by a specific date and section 98 would enable microchip to be introduced if necessary. (An amending Regulation has been proposed, but has not yet been adopted.)
Article 7.3 (a)	Deals with conditions of renewal of licences when their administrative validity expires. For all driving licences, renewal will be subject to normal residence in the territory of the Member State issuing the licence, or evidence that applicants have been studying there for at least 6 months.	Section 99(7B) requires a person to provide evidence of address when applying for a licence to be renewed on expiry of administrative validity period and section 89(1) and (1A) residence requirement would have to be met before licence could be granted.
Article 7.3 (b)	For driving licences in categories C, CE, C1, C1E, D, DE, D1 and D1E (all medium and large goods vehicles, mini-buses, buses and coaches, including the largest articulated combinations with a car or light	This has been implemented through the amendments of section 99(7B) and insertion of section 99 (7C) of the RTA, amended by new regulation 2 of and new paragraph 4(6) and (7) of Schedule 1 to the 2012 Regulations. The new provisions enable the Secretary of State to require evidence that

	van as tractor), renewal will be subject to: continuing compliance with the minimum standards of medical fitness set out in Annex III for the relevant category.	a person is not suffering from a relevant or prospective disability, when applying to renew a licence on expiry of the administrative validity period.
Article 7.3	For driving licences in categories AM, A1, A2, A, B, B1 and BE (mopeds, motor tricycles, quadricycles, cars, and light vans with or without trailer), Member States may on renewal require an examination applying the minimum medical standards set out in Annex III.	GB does not intend to implement this option, no legislation required.
Article 7.3	For driving licences issued to novice drivers for any category, permits Member States to limit the period of administrative validity in order to apply specific road safety measures to the drivers.	GB does not intend to implement this option, no legislation required.
Article 7.3	For driving licences issued to novice drivers in categories C and D (large goods vehicle and bus or coach), permits the first licence issued may be restricted in its administrative validity to 3 years for the same reason.	GB does not intend to implement this option, no legislation required.

Article 7.3	Permits the limiting of administrative validity, for driving licences issued in any category, if it is found necessary to make more frequent medical checks or to take other specific measures such as restrictions on road traffic offenders.	Section 99 (1) (b) and (1A) (b) already allow licences to be issued with reduced entitlement period to any driver where an increased frequency of medical checks is applied. Section 99(2H) of the RTA enables a shorter administrative validity period for such licences (inserted by new regulation 2 of and new paragraph 4(2) of Schedule 1 to the 2012 regulations). No amendment is needed to limit the administrative validity period for traffic offenders as GB does not wish to take up this option.
Article 7.3	The driver, resident on the territory of the Member State issuing the licence, has reached the age of 50 years, in order to make more frequent medical checks or to take other specific measures such as refresher courses (this latter reduction can be applied only on renewal of the licence).	GB does not intend to implement this option, no legislation required.
Article 7.4	Permits Member States, after consulting the Commission, to apply to the issuing of driving licences their national rules relating to conditions not referred to in this Directive.	GB does not intend to add any further national rules.
Article 7.5	(a) Forbids any person to hold more than one driving licence.	Section 97(1) (c) implements the article 7.5(a) principle by providing the applicant must surrender an existing community licence etc before being granted a new GB licence.

	(b) Requires Member States to refuse to issue a licence where it establishes that an applicant already holds a driving licence.	Further provision to implement is not necessary as section 97(1)(c) states that a licence must be granted to an applicant who surrenders their Community licence in exchange.
	(c) Member States will take the necessary measures pursuant to this: the necessary measures as regards the issue, replacement, renewal or exchange of a driving licence shall be to verify with other Member States where there are reasonable grounds to suspect that the applicant is already the holder of another driving licence.	There is already legislation in place. Section 49 Road Safety Act 2006 provides statutory authority for the UK to disclose certain data to other Member States.
	(d) In order to facilitate checks pursuant to this, the Member States shall use the EC driving licence network once it is operational.	There is already legislation in place for the European Driving Licence Network. Section 49 Road Safety Act 2006 allows for the disclosure to foreign authorities of licensing information.
Article 7.5	Without prejudicing mutual recognition of driving licences issued by Member States, requires a Member State issuing a licence to apply due diligence to ensure that a person fulfils the requirements set out in Article 7.1, and, where it is established that a licence has been issued without the requirements having been met, to apply its national provisions on cancelling or withdrawing the right to drive.	Legislation is already in place. Sections 97(1) (a), (b) and (c) meet due diligence in terms of applicant checks. National provisions on cancellation and withdrawal are provided for in s.99 (3) which allows for the revocation of a licence granted in error. Sections 173 and 174 make it an offence to use false documents or make false statement, inter alia, for the purposes of obtaining a licence.

Article 8: Adaptation to scientific and technical progress.	Provides for the adaptation of Annexes I to VI to scientific and technical progress.	No legislation impact.
Article 9: Committee.	Provides for the Commission to be assisted by a regulatory committee, the committee on driving licences, in pursuance of Article 8.	Already in place, UK sends a formal representative.
Article 10: Examiners.	Provides that, from 19 January 2013, driving examiners shall meet the minimum standards set out in Annex IV. Those already working in that capacity before 19 January 2013 are subject only to the requirements concerning quality assurance and regular periodic training.	GB already has legislation in force to enable implementation – Regulations 23 and 24 of the 1999 Regulations provide for persons by whom theory and practical test may be conducted. Qualifying conditions for examiners are undertaken administratively and only minor amendments are necessary.
Article 11: Various provisions concerning the exchange, the withdrawal, the replacement and the recognition of driving licences. Article 11.1	Provides that the holder of a valid national driving licence issued by a Member State may, where he has taken up residence in another Member State, request exchange of his licence for an equivalent licence. Places responsibility on the Member State affecting the exchange to check for which category the licence submitted remains valid.	Reflects the current position under the second Directive, this was transposed into national law through sections 89(1)(ea) and 97(1)(c)(ii), which require the issue of a British licence to a person who meets the residence requirement and holds a Community licence, which he must surrender in order to obtain a British licence. Community licence is defined in section 108. The relevant checks on entitlement and validity are done through administrative procedures. If an invalid licence has been exchanged, despite checks having been made, GB would then take action to recover the UK licence. There is power to recover a licence issued in error under section 99(3).
Article 11.2	Permits the Member State of normal residence to apply its national provisions on restriction, suspension, withdrawal or cancellation of the right to drive to the holder of a licence issued by another	GB already has legislation in force to enable implementation. Section 99A(1)(b) states a Community licence holder is not authorised to drive in GB if he is disqualified. Section 99C states a community licence can be revoked if the holder is suffering from a relevant disability. Section 115A allows for cessation of authorisation for Group 2 drivers because of

	Member State and, if necessary, exchange the licence to that end.	conduct. In case of disqualification, licence is retained until expiry of disqualification or driver leaving GB (Sections 91A (7) Road Traffic Offenders Act 1988). In medical revocation and section 115A circumstances the licence would be returned to the EEA State of issue (section 99E).
Article 11.3	Requires the Member State affecting the exchange to return the old licence to the authorities of the Member State, which issued it, and to give reasons for doing so.	Currently section 97(1) (c) (ii) already requires the surrender of a Community licence when an application for a UK licence is made. These licences are returned to the Member States that issued them by DVLA with a letter explaining they have been exchanged for a British (UK) licence.
Article 11.4	Requires a Member State to refuse to issue a driving licence to an applicant whose driving licence is restricted, suspended or withdrawn in another Member State.	GB already has legislation in force to enable implementation. Section 97(1) (d) of the RTA already prevented a GB licence from being issued in exchange for a Community licence. However it has been amended by new regulation 2 of, and new paragraph 2(2) of Schedule 1, to the 2012 regulations to ensure that a driver who has been disqualified in another Member State where he had held a licence cannot apply for a provisional driving licence with a view to sitting a test and obtaining a full GB licence. Section 88(1B) defines a “relevant disqualification” in sub paragraph (aa) as one which “subsists under or by virtue of any provision of the law of an EEA state”.
Article 11.4	Requires a Member State to refuse to recognise the validity of any driving licence issued by another Member State to a person whose driving licence is restricted, suspended or withdrawn in the territory of the former State.	GB already has legislation in force to enable implementation. Section 99A (7) of RTA 1988 specifies that a Community licence. shall not be treated as authorising a person to drive a vehicle of any class if it is not for the time being valid for that purpose in the EEA State in respect of which it was issued.” Thus, the rights to recognition of a Community licence (provided for by section 99A (1) RTA) and the right to have a Community licence exchanged (provided for by section 89(1) (ea) RTA) are dis-applied, if the licence is not valid in the State of issue. In addition, if a driver is disqualified in Great Britain Section 91A RTOA provides that the person is disqualified from holding or obtaining a driving licence.

		<p>In relation to restricted licences, Commission officials have advised that the term should refer to entitlements that are valid within the territory of the Member State that issued the licence, for example national entitlements. “A vehicle of any class”, as referred to in section 99A(7) means a class prescribed by Schedule 2 of the 1999 Regulations. These classes, as amended by the 2012 regulations, correspond to the vehicle categories in the third directive, apart from a small number of national categories. Therefore, rights of recognition in Great Britain would not apply to any national category of vehicle in another member state, not referable to the EU categories.</p>
Article 11.4	Permits a Member State to refuse to issue a driving licence to an applicant whose licence is cancelled in another Member State.	Section 89(2) (a) (iii) 1988 states that where a licence has been revoked under section 99(3) or under any corresponding provision of the law of any EEA State other than the United Kingdom, it is to be disregarded under s.89 (1) (ea) as a licence which could provide a pathway to a GB licence.
Article 11.5	Requires that a replacement for an e.g. lost driving licence may be obtained only from the competent authorities of the Member State of normal residence. Requires those authorities to provide the replacement on the basis of the information in their possession or, where appropriate proof from the competent authorities of the Member State which issued the original licence.	<p>Provided for by current legislation. Section 89(1) prevents the issue of a full licence unless the applicant meets the residence requirement. The residence requirement is defined in section 89 (1A) and covers applicants who are “normally resident”. Section 97 deals with the grant of licences and states that an application is to be refused if the requirements of section 89 cannot be met (see 97(1) (d)). Section 49 of the Road Safety Act 2006 allows for the disclosure of licensing and registration information to foreign authorities.</p> <p>Section 89(1) (ea) of the RTA allows a person who holds (or has ever held) a Community licence to exchange it for British licence if they meet the residency requirement. Section 97(1) (c) (ii) requires that the Community licence is surrendered or the holder provides an adequate explanation for not doing so. Where the licence was not surrendered because it was lost or stolen, DVLA would require confirmation of licensing details from the Member State that issued the licence.</p>

Article 11.6	Requires where a Member State exchanges a driving licence issued by a third country for a Community model driving licence, that the exchange will be recorded on the Community model driving licence, as shall any subsequent renewal or replacement.	Provided for by current legislation. Third country (non EEA) licences accepted for exchange in Great Britain are defined as exchangeable licences in Section 108 of the RTA. British licences issued in exchange display the relevant European code, as would any subsequent renewal or replacement. The code is not specifically set out in national legislation but section 98 enables it to be applied administratively.
Article 11.6	Prohibits such exchange except if the licence issued by the third country has been surrendered to the competent authorities of the Member State making the exchange.	Provided for by current legislation. Section 97(1) (c) (iii) of the RTA requires exchangeable licences to be surrendered on application for a British licence. DVLA returns those licences to the third country in which they were issued.
Article 11.6	If the holder of an exchanged licence transfers his normal residence to another Member State, then the latter need not apply the principle of mutual recognition set out in Article 2.	Provided for by current legislation. The definition of Community licence at Section 108 of the RTA specifically excludes licences issued by member states in exchange for third country licences. As such, the provisions in British law applying the principle of mutual recognition of Community licences only apply where the test was passed in an EEA member state.
Article 12: Normal residence.	Defines “normal residence” in exactly the same way, as did Directive 91/439/EEC.	Provided for by Section 89(1A).
Article 13: Equivalences between non-Community model licences. Article 13.1	Requires Member States, with the agreement of the Commission, to establish equivalences between entitlements to drive granted before the implementation of this Directive and the categories defined in Annex 4.	UK has cooperated administratively with the Commission to enable the latter to update the existing Commission Decision of 25 August 2008 on equivalences between categories of driving licences (2008/766/EC). Section 99A enables recognition and section 97(1) (c) enables exchange of EU licences granted before implementation of the second directive, provided they are valid for the corresponding EU category of vehicle in the state of issue.

	Requires Member States to consult the Commission before adjusting their national legislation as necessary for the purpose of implementing Articles 11.4, 11.5 and 11.6.	No amendments have been made to legislation to accommodate these articles. The existing legislation covers the EU obligations and was approved by the Commission in implementing the second driving licence directive.
Article 13.2	Sets out explicitly that no entitlement to drive granted before 19 January 2013 will be removed or in any way qualified by the provisions of this Directive.	By new paragraphs 3, 4, 6, 43, 45 and 46(b) of Schedule 3 to the 2012 Regulations.
Article 14: Review.	Requires the Commission to report on the implementation of the Directive, including its impact on road safety, no sooner than 19 January 2018.	
Article 15: Mutual assistance.	Obliges Member States to help one another in implementing the Directive, to exchange information on the licences they have issued, exchanged, replaced, renewed or revoked, and to use the EU driving licence network set up for these purposes, once it is operational.	Section 49 Road Safety Act 2006 allows for the disclosure to foreign authorities of licensing information, this will also provide for use of the electronic driving licence network.
Article 16: Transposition Article 16.1	Requires Member States to adopt the following Articles and to publish the laws, regulations and administrative provisions necessary to comply with them by 19 January 2011, and forthwith to communicate to the Commission the text of these provisions: Articles 1.1; 3; 4.1, 4.2, 4.3. 4.4(b) to (k); 6.1, 6.2(a),(c),(d) and (e); 7.1(b), (c) and	Relevant legislation will be sent to Commission with this transposition table.

	(d), 7.2, 7.3, 7.5; 8; 10; 13; 14; 15; Annexes: I point 2; II point 5.2 concerning categories A1, A2 and A; IV; V; and VI.	
Article 16.2	Requires Member States to apply these provisions in practice as from 19 January 2013.	A number of provisions are in existing legislation currently in force and amendments will come into force for new obligations with effect from 19 January 2013 (new regulation 1(2) of the 2012 Regulations).
Articles 16.3 and 16.4.	Standard requirements on adoption.	
Article 17: Repeal.	Repeal of Directive 91/439/ EEC from 19 January 2013, except that Article 2.4 of Directive 91/439/ EEC (which prohibits the inclusion of any computerised electronic devices) is repealed on 19 January 2007. Reference to correlation table between this directive and Directive 91/439/ EEC in Annex VIII.	
Article 18: Entry into force.	This Directive enters into force on 19 January 2007. The following shall apply from 19 January 2009: Articles 2.1; 5; 6.2 (b); 7.1 (a); 9; 11.1, 11.3, 11.4, 11.5, and 11.6; 12. Annexes: I, II and III	

Article 19: Addressees.	Standard reference to Member States.	
Annex I:	<p>Sets out the required characteristics of the Community model driving licence</p> <p>Although Article 18 states that Annex I of the Directive is to be implemented by January 2009, this excludes Annex I, point 2, which is specified in Article 16 as having to be applied from January 2013.</p>	<p>Section 98 provides that a licence shall be in the form of a photocard of a description specified by the Secretary of State. The term “specified” in the context of this provision means specified administratively. The SoS therefore does not need to make regulations or any other form of legislation to specify the form of photocard and therefore has specified administratively the photocard in a format that complies with Annex I. See points made in relation to article 1.1.</p>
Annex II:	Sets out the minimum requirements for driving tests, and of knowledge, skill and behaviour for driving a power-driven vehicle.	<p>GB already has legislation in force to enable implementation. Section 89(1) states that a licence shall not be granted unless a person has passed a test of competence to drive. Section 89(3) permits the test of competence to drive to be prescribed by regulations. Details of the driving test are contained in the 1999 regulations. Details of the actual test are in Schedules 7 and 8 to the 1999 regulations, which reflect the Annex II requirements.</p> <p>Also implemented by new paragraphs 49, 50 and 51 of Schedule 3 to the 2012 Regulations.</p>
Annex III:	Sets out the minimum standards of physical and mental fitness for driving a power-driven vehicle.	The relevant legislation is found in sections 92-96 and Part IV of the 1999 Regulations, regulations 70-75. This legislation is supplemented by administrative guidance to doctors – “At a Glance”.

Annex V:	Sets out minimum requirements for driver training and testing for car/ light van and trailer combinations above between 3.5 and 4.25 tonnes. Requires Member States to: approve and supervise the training provided for in Article 7.1(d), or to organise the practical test provided for in Article 7.1(d); impose a specified duration and content of the training; and impose a specified duration and content of the practical test.	No amendments necessary – GB not taking up this option.
Annex VI:	Sets out minimum requirements for progressive access to the larger motorcycles. Requires Member States to: approve and supervise the training provided for in Article 7.1(c), or to organise the practical test provided for in Article 7.1(c); impose a specified content on the driver training; impose a specified duration and content on the practical test.	By amending new paragraph 20(g) and 46(a)(ii) to (v) of Schedule 3 to the 2012 Regulations. [The test has been chosen over training as the most cost effective option.]
Annex VII:	Logs successive previous amendments to the repealed Directive, and records previously-set deadlines for transposition into national law and for application	
Annex VIII:	Correlation table with repealed Directive. Indicates correspondences between Articles in Directive 91/439/EEC and Articles in Directive 2006/126/EC.	