

2013 No. 1013

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment) (No.2)
Regulations 2013**

<i>Made</i> - - - -	<i>26th April 2013</i>
<i>Laid before Parliament</i>	<i>2nd May 2013</i>
<i>Coming into force</i> - -	<i>1st June 2013</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 94(4) and 105(1) of the Road Traffic Act 1988(a), makes the following Regulations.

In accordance with section 195(2) of the Road Traffic Act 1988 the Secretary of State has consulted with representative organisations.

Citation and commencement

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2013.

(2) These Regulations come into force on 1st June 2013.

**Amendment of regulation 74 of the Motor Vehicles (Driving Licences) Regulations 1999:
High Risk Offenders**

2.—(1) Regulation 74 of the Motor Vehicles (Driving Licences) Regulations 1999(b) (disabilities requiring medical investigation: High Risk Offenders) is amended as follows.

(2) In paragraph (1)(b) of regulation 74—

(a) at the end of paragraph (1)(b) omit “or”;

(b) after paragraph (1)(b) insert—

“(bb) has been disqualified by order of a court by reason of failure, without reasonable excuse, to give permission for a laboratory test of a specimen of blood taken pursuant to section 7A of the Traffic Act; or”.

(3) After paragraph (2) of regulation 74 insert—

“(3) For the purposes of paragraph 1(bb) a court order shall not be taken into account unless it was made on or after 1st June 2013.”

Signed by authority of the Secretary of State for Transport

(a) 1988 c.52; section 94(4) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 5(7). For the definition of “prescribed” see sections 108(1) and 192(1) of the Road Traffic Act 1988, and for the definition of “regulations” see section 108(1) of that Act.

(b) SI 1999/2864, to which there are amendments not relevant to these Regulations.

26th April 2013

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 74 (disabilities requiring medical investigation: High Risk Offenders) of the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) (the “1999 Regulations”).

Sections 92 to 95 of the Road Traffic Act 1988 (the “1988 Act”) make provisions in relation to the physical fitness of drivers of vehicles. If an applicant for or the holder of a driving licence is suffering from certain disabilities (relevant or prospective disabilities which are prescribed under the 1988 Act) then provision is made for the licence to be refused or revoked by the Secretary of State.

Section 94 of the 1988 Act provides for obtaining information on such disabilities from a licence holder or an applicant if the Secretary of State has reasonable grounds for believing that the applicant or holder is suffering from a relevant or prospective disability or if prescribed circumstances apply to that person. Where either apply, the Secretary of State can require the applicant or holder of the licence to undergo a medical examination, to provide an authorisation for a medical practitioner to release information or to undergo a driving test.

Regulation 74 of the 1999 Regulations prescribes circumstances under section 94(4) of the 1988 Act. These circumstances relate to disqualification by court order. Where a circumstance applies to an applicant or holder of the licence then that person is a High Risk Offender. An applicant or holder of a licence who is a High Risk Offender (within the prescribed circumstances of section 94(4)) may have to pay the costs of any medical examination or authorisation since the Secretary of State is not required to do so pursuant to section 94(9) of the 1988 Act.

Regulation 2 of these Regulations amends regulation 74 by prescribing an additional circumstance – disqualification by court order under section 7A of the 1988 Act for failure, without reasonable excuse, to give permission for a laboratory test of a blood specimen.

An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sector is foreseen. An Explanatory Memorandum is available alongside the instrument on the website <http://www.legislation.gov.uk/>.

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