

STATUTORY INSTRUMENTS

2016 No. 1089

ROAD TRAFFIC

The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016

<i>Made</i>	- - - -	<i>14th November 2016</i>
<i>Laid before Parliament</i>		<i>16th November 2016</i>
<i>Coming into force</i>	- -	<i>9th December 2016</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 97(3)(a) and (3A) ^{F1}, 105(1) and (3), 123(2), 125(3) ^{F2}, 127(2) ^{F3}, 134, 135(1) and 141 ^{F4} of the Road Traffic Act 1988 ^{F5} and section 2(2) of the European Communities Act 1972 ^{F6}.

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 in relation to the recognition of higher education diplomas, formal qualifications, or experience in the occupation, required for the pursuit of professions or occupations ^{F7}.

The Secretary of State has consulted with representative organisations as required by section 195(2) of the Road Traffic Act 1988.

- F1** Section 97(3A) was inserted by the [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c.22\)](#), [section 6\(2\)\(c\)](#) and was amended by [S.I. 1996/1974](#) and by [S.I. 1998/1420](#).
- F2** Section 125(3) was amended by the [Deregulation Act 2015 \(c.20\)](#), [Schedule 2](#), Part 2, paragraphs 16 and 17, and by [S.I. 1999/357](#) and [S.I. 2015/583](#).
- F3** Section 127(2) was amended by the [Road Traffic \(Driving Instruction by Disabled Persons\) Act 1993 \(c.31\)](#), the Schedule, paragraph 5(2) and (3).
- F4** Section 141 was amended by the [Road Safety Act 2006 \(c.49\)](#), [Schedule 6](#), paragraphs 1 and 24.
- F5** 1988 c.52. See definitions of “prescribed” and “regulations” in section 108(1).
- F6** 1972 c.68; section 2(2) was amended by the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#), [section 27\(1\)\(a\)](#) and the [European Union \(Amendment\) Act 2008 \(c.7\)](#), [section 3\(3\)](#) and the Schedule, Part 1.
- F7** [S.I. 2002/248](#).

Citation and Commencement

1. These Regulations may be cited as the Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016 and come into force on 9th December 2016.

Amendment of the Road Traffic Act 1988

2. #??

(1) Until the commencement of Schedule 6 to the Road Safety Act 2006 ^{F8}, Part 5 of the Road Traffic Act 1988 (driving instruction) has effect as if it were amended as follows.

(2) In section 123(1) (driving instruction for payment to be given only by registered or licensed persons) ^{F9}#??

- (a) in paragraph (a), after #??is in#?# insert “ Part 1 of ”,
- (b) omit the #??or#?# at the end of that paragraph, and
- (c) after that paragraph insert#??

“(aa) the name of the person giving the instruction is in Part 2 of the register, the registration is not suspended and the instruction is being given in accordance with a right conferred by Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059), or”.

(3) After section 123(6) insert#??

“(6A) A person is not guilty of an offence under subsection (6) if#??

- (a) the person proves that the instruction was given in accordance with a right conferred on the person by Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059), and
- (b) the person had not received the certificate mentioned in subsection (2)(a).”.

(4) In section 125 (the register of approved instructors) ^{F10}#??

(a) after subsection (1) insert#??

“(1A) The register is to be in two Parts as follows#??

- (a) Part 1 is to contain the names of persons required to be entered in it by subsection (3) (persons who have satisfied the conditions specified in that subsection), and
- (b) Part 2 is to contain the names of persons required to be entered in it by subsection (4A)(a) (persons entitled to give instruction on a temporary and occasional basis). ”,

(b) in subsection (2), after #??name in#?# insert “ either Part of ”,

(c) in subsection (2A), after #??applicant#?# insert “ for registration in Part 1 of the register ”,

(d) in subsection (2C), after #??applicant#?# insert “ for registration in Part 1 of the register ”,

(e) in subsection (3)#??

(i) after #??of his name in#?# insert “ Part 1 of ”, and

(ii) after #??enter his name in#?# insert “ that Part of ”,

(f) after subsection (3) insert#??

“(3A) Where the Registrar is satisfied that a person who has applied under subsection (3) is entitled to give paid instruction in the driving of motor cars by virtue of Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059)#??

- (a) the Registrar may not impose a requirement on the applicant under subsection (2C) if the Registrar is satisfied that the applicant holds a current certificate or other document that, under the law of the State that is the applicant's home State for the purposes of those regulations, is of corresponding effect to an emergency control certificate, and

- (b) subsection (3)(a) does not apply in relation to the applicant.”, and
- (g) after subsection (4) insert#??
- “(4A) Where a person submits a declaration to the Registrar, or to the appropriate Northern Ireland officer, in accordance with regulations 15 and 16 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) that entitles the person to give paid instruction in the United Kingdom in the driving of a motor car on a temporary and occasional basis#??
- (a) the Registrar must enter the person's name in Part 2 of the register, and
- (b) until the Registrar has complied with paragraph (a), the person's name is to be treated for the purposes of section 123(1)(aa), subsection (5)(b) of this section and section 135 as being in Part 2 of the register.
- (4B) In subsection (4A) #??appropriate Northern Ireland officer#?# means the officer referred to in Article 51(2) of the Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)).”.
- (5) In section 126 (duration of registration) ^{F11}#??
- (a) in subsection (1), after #??removed from#?# insert “ Part 1 of ”, and
- (b) after subsection (3) insert#??
- “(3A) Unless previously removed under the following provisions of this Part of this Act, the name of a person shall be removed from Part 2 of the register if the declaration or renewal under regulation 15 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059) by virtue of which the name of the person was entered in the register is not renewed within one year of being made.”.
- (6) In section 127 (extension of duration of registration) ^{F12}#??
- (a) in subsection (1), after #??removed from#?# insert “ Part 1 of ”, and
- (b) in subsection (2), after #??retained in#?# insert “ Part 1 of ”.
- (7) In section 128 (removal of names from register) ^{F13}#??
- (a) in subsection (1), after #??person from#?# insert “ Part 1 of ”,
- (b) after that subsection insert#??
- “(1A) The Registrar may remove the name of a person from Part 2 of the register if satisfied that#??
- (a) in a case where the declaration by virtue of which the person's name was entered in the register has not been renewed, at any time since that declaration was made, and
- (b) in a case where the declaration has been renewed, at any time since it was last renewed,
- any of the relevant conditions, or the additional condition, was fulfilled in the person's case. ”,
- (c) after subsection (2) insert#??
- “(2B) The additional condition is that the person was not entitled to give paid instruction in the driving of a motor car on a temporary and occasional basis by virtue of Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015 (S.I. 2015/2059).”, and
- (d) in subsection (8)#??
- (i) after #??removed from#?#, in both places where it occurs, insert “ Part 1 of ”, and

- (ii) after *again in* insert “ that Part of ”.
- (8) In section 131(4)(b) ^{F14} (appeals), after *entered in* insert “ Part 1 of ”.
- (9) In section 135 (power to prescribe form of certificate of registration etc) *insert*
- (a) in subsection (2) *insert*
- (i) after *is not in* insert “ Part 1 of ”,
- (ii) in paragraph (a), after *section* insert “ for use by persons whose names are in that Part of the register ”,
- (iii) in paragraph (c), after *is in* insert “ that Part of ”, and
- (iv) after *was not in* insert “ that Part of ”,
- (b) after that subsection *insert*
- “(2A) If a person whose name is not in Part 2 of the register
- (a) wears or displays a badge or certificate prescribed under this section for use by persons whose names are in that Part of the register, or
- (b) takes or uses any name, title, addition or description implying that his or her name is in that Part of the register,
- he or she is guilty of an offence unless he or she proves that he or she did not know, and had no reasonable cause to believe, that his or her name was not in that Part of the register at the material time.”, and
- (c) for subsection (3) *substitute*
- “(3) If P uses, in relation to any person employed by P whose name is not in Part 1 of the register,
- (a) a title or description prescribed under this section for use by persons whose names are in that Part of the register, or
- (b) a name, title, addition or description implying that the person's name is in that Part of the Register,
- P is guilty of an offence unless P proves that P did not know, and had no reasonable cause to believe, that the person's name was not in that Part of the register at the material time.
- (4) If P uses, in relation to any person employed by P whose name is not in Part 2 of the register, a name, title, addition or description implying that the person's name is in that Part of the register, P is guilty of an offence unless P proves that P did not know, and had no reasonable cause to believe, that the person's name was not in that Part of the register at the material time.
- (5) If P issues any advertisement or invitation calculated to mislead with respect to the extent to which persons employed by P are registered under this Part, P is guilty of an offence unless P proves that P did not know, and had no reasonable cause to believe, that the advertisement or invitation was misleading in that respect at the time it was issued.
- (6) In this section *P* means a person carrying on business in the provision of instruction in the driving of motor vehicles.”.

F8 2006 c.49.

F9 Section 123 was amended by the [Road Traffic \(Driving Instruction by Disabled Persons\) Act 1993](#) (c.31), the Schedule, paragraph 2 and by the [Driving Instruction \(Suspension and Exemption Powers\) Act 2009](#) (c.17), [Schedule 1](#), paragraph 2.

F10 Section 125 was amended by the [Deregulation Act 2015](#) (c.20), [Schedule 2](#), Part 2, paragraphs 16 and 17, and by [S.I. 1999/357](#) and [S.I. 2015/583](#).

- F11** Section 126(4) was inserted by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c.31), **section 6** and then repealed by the Deregulation Act 2015 (c.20), **Schedule 2**, Part 2, paragraphs 16 and 19.
- F12** Section 127 was amended by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c.31), the Schedule, paragraph 5, the Transport Act 2000 (c.38), **section 259(1)**, the Driving Instruction (Suspension and Exemption Powers) Act 2009 (c.17), **Schedule 1**, paragraph 3, and the Deregulation Act 2015 (c.20), **Schedule 2**, Part 2, paragraphs 16 and 20.
- F13** Section 128 was amended by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c.31), the Schedule, paragraph 6, the Transport Act 2000 (c.38), **section 259(2)**, the Driving Instruction (Suspension and Exemption Powers) Act 2009 (c.17), **Schedule 1**, paragraph 1, the Deregulation Act 2015 (c.20), **Schedule 2**, Part 1, paragraphs 1 and 8, and Part 2, paragraphs 16 and 21 and by S.I. 1991/1129 and S.I. 1999/357.
- F14** Section 31, was amended by the Transport Act 2000 (c.38), **sections 258, 259, 260** and 274 and by S.I. 2009/1885.

3. ??

(1) Immediately after section 1 of the Driving Instructors (Registration) Act 2016^{F15} comes into force, section 126A (re-entry in the register following expiry of registration)^{F16} of the Road Traffic Act 1988 is amended as follows.

- (2) In the heading, after ??Re-entry in## insert “ Part 1 of ”.
- (3) In subsection (1)##
- (a) after ??removed from## insert “ Part 1 of ”, and
- (b) after ??entered again in## insert “ that Part of ”.

F15 2016 c. 16.

F16 Section 126A is prospectively inserted into the Road Traffic Act 1988 by section 1 of the Driving Instructors (Registration) Act 2016.

4. ??

(1) Immediately after section 2 of the Driving Instructors (Registration) Act 2016 comes into force the Road Traffic Act 1988 is amended as follows.

- (2) In section 128AZA (voluntary removal from the register)^{F17}##
- (a) in the heading, after ??removal from## insert “ Part 1 of ”,
- (b) in subsection (1), after ??name from## insert “ Part 1 of ”, and
- (c) in subsection (4), after ??name in## insert “ Part 1 of ”.
- (3) In section 128AZB (re-entry in the register following voluntary removal)^{F18}##
- (a) in the heading, after ??re-entry in## insert “ Part 1 of ”,
- (b) in subsection (1)##
- (i) after ??removed from## insert “ Part 1 of ”, and
- (ii) after ??entered again in## insert “ that Part of ”.

F17 Section 128AZA is prospectively inserted into the Road Traffic Act 1988 by section 1 of the Driving Instructors (Registration) Act 2016.

F18 Section 128AZB is prospectively inserted into the Road Traffic Act 1988 by section 1 of the Driving Instructors (Registration) Act 2016.

5. On the day on which these Regulations come into force, the register previously compiled and maintained under section 125 of the Road Traffic Act 1998 becomes Part 1 of the register compiled and maintained under that section.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

6. ???

- (1) The Motor Vehicles (Driving licences) Regulations 1999 ^{F19} are amended as follows.
- (2) In regulation 16 (conditions attached to provisional licences)??
 - (a) in paragraph (2)(a), after ???qualified driver??# insert “ , or driving instructor, ”, and
 - (b) in paragraph (13), before sub-paragraph (a) insert??

“(za) ???driving instructor??# means a person whose name is entered in either part of the register established under section 123 of the Traffic Act ^{F20}.”.
- (3) In regulation 60 (certified instructors)??
 - (a) in paragraph (1), for ??61??# substitute “ 60A ”,
 - (b) after paragraph (3) insert??

“(3A) A person does not have to satisfy the conditions mentioned in paragraph (3)(c) and (d) if that person is entitled to give paid instruction in the riding of A1 motorcycles and mopeds by virtue of Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015 ^{F21}.”, and
 - (c) at the end of paragraph (9) insert “ , and includes a person in respect of whom there is in force a valid certificate issued under regulation 60A(3)(c) ”.
- (4) After regulation 60 (certified instructors), insert??

“Temporary certified instructors

60A. ???

- (1) Subject to paragraph (3), an approved training body may authorise a person who satisfies the condition set out in paragraph (2) to conduct on his behalf instruction of persons in the riding of A1 motorcycles and mopeds.
- (2) The condition referred to in paragraphs (1) and (5) is that the person has made a declaration to the Secretary of State or to the appropriate Northern Ireland officer, in accordance with regulations 15 and 16 of the European Union (Recognition of Professional Qualifications) Regulations 2015, that entitles the person to give paid instruction in the United Kingdom in the riding of A1 motorcycles and mopeds on a temporary and occasional basis.
- (3) An authorisation given to a person under paragraph (1) shall be of no effect unless??
 - (a) the approved training body has notified the Secretary of State in writing of the proposed authorisation,
 - (b) the Secretary of State has approved the authorisation in writing, and
 - (c) there is in force in respect of that person a valid certificate, in the form set out in Part 4 of Schedule 13, issued by the Secretary of State to the approved training body giving the authorisation.

- (4) A person in respect of whom a certificate issued under paragraph (3)(c) is in force #??
- (a) shall be known by the official title used in the State that is the person's home State for the purposes of the European Union (Recognition of Professional Qualifications) Regulations 2015,
 - (b) shall be entitled to conduct approved training courses, and
 - (c) in the case of a person who has successfully completed the Secretary of State's assessment course for certified instructors, shall be entitled to train other persons and to assess their capability to act as certified instructors.
- (5) Where a person who is an approved training body satisfies the condition set out in paragraph (2), the Secretary of State may issue a certificate in respect of that person under paragraph (3)(c) and while that certificate is in force he or she #??
- (a) shall be known by the official title used in the State that is the person's home State for the purposes of the European Union (Recognition of Professional Qualifications) Regulations 2015,
 - (b) shall be entitled to conduct approved training courses, and
 - (c) in the case of a person who has successfully completed the Secretary of State's assessment course for certified instructors, shall be entitled to train other persons and to assess their capability to act as certified instructors.
- (6) A certificate issued pursuant to paragraph (3)(c) shall be valid for a period of one year from the date the declaration under regulation 15 of the European Union (Recognition of Professional Qualifications) Regulations 2015 is made, but may be renewed upon application being made to the Secretary of State by the approved training body who authorised the instructor, or who is the instructor, where the instructor has renewed his or her declaration within one year of being made in accordance with regulations 15 and 16 of those Regulations.
- (7) A certificate issued pursuant to paragraph (3)(c) ceases to be valid if the instructor ceases to be entitled under Part 2 of the European Union (Recognition of Professional Qualifications) Regulations 2015 to give paid instruction in the riding of A1 motorcycles and mopeds on a temporary and occasional basis.
- (8) Where a certificate issued pursuant to paragraph (3)(c) ceases to be valid the instructor must as soon as reasonably practicable return the certificate issued under paragraph (3)(c) and all forms of certificates which were supplied to that person under regulation 68(3) to the approved training body who gave the authorisation who must, on receiving the certificate issued under paragraph (3)(c), return it to the Secretary of State.
- (9) When conducting an approved training course an instructor must carry with him or her the certificate issued in respect of that person under paragraph (3)(c) and must, upon being required to do so by a constable or the Secretary of State, produce it for examination.
- (10) In this regulation and regulation 65A #??appropriate Northern Ireland officer#?? means the officer referred to in Article 51(2) of the Road Traffic (Northern Ireland) Order 2007^{F22}.”.
- (5) In regulation 62 (withdrawal of approval to provide training courses or to act as an instructor)#??
- (a) in paragraph (1), after #??60(4)(b)#?? insert “ or 60A(3)(b), ”, and
 - (b) in paragraph (3)#??
 - (i) after #??60(4)(b)#?? insert “ or 60A(3)(b), ”, and
 - (ii) in sub-paragraph (b), after each reference to #??60(4)(c)#?? insert “ or 60A(3)(c) ”.
- (6) In regulation 63 (cessation of conduct of training)#??

- (a) in paragraph (1) insert
 - (i) after 60(2) insert “ or 60A(1) ”, and
 - (ii) after each reference to 60(4)(c) insert “ or 60A(3)(c) ”, and
- (b) in paragraph (2) insert
 - (i) after 60(6) insert “ or 60A(5) ”, and
 - (ii) after 60(4)(c) insert “ or 60A(3)(c) ”.
- (7) At the end of regulation 64(2) (approved training courses conducted by certified direct access instructors) insert “ or 65A ”.
- (8) After regulation 65(3) (certified direct access instructors) insert

“(3A) A person shall be exempt from the conditions set out in paragraph (2)(b) and (d) and paragraph (3)(a) if that person is entitled to give paid instruction in the riding of A2 motorcycles or A3 motorcycles by virtue of Part 3 of the European Union (Recognition of Professional Qualifications) Regulations 2015.”.
- (9) After regulation 65 (certified direct access instructors) insert

“Temporary certified direct access instructors

65A.

(1) Subject to paragraphs (3) and (4), an approved training body may authorise a person who satisfies the condition set out in paragraph (2) to conduct on his behalf instruction of persons who hold provisional licences authorising the riding of A2 or A3 motorcycles in the riding of A2 or A3 motorcycles, as appropriate.

(2) The condition referred to in paragraph (1) is that the person has made a declaration to the Secretary of State or to the appropriate Northern Ireland officer, in accordance with regulations 15 and 16 of the European Union (Recognition of Professional Qualifications) Regulations 2015, that entitles the person to give paid instruction in the United Kingdom in the riding of A2 or A3 motorcycles on a temporary and occasional basis.

(3) An authorisation given under paragraph (1) shall be of no effect unless

- (a) the approved training body has notified the Secretary of State in writing of the proposed authorisation, and
- (b) the Secretary of State has approved the authorisation in writing.

(4) An authorisation given under paragraph (1) shall be of no effect unless there is in force in respect of that person a valid certificate, in the form set out in Part 5 of Schedule 13, issued by the Secretary of State to the approved training body giving the authorisation.

(5) A person in respect of whom a certificate issued under paragraph (4) is in force

- (a) shall be known by the official title used in the State that is the person's home State for the purposes of the European Union (Recognition of Professional Qualifications) Regulations 2015, and
- (b) shall be entitled to conduct approved training courses for persons holding a provisional licence authorising the driving of A2 or A3 motorcycles and undertaken by them on an A2 or A3 motorcycle, as appropriate.

(6) The Secretary of State may at any time by notice in writing withdraw an approval given under paragraph (3)(b) and any authorisation given under paragraph (1) shall cease to have effect from the date of such notice.

(7) A certificate issued pursuant to paragraph (4) ceases to be valid if the instructor ceases to be entitled under Part 2 of the European Union (Recognition of Professional Qualifications)

Regulations 2015 to give paid instruction in the riding of A2 and A3 motorcycles on a temporary and occasional basis.

(8) Where#??

- (a) a person who is an approved training body satisfies the condition set out in paragraph (2), and
- (b) there is in force in respect of that training body a valid certificate issued by the Secretary of State under paragraph (4),

he shall be deemed to have been authorised under paragraph (1).

(9) Regulations 60A(6) and (9), 62(3) and 63 shall apply in respect of a person authorised under paragraph (1) as they apply in respect of a certified instructor as if the references therein to the issue of certificates and the giving or withdrawal of approval were references to the issue of certificates and the giving or withdrawal of approval under this regulation.

(10) Where an authorisation given, or deemed to be given, under paragraph (1) of this regulation ceases to have effect by virtue of any of the foregoing provisions of this regulation that instructor shall as soon as is reasonably practicable return the certificate issued under paragraph (4) to the approved training body who must, on receiving it, return it immediately to the Secretary of State.”.

(10) After Regulation 69 (exemptions from Part V) insert#??

“Review of Part V

69A. #??

(1) The Secretary of State must from time to time#??

- (a) carry out a review of regulations 58 to 69,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review the Secretary of State must, so far as is reasonable, have regard to how the Directive (to the extent to which it is implemented by these Regulations) is implemented in other member States.

(3) The report must in particular#??

- (a) set out the objectives intended to be achieved by the regulatory system established by regulations 58 to 69,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published by 9th December 2021.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(6) In this regulation #??the Directive#??# means Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications ^{F23}.”.

(11) In Schedule 13 (approved motor bicycle training courses: forms of certificate)#??

- (a) in the references at the heading to the Schedule, for #??Regulations 60, 65 and 68#??# substitute “ Regulations 60, 60A, 65, 65A and 68 ”, and
- (b) after Part 3, insert Parts 4 and 5 as set out in Schedule 1 to these Regulations.

- F19** [S.I. 1999/2864](#); relevant amending instruments are [S.I. 2000/2766](#), [S.I. 2001/53](#), [S.I. 2003/222](#) and [S.I. 2012/977](#).
- F20** 1998 c.52.
- F21** [S.I. 2015/2059](#).
- F22** [S.I. 2007/916 \(N.I. 10\)](#).
- F23** OJ No L 255, 30.9.2005, p. 22. The Directive was amended by Directive 2013/55/EU; there are other amending measures but none is relevant.

Amendment of the Motor Cars (Driving Instruction) Regulations 2005

7. #??

(1) The Motor Cars (Driving Instruction) Regulations 2005 ^{F24} are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of #??approved driving instructor#?#, after #??entered in#?# insert “ Part 1 of ”.

(3) In regulation 9(1) (additional conditions for entry of name on register), for #??the name of a person in the register#?# substitute “ in Part 1 of the register the name of a person who is required to pass the examination ”.

(4) In regulation 11(1) (additional condition for retention of names on the register), after #??person in#?# insert “ Part 1 of ”.

(5) In regulation 17(1) (fees), in column (2) of the Table in paragraph (1)#??

(a) in item 6, after #??name in#?# insert “ Part 1 of ”,

(b) in item 8, after #??Entry to#?# insert “ Part 1 of ”, and

(c) in item 9#??

(i) after #??Entry to#?# insert “ Part 1 of ”, and

(ii) for #??125(7)#?# substitute “ 125(3A)(b) or (7) ”.

(6) In regulation 18 (official title of registered person and certificate of registration)#??

(a) at the end of the heading insert “ : Part 1 ”,

(b) in paragraph (1), after #??are in#?# insert “ Part 1 of ”, and

(c) in paragraph (2), after #??are in#?# insert “ Part 1 of ”.

(7) After regulation 18 insert#??

“Official title of registered person and certificate of registration: Part 2

18A. #??

(1) The official title for use by a person whose name is in Part 2 of the register shall be the title used in the State that is the person's home State for the purposes of the European Union (Recognition of Professional Qualifications) Regulations 2015 ^{F25}.

(2) The certificate for issue to persons whose names are in Part 2 of the register, as evidence of their names being therein, shall be in the form set out in Schedule 5A to these Regulations.”.

(8) In regulation 19 (form of badge)#??

(a) in the heading after #??Form of badge#?# insert “ : Part 1 ”, and

(b) after #??are in#?# insert “ Part 1 of ”.

(9) After regulation 19 insert#??

“Form of badge: Part 2

19A. The badge for use by persons whose names are in Part 2 of the register as evidence of their names being therein shall be in the form set out in Schedule 6A to these Regulations.”.

(10) After regulation 22 (revocations and transitional provisions) insert#??

“Review

23. #??

(1) The Secretary of State must from time to time#??

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, as far as is reasonable, have regard to how the Directive (to the extent to which it is implemented by these Regulations) is implemented in other member States.

(3) The report must in particular#??

- (a) set out the objective intended to be achieved by the regulatory system established by these Regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published by 9th December 2021.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

(6) In this regulation #??the Directive#?# means Directive [2005/36/EC](#) of the European Parliament and of the Council on the recognition of professional qualifications ^{F26}.”.

(11) In Schedule 5 (forms of certificate), for the heading #??Forms of Certificate#?# substitute “Form of Certificate: PART 1 ”.

(12) After Schedule 5, insert the Schedule set out in Schedule 2 to these Regulations.

(13) In Schedule 6 (form of badge), for the heading #??Form of Badge#?# substitute “Form of Badge: PART 1 ”.

(14) After Schedule 6, insert the Schedule set out in Schedule 3 to these Regulations.

F24 [S.I. 2005/1902](#); relevant amending instruments are [S.I. 2005/2716](#), [S.I. 2008/419](#), [S.I. 2014/480](#), [S.I. 2014/1816](#) and [S.I. 2015/952](#).

F25 [S.I. 2015/2059](#).

F26 OJ No L 255, 30.9.2005, p. 22. The Directive was amended by Directive 2013/55/EU; there are other amending measures but none is relevant.

Signed by authority of the Secretary of State for Transport

Department for Transport
14th November 2016

Andrew Jones
Parliamentary Under Secretary of State

Status: Point in time view as at 09/12/2016.

Changes to legislation: There are currently no known outstanding effects for the The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016. (See end of Document for details)

SCHEDULE 1

Regulation 6(11)(b)

PARTS TO BE INSERTED AFTER PART 3 OF SCHEDULE 13 TO THE
MOTOR VEHICLES (DRIVING LICENCES) REGULATIONS 1999

“PART 4

Temporary Certified Instructor's Certificate

Certified Instructor's Certificate

Certificate No.



Road Traffic Act 1988

**Photograph of the
certificate holder**

**Driver and Vehicle Standards Agency
Temporary Certified Motorcycle Instructor
Certificate of Authorisation
Name of certificate holder**

Date of Expiry

**Name and address of training establishment
For which the certificate is valid**

**An executive agency of the
Department for Transport**

**Authorised on behalf of
The Secretary of State
For Transport**

PART 5

Temporary Certified Direct Access Instructor's Certificate

Certified Direct Access Instructor's Certificate

Certificate No.



Road Traffic Act 1988

Photograph of the
certificate holder

Driver and Vehicle Standards Agency
Temporary Certified Motorcycle Instructor
Certificate of Authorisation
Name of certificate holder

Date of Expiry

Name and address of training establishment
For which the certificate is valid

An executive agency of the
Department for Transport

Authorised on behalf of
The Secretary of State
For Transport

Status: Point in time view as at 09/12/2016.

Changes to legislation: There are currently no known outstanding effects for the The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016. (See end of Document for details)

SCHEDULE 2

Regulation 7(12)

SCHEDULE TO BE INSERTED AFTER SCHEDULE 5 TO THE MOTOR CARS (DRIVING INSTRUCTION) REGULATIONS 2005

“SCHEDULE 5A

Regulation 18A(2)

FORM OF CERTIFICATE: PART 2

Certificate No.

Expires

EU Temporary Driving Instructor (Car)

Driver and Vehicle Standards Agency

SCHEDULE 3

Regulation 7(14)

SCHEDULE TO BE INSERTED AFTER SCHEDULE 6 TO THE MOTOR CARS (DRIVING INSTRUCTION) REGULATIONS 2005

“SCHEDULE 6A

Regulation 19A

FORM OF BADGE: PART 2



Status: Point in time view as at 09/12/2016.

Changes to legislation: There are currently no known outstanding effects for the *The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016*. (See end of Document for details)



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend Part V (Driving Instruction) of the Road Traffic Act 1988 (the 1988 Act) and the associated Motor Cars (Driving Instruction) Regulations 2005 (the 2005 Regulations) to provide for the recognition in Great Britain of professional qualifications of motorcar driving instructors obtained in the European Economic Area or Switzerland. They also amend the Motor Vehicles (Driving Licences) Regulations 1999 (the 1999 Regulations) to provide for the recognition in Great Britain of professional qualifications of motorcycle riding instructors obtained in the European Economic Area or Switzerland.

They are complementary to the European Union (Recognition of Professional Qualifications) Regulations 2015 (the 2015 Regulations) which along with these Regulations implement in part Council Directive 2005/36/EC as last amended by Directive 2013/55/EU on the recognition of professional qualifications. Part 2 of the 2015 Regulations sets out rules for recognition of professional qualifications, including those for driving instructors and motorcycle riding

instructors, where an applicant moves to Great Britain seeking to provide professional services on a temporary and occasional basis. Part 3 of the 2015 Regulations makes provision for recognition of professional qualifications, including those for driving instructors and motorcycle riding instructors, where an applicant moves to Great Britain seeking to provide professional services on an established basis. These Regulations make complementary amendments to the relevant road traffic legislation to ensure that the rights granted by the 2015 Regulations are compatible with the existing statutory provisions regulating driving instructors and motorcycle riding instructors. In particular, regulation 2(4)(a) provides that the statutory register of approved motor car driving instructors (which it is mandatory to be registered in to conduct driving instruction for payment) established under section 125 of the 1988 Act, will be split into 2 parts. Part 1 to register those who apply and satisfy the entry requirements (which will include those European driving instructors who move to Great Britain and seek to provide driving instruction services on an established basis under Part 3 of the 2015 Regulations) and Part 2 to register those European driving instructors who are entitled to provide driving instruction on a temporary and occasional basis under Part 2 of the 2015 Regulations. Associated provision is made in relation to the duration of such registration, extension of that duration, the removal of names from the register and appeals (regulations 2(5) to (8)).

Regulation 2(9) amends section 135 of the 1988 Act, (which makes provision for authentication of registered motor car instructors by their official titles, certification and badges, and creates offences of falsely using such authentication) is amended to differentiate between the registration of persons in Part 1 and Part 2 of the register.

Regulations 3 and 4 amend sections 126A, 128AZA and 128AZB of the 1988 Act, as prospectively inserted by the Driving Instructors Registration Act 2016. These sections make provision as to the administrative requirements in relation to the re-entry of motor car driving instructors in the register where their registration has expired after 4 years, for voluntary removal of instructor's names from the register and for re-entry of their names after voluntary removal. The amendments provide that these sections, once in force, will only relate to Part 1 of the register. Regulation 7 amends the 2005 Regulations (which make provision in relation to the examinations and tests to be passed or satisfied for a motor car driving instructor to be entered in the register and prescribing their official title, certificate and badges) to differentiate between the registration of motor car driving instructors registered in Part 1 and Part 2 of the Register.

These Regulations also amend Part V of the 1999 Regulations in relation to approved training courses for motorcycle riding (known as *Compulsory Basic Training* (CBT)). It is necessary to successfully complete CBT as part of the regime to become fully licenced to ride a motorcycle. Only persons authorised under Part V of the 1999 Regulations may conduct CBT courses. Regulation 6 makes provision for European motorcycle riding instructors who move to Great Britain seeking to provide courses on a temporary and occasional basis to become temporary certified instructors (for A1 motorcycle or moped riding) or temporary certified direct access instructors (for larger bikes) (where they have mutual recognition rights under Part 2 of the 2015 regulations). It also makes provision for European motorcycle riding instructors who move to Great Britain seeking to provide courses on an established basis to become certified instructors (for A1 motorcycle or moped riding) or certified direct access instructors (for larger bikes) (where they have mutual recognition rights under Part 3 of the 2015 regulations).

Provision is made in regulations 7(10) and 8(10) to require the Secretary of State to review Part V of the 1999 regulations and the whole of the 2005 regulations within five years of these Regulations coming into force and within every five years after that.

An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory memorandum and transposition note is available alongside the instrument on the www.legislation.gov.uk website. Copies have also been placed in the Libraries of both Houses of Parliament.

The Directives referred to above can be found at <http://eur-lex.europa.eu>.

Status:

Point in time view as at 09/12/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016.