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## 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.

**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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](http://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>.