
STATUTORY INSTRUMENTS

2016 No. 1089

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

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

- 6.—(1) The Motor Vehicles (Driving licences) Regulations 1999⁽¹⁾ 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(2).”.
- (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 (3).”, 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

(1) [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](#).

(2) [1998 c.52](#).

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

- (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 (4).”
- (5) In regulation 62 (withdrawal of approval to provide training courses or to act as an instructor)
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- (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)—
 - (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)—
 - (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 (5).”.

(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

(5) 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.

(b) after Part 3, insert Parts 4 and 5 as set out in Schedule 1 to these Regulations.