

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT)
REGULATIONS 2021

2021 No. 1128

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 This instrument relates to the conduct of theory, manoeuvres, practical and unitary tests for driving licences in Great Britain. It expands the existing provision, in Part III of the Motor Vehicles (Driving Licences) Regulations 1999, ("1999 Regulations"), which currently enables the Ministry of Defence, police, and the fire and rescue services, to appoint examiners to conduct such tests for the purposes of testing their staff.
- 2.2 It does so firstly by making provision to enable ambulance service NHS trusts, ambulance service NHS foundation trusts and the Scottish Ambulance Service Board to appoint examiners to conduct tests for their employees, and secondly to enable examiners duly appointed by any of the Ministry of Defence, police, fire and rescue, and ambulance services (the "emergency services") to conduct tests for each other ("cross-testing").

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales and Scotland.
- 4.2 The default territorial application of this instrument is England, Wales and Scotland. Testing by appointees of the ambulance services in England and Wales, is to be conducted in England and Wales and testing by appointees of such services in Scotland, is to be conducted in Scotland. However, cross-testing provisions will allow different emergency services to test each other's staff across Great Britain, with the approval of the Secretary of State.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation no statement is required.

6. Legislative Context

- 6.1 The legislation for the appointment of driving examiners in Great Britain is set out in regulations 23 to 25A of Part III of the 1999 Regulations made under the Road Traffic Act 1988.

- 6.2 Most driving tests are conducted by the Driver and Vehicle Standards Agency (DVSA). However, the 1999 Regulations enable others to conduct driving tests. Notably they allow the Ministry of Defence to conduct driving tests for members of the armed forces of the Crown or persons in the public service of the Crown under the Ministry of Defence. With the approval of the Secretary of State, they also enable the appointment of persons by the police, or by the fire and rescue services, to conduct driving tests for staff of their own services. Such examiners are referred to as “delegated examiners”.
- 6.3 This instrument will amend the 1999 Regulations to enable the ambulance services to appoint their own delegated examiners to carry out driving tests for their own employees. It will also enable delegated examiners appointed by the Ministry of Defence, police, fire and rescue services and the ambulance services to conduct tests for each other.

7. Policy background

What is being done and why?

- 7.1 As a consequence of the COVID-19 pandemic the ambulance services have been under intense pressure. Driver recruitment, including passing the driving test for medium sized lorries (category C1), which is the relevant category for ambulances is a key factor in ensuring the continued availability of sufficient drivers. They will then go on to complete their ‘blue light’ (i.e. emergency vehicle) training. However, whilst DVSA was able to prioritise the testing of ambulance drivers during lockdown, demand for tests from all sources, including the logistics sector, is now such that Large Goods Vehicle test waiting times are unprecedentedly long.
- 7.2 During lockdown some fire and rescue authorities and police forces, who have their own authorised examiners, offered to conduct tests for the ambulance services if they could be authorised to do so.
- 7.3 However, the 1999 Regulations do not currently provide for ambulance services to appoint their own examiners or allow emergency services to test each other’s staff.
- 7.4 This instrument will give the Secretary of State power to approve ambulance services to appoint their own examiners. It will also enable authorised examiners from the Ministry of Defence, fire, police and ambulance services to conduct driving tests for one another provided that the Secretary of State approves the arrangements.
- 7.5 The instrument seeks to provide resilience and contingency for the continued testing of ambulance drivers, in the face of the Coronavirus pandemic. It will also permit emergency services to co-operate in their organisation of driver testing in ways that they cannot do now. Representatives of police and fire services have asked DVSA to make changes, that introduce more flexibility, and that would allow them to re-structure their provision of driver testing.
- 7.6 In order to ensure that test standards are maintained all delegated examiners at the emergency services are trained by the DVSA. New entrants must pass a rigorous assessment before being allowed to conduct tests. They are then subject to the same level of periodic training as a DVSA examiner is, and they are, regularly checked to ensure their skills and standards at the required level. The process is a little different with examiners at the Ministry of Defence. However, DVSA works closely with them to ensure that the standard of testing is equivalent.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union and does not trigger the statement requirements under the European Union (Withdrawal) Act 2018.

9. Consolidation

9.1 This instrument amends the 1999 Regulations. There are no current plans to consolidate this legislation.

10. Consultation outcome

10.1 The DVSA undertook a four-week public consultation between 16th July and 14th August 2021. It included a link to an on-line survey. Key stakeholders were notified about the consultation and asked to respond to it.

10.2 DVSA received 97 responses to the consultation. Almost all were from within the sector, especially NHS ambulance services. There was very little interest from the public or from wider industry. The responses were overwhelmingly positive. 94% of respondents indicated that they agreed with extending delegated testing to NHS ambulance services. 84% agreed with the proposal for cross-testing by the emergency services, whilst 9% were undecided. Representatives of NHS ambulance services said that it would greatly assist with their driver recruitment and deployment. Current delegated examiners said that cross-testing would add resilience and could result in cost savings through mutual co-operation.

10.3 The result of the consultation was published on <https://www.gov.uk/government/consultations/allowing-nhs-ambulance-services-to-carry-out-driving-tests-for-their-staff/allowing-nhs-ambulance-services-to-carry-out-driving-tests-for-their-staff>

10.4 The devolved administrations in Scotland and Wales were supportive of the proposals. It does not apply to Northern Ireland.

11. Guidance

11.1 There is no proposal to publish guidance specifically for this instrument. However, the current guidance, which is on gov.uk, has been amended and will be updated when the SI is implemented. Prior to implementation DVSA will work with stakeholders to prepare for these changes.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument. This is because there is no obligation on NHS ambulance services to appoint delegated examiners and no obligation on emergency services to offer to conduct tests for one another. Therefore, there is only a low-level impact on public sector bodies. The potential benefits from this instrument are not easily quantifiable, but should be positive because of the contingency, resilience and efficiency savings that are available.

13. Regulating small business

13.1 The instrument does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 DVSA will review the impact of this instrument. It maintains a dialogue with stakeholders and representatives in the driver training and testing departments at emergency services. It will monitor the uptake of testing by NHS ambulance services and of cross-testing between the emergency services.

15. Contact

- 15.1 Kathleen Pearson at the DVSA Telephone: 07584544175 or email: kathleen.pearson@dvsa.gov.uk can be contacted with any queries regarding this instrument.
- 15.2 Mark Magee, Deputy Director for Strategy, Policy and Digital Technology Directorate at the DVSA can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.