

**EXPLANATORY MEMORANDUM TO**  
**THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT) (NO. 3)**  
**REGULATIONS 2021**

**2021 No. 1154**

**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 makes amendments to the Motor Vehicles (Driving Licences) Regulations 1999 (the “1999 Regulations”) to provide that the off-road elements of the practical driving test for large vehicles and those with heavy trailers shall be defined as a separate part of the practical test as the ‘large vehicle off road manoeuvres test’. The large vehicle off road manoeuvres tests can be conducted by, in addition to Driver & Vehicle Standards Agency (DVSA) examiners, a new category of 3rd party examiners that can be appointed by approved ‘large vehicle off road manoeuvres test providers’, and approved by the Secretary of State, defined as a ‘large vehicle off road manoeuvres test examiner’.

**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 territorial application of this instrument is England and Wales and Scotland.

**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 provisions of section 89, 98, 105 and 141 of the Road Traffic Act 1988 confer powers on the Secretary of State to make regulations concerning driving licences and tests to acquire them. The principal secondary legislation is the 1999 Regulations, and this instrument makes amendments to them.  
6.2 This instrument forms part of a suite of three instruments (titled as this instrument, but numbered ‘No. 2’ and ‘No. 4’) intended to come into force on 15th November 2021 and all intended to aid in improving test capacity and the number of HGV drivers.

## 7. Policy background

### *What is being done and why?*

- 7.1 The haulage sector has been experiencing a chronic shortage of HGV drivers worldwide for some time, which is now considered an acute shortage within the UK where the industry was estimated to be short of around 39,000 drivers in the year ending June 2021 (ONS data, compared to the year ending June 2019). In Great Britain, the issue has been further exacerbated by the coronavirus pandemic, which meant that driver testing had to be suspended for much of 2020, delaying entry to the industry of potential drivers. In addition, there are longer-term issues surrounding attracting and retaining drivers to the industry such as: anti-social hours, poor diversity, relatively low pay and poor driver facilities. This affects all the logistics sector, particularly the fresh food industry. Government intervention will only help in part to address this shortfall; wider measures to deal with ongoing recruitment and retention, led by the haulage industry, are necessary.
- 7.2 The Department for Transport and other Government Departments have worked closely with the haulage sector considering a range of options to increase the number of HGV drivers. As part of these measures a consultation closed on 7th September 2021 on changes to streamline the HGV driving licence regime and remove the requirement for a separate heavy trailer test for car drivers. Driving tests are conducted by DVSA driving examiners. DVSA has already taken administrative action to increase capacity and offer more practical HGV tests but more is needed.
- 7.3 These legislative amendments are designed to urgently free up driving examiner time in order to increase the number of lorry tests that could be conducted. Approving third parties to conduct the off-road reversing manoeuvres and exercises to un-couple and re-couple a trailer could increase the number of tests DVSA examiners can conduct each day. This could create up to an additional 2,000 test appointments each month.

### *Explanations*

#### *What did any law do before the changes to be made by this instrument?*

- 7.4 Prior to these amendments, the large vehicle off road manoeuvres were incorporated into the single event practical test conducted by DVSA driving examiners.

#### *Why is it being changed?*

- 7.5 This is being changed in order to urgently free up driving examiner time so that more lorry driving tests can be conducted. This should then provide drivers with a quicker access route into jobs in the haulage and logistics industries, with the intention of helping lessen the HGV driver shortage.

#### *What will it now do?*

- 7.6 These amendments mean that an organisation can apply to be approved to appoint a person to conduct these off-road manoeuvres. A trainee HGV driver must satisfactorily complete these elements before they can undertake the on-road driving elements of the test, conducted by a DVSA examiner.
- 7.7 DVSA will monitor and quality assure large vehicle off road manoeuvres test examiners so that test standards continue to be met. This instrument will provide for the approval of a large vehicle off road manoeuvres test provider and their appointed

large vehicle off road manoeuvres test examiner to be withdrawn if large vehicle off road manoeuvres tests are not conducted properly.

- 7.8 A subsequent statutory instrument to follow in 2022 will be required to set the maximum fee level to charge for a large vehicle off road manoeuvres test conducted by a large vehicle off road manoeuvres test examiner or DVSA examiner. That instrument will also set the fee for approval for a large vehicle off road manoeuvres test examiner to conduct the manoeuvres assessment and any other costs associated with maintaining that approval.

## **8. European Union Withdrawal and Future Relationship**

- 8.1 This instrument does not relate to withdrawal from the European Union or trigger the statement requirements under the European Union (Withdrawal) Act 2018 (c. 16).

## **9. Consolidation**

- 9.1 There are no current plans to consolidate the 1999 Regulations.

## **10. Consultation outcome**

- 10.1 The Consultation Paper, “HGV Driver Shortage – proposals to amend driver licensing and acquisition arrangements”, ran between 10th August and 7th September 2021 and is available online via the Gov.UK website below although responses were also received by direct communication with DVSA.

- 10.2 <https://www.gov.uk/government/consultations/changes-to-hgv-and-bus-driving-tests-and-allowing-car-drivers-to-tow-a-trailer-without-an-extra-test/changes-to-hgv-and-bus-driving-tests-and-allowing-car-drivers-to-tow-a-trailer-without-an-extra-test>

- 10.3 DVSA received responses from industry representative bodies, instructor trainers, road safety organisations, Trade Unions and members of the public, some of whom responded via their MPs.

- 10.4 9,541 responses to the Consultation Paper were received.

- 10.5 Initial responses to the consultation indicate that the majority of people supported this proposal; however, some responses did raise serious concerns about road safety aspects of the policy. A full response will be published and this will be undertaken as soon as is reasonably practicable. A summary of has already been published on the Gov.uk website below.

- 10.6 <https://www.gov.uk/government/consultations/changes-to-hgv-and-bus-driving-tests-and-allowing-car-drivers-to-tow-a-trailer-without-an-extra-test/public-feedback/summary-of-public-feedback-on-proposals-to-change-hgv-and-bus-driving-tests-and-allow-car-drivers-to-tow-trailers-without-a-test>

## **11. Guidance**

- 11.1 DVSA has notified its customers and stakeholders of these changes. Guidance for organisations, including on how to apply to be approved to appoint a large vehicle off road manoeuvres test examiner, terms and conditions attached to the approval and acceptable criteria for a large vehicle off road manoeuvres test examiner, will be available.

## **12. Impact**

- 12.1 There may be some expected impacts on business, charities, or voluntary bodies.
- 12.2 There may be some expected impacts on the public sector.
- 12.3 A full Impact Assessment has not been prepared to date for this instrument on the basis that, given current evidence available and after initial analysis, the impacts on businesses are likely to be minor and the impact has been considered to be under the 'de-minimis' threshold of £5m in direct impacts. However, given the limited evidence available at time of this Explanatory Memorandum, the Department for Transport has therefore currently deemed that an Impact Assessment is needed. Should further evidence become available, this may indicate that the impacts on businesses will be under the 'de-minimis' threshold and will be prepared accordingly. A summary of the initial assessments is below.
- 12.4 The legislative change is expected to provide additional business opportunities for some training organisations. It would provide additional revenue for trainers which will cover their costs of providing the service, some of which may be passed onto haulage businesses who decide to pay for their new drivers' training. We are awaiting further evidence on this to be able to monetise the cost. Some of the trainers currently from smaller sites or as a sole trader may have to make arrangements with another training organisation to get access to the infrastructure needed to undertake the assessment and there could be additional implementation requirements and costs to be able to take up these new powers and associated familiarisation costs.
- 12.5 Further to business impact, there is likely to be impacts on individuals through increased costs associated with training as a result of outsourcing of the off road manoeuvres to the large vehicle off road manoeuvres test examiners and impacts on the public sector of increased supervision costs for DVSA. Although these monetised impacts are negative, they are expected to be significantly outweighed by the monetised benefit of increasing the number of qualified HGV drivers that can help alleviate the current shortage.
- 12.6 Although these would present as business impacts such impacts are expected to be around the "de-minimis" threshold of £5m direct impact on business per year but we are awaiting further evidence to finalise this assessment.
- 12.7 The Department for Transport does not anticipate there will be a significant impact on road safety as a result of these measures. The need for trainee drivers to satisfy the requirements of manoeuvres off-road remain in place before they take the on-road test with the DVSA, and DVSA will set the guidance to trainers in carrying out such assessments. Large vehicle off road manoeuvres test examiners will be required to evidence by demonstration or qualification they have the appropriate skills to properly assess a trainee. DVSA will have quality assurance and audit measures in place to monitor the standards of and the training delivered, and if necessary, remove their approval. However, road safety impacts will be carefully monitored by the Department for Transport.
- 12.8 There remains moderate uncertainty associated with this intervention given the speed to make progress with the policy and the DVSA are continuing engagement to finalise details which may change the level of impact on business and society. There may be other policies in place to expand testing capacity which may reduce the benefit of the impact of increasing driver numbers.

- 12.9 The Department for Transport will keep the impacts of these changes under regular review the first of which will be published in three years' time and every five years thereafter. We will engage with training organisations to test the response to this change and to explore how we can seek to ensure that any road safety concerns are addressed.
- 12.10 A fuller assessment of the impacts is in the process of being finalised and will be going through the official clearance process before being published, and therefore the impacts considered in this explanatory memorandum are indicative only. The assessment will be shared and published as soon as the required assurance process is undertaken by the Regulatory Policy Committee if required.

### **13. Regulating small business**

- 13.1 The legislation applies to activities that are undertaken by small businesses.
- 13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is that we have been liaising with the training industry so that they are aware of the forthcoming changes.
- 13.3 The basis for the final decision on what action to take to assist small businesses has taken into account feedback from the training industry and their response to the public consultation.

### **14. Monitoring & review**

- 14.1 The approach to monitoring of this legislation is that it will be formally reviewed three years after coming into force, and then every five years after this. The government will however routinely monitor any adverse impact on road safety through annual official casualty statistics.
- 14.2 A statutory review clause is included in the instrument.

### **15. Contact**

- 15.1 Pauline Morgan, Head of Road User Safety Delivery Programme at the Department for Transport Telephone: 07790 566834 or email: Pauline.Morgan@dft.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Duncan Price, Deputy Director for Freight, Operator Licensing and Roadworthiness Division at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Baroness Vere of Norbiton, Parliamentary Under Secretary of State for Transport at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.