

2011 No. 2324

ROAD TRAFFIC

**The Vehicle Drivers (Certificates of Professional Competence)
(Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>20th September 2011</i>
<i>Laid before Parliament</i>		<i>23rd September 2011</i>
<i>Coming into force</i>	- -	<i>18th October 2011</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) (“the 1972 Act”).

The Secretary of State for Transport is a Minister designated(b) for the purposes of section 2(2) of the 1972 Act in relation to the regulation and supervision of qualifications and working conditions of persons engaged in road transport.

Citation and commencement

1. These Regulations may be cited as the Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2011 and they come into force on 18th October 2011.

Amendment of Regulations

2. The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(c) are amended in accordance with the following regulations.

3. In regulation 2 (interpretation) in paragraph (1)—

(a) after the definition of “bank holiday” insert—

““British external licence” has the same meaning as in section 88(8) of the 1988 Act(d);
”; and

(b) after the definition of “fire and rescue authority” insert—

““Gibraltar licence” means a licence to drive a motor vehicle granted under the law of Gibraltar;”.

4. In regulation 5A (further requirements at tests: initial CPC test) in paragraph (4)(a)—

(a) after paragraph (ii) omit “or”; and

(b) after paragraph (iii) add—

(a) 1972 c.68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1)(a).

(b) S.I. 1975/1707.

(c) S.I. 2007/605; relevant amending instruments are S.I. 2008/1965, 2010/865.

(d) S.88(8) of the Road Traffic Act 1988 (c.52) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), section 3.

- “(iv) a British external licence; or
- (v) a Gibraltar licence.”.

5. In regulation 8A for paragraph (2) substitute—

“(2) A person who falls within regulation 6(10) may apply to the competent authority for a driver qualification card if that person has completed 35 hours of periodic training which entitles that person to a periodic CPC and—

- (a) the person holds a Community licence, a British external licence or a Gibraltar licence; or
- (b) some or all of the periodic training which the person has completed was undertaken outside the United Kingdom and the person holds a driving licence.”.

6. In regulation 9 (time limits for obtaining a CPC)—

(a) for paragraph (4) substitute—

“(4) Paragraph (1) does not apply to a relevant licence holder where that person—

- (a) holds an initial CPC issued in a member State other than the United Kingdom or in Gibraltar and no longer time than the relevant Article 8(2)(a) period has elapsed since the issue of the initial CPC; or
- (b) is exempted under Article 4 of the Directive from the requirement to obtain an initial qualification and no longer time than the relevant Article 8(2)(b) period has elapsed since—
 - (i) in the case of a licence authorising the driving of a relevant vehicle falling within category C or C+E, 10th September 2009; or
 - (ii) in the case of a licence authorising the driving of a relevant vehicle falling within category D or D+E, 10th September 2008.”; and

(b) after paragraph (4) insert—

“(4A) For the purposes of paragraph (4)—

“relevant Article 8(2)(a) period” means the period of time which, for the purpose of Article 8(2)(a) of the Directive, applies in the member State or territory (as the case may be) in which the initial CPC was issued;

“relevant Article 8(2)(b) period” means the period of time which, for the purpose of Article 8(2)(b) of the Directive, applies in the member State or territory (as the case may be) in which the relevant licence was issued; and

“relevant licence holder” means a person who holds a Community licence, a British external licence or a Gibraltar licence.”.

7. After regulation 14 (power to seize document in respect of which offences may have been committed) insert—

“Review

14A.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of regulations 2 to 14;
- (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 (as implemented by means of regulations 2 to 14) 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 those 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) In this regulation “review period” means—
- (a) the period of five years beginning on 1st October 2011; and
 - (b) subject to paragraph (5), each successive period of five years.
- (5) If a report under this regulation is published before the last day of the review period to which it relates, the following review period is to begin with the day on which that report is published.”.

Signed by authority of the Secretary of State for Transport

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

20th September 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (“the principal Regulations”).

Regulation 4 (read with regulation 3) gives better effect to Article 9 of Directive 2003/59/EC on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers^(a) (“Directive 2003/59/EC”) in providing that those who hold driving licences granted in the Isle of Man, the Channel Islands or Gibraltar may undertake an initial test or periodic training in order to obtain a certificate of professional competence (“CPC”).

Regulation 5 (read with regulation 3) amends the provisions under which the competent authority issues a driver qualification card (“DQC”) to persons who have passed the initial CPC test or completed 35 hours of periodic training. Persons holding a driving licence issued in Great Britain or Northern Ireland will need a photocard licence to obtain a DQC, except where they are applying for a DQC on the basis of some or all of their periodic training having been carried out outside the United Kingdom.

Regulation 6 amends the time limits for obtaining a Certificate of Professional Competence certifying periodic training to give better effect to Article 8(2) of Directive 2003/59/EC. Where a person holds an initial CPC issued in another member State or in Gibraltar; a passenger vehicle licence issued in another member State, or in Gibraltar, before 10th September 2008 or a goods vehicle licence issued in another member State, or in Gibraltar, before 10th September 2009, the period for obtaining a certificate in the United Kingdom is that which applies in the relevant member State or in Gibraltar (as the case may be).

Regulation 7 requires the Secretary of State to review the operation and effect of regulations 2 to 14 of the principal Regulations and publish a report within five years after these Regulations come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether those regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke those regulations or to amend them.

A full impact assessment of the effect that regulations 3 (in part) and 5 of these Regulations (the need, in most cases, to hold a photocard licence in order to obtain a DQC) will have on the costs of business and the voluntary sector is available at www.direct.gov.uk.

(a) OJ No. L 226, 10.9.2003, p.4.

An impact assessment has not been produced for the remainder of these Regulations as no impact on the private or voluntary sectors from that remainder is foreseen.

The Explanatory Memorandum is available alongside the instrument at www.legislation.gov.uk.

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