



Driving
Standards
Agency

Further European changes to driving licences and driving test requirements

A consultation paper on European Directive 2012/36/EU which introduces changes to driver licensing and the vehicles that can be used to take the driving test for a motorcycle, lorry or bus.

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Foreword

Purpose

This consultation paper concerns European legislation (Directive 2012/36/EU – the amending Directive) which makes changes to existing European legislation (the 3rd Directive on driving licences - Directive 2006/126/EC), which came into force across the EU on 19 January 2013. This includes the United Kingdom.

Directive 2012/36/EU amends the 3rd Directive and introduces changes to driver licensing and the vehicles that can be used to take the driving test. Those affected will be persons wishing to take a motorcycle, lorry or bus test. It also updates the codes that are put onto driving licences to show any driving or vehicle restrictions or entitlements and takes account of new vehicle categories introduced by the 3rd Directive. The majority of the changes must be introduced by 31 December 2013, apart from the changes that relate to large motorcycles which do not have to be introduced until 31 December 2018.

The Driving Standards Agency (DSA) and the Driver and Vehicle Licensing Agency (DVLA) will act on behalf of the government to implement the changes.

Not all of the changes within the amending Directive are being consulted on. DSA is only consulting on those changes where the UK has a choice about whether or not to implement them and from what date.

DVLA would also like to know whether consultees feel that it is a good idea to allow persons to drive three-wheeled vehicles with a power rating above 15kW, as long as they have passed their category B (car) test and are at least 21 years of age. This option was offered in the Third Directive and was taken up in other Member States, but was not taken up by the UK.

Background

When the 3rd Directive was agreed by the EU in 2006, it was on the understanding that the annexes in the Directive would need revising at a later date. It is the annexes where details can be found about:

- the content and delivery of driving tests
- the specifications of vehicles that can be used for driving tests – known as minimum test vehicle requirements (MTVs)
- medical requirements that drivers must meet, such as eyesight and declaring any disabilities

- restriction codes that show what driving licence entitlements drivers hold and whether they are limited to only driving vehicles in certain circumstances, such as only being able to drive automatic vehicles

This amending Directive updates those annexes to reflect the changes in vehicle categories and licensing introduced by the 3rd Directive. It also introduces some new changes. This Directive was agreed by the European institutions on 19 November 2012 and published in the Official Journal of the European Union on 20 November 2012.

The Secretary of State for Transport has responsibility for driver training, testing and licensing in Great Britain. The Driving Standards Agency (DSA) an executive agency of the Department for Transport (DfT), is responsible for driving tests within Great Britain (GB) and for introducing the new requirements concerning the training and testing processes that underpin the upgrading of driving licence entitlements. The Driver and Vehicle Licensing Agency (DVLA) is responsible for all things to do with the security and issuing of driving licences.

Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Executive under the Northern Ireland Act 1998. Responsibility for driver training, testing and licensing within Northern Ireland is with the Department of Environment NI (DOENI).

Why is government intervention necessary?

Driving tests, the vehicles used for driving tests and the holding of driving licences, is set out in European law and in domestic legislation. The Road Traffic Act 1988 and the driving licence regulations made under that Act apply. The changes required by the amending Directive will mean changes will need to be made to this legislation.

Executive summary

The changes are:

- updating the list of codes that are put onto driving licences to show driving entitlements and restrictions for the new vehicle categories introduced by the 3rd Directive; for example for medical reasons
- allowing a tolerance of 5cc below the minimum specified engine size for motorcycles that can be used for the test (categories A1, A2 and A)
- reducing the minimum engine power requirement for medium motorcycles used for the driving test (category A2)
- raising the minimum engine power requirement for large motorcycles used for the driving test (category A)
- introducing a minimum, mass weight requirement, for category A motorcycles used for the driving test(category A)
- changes to the test for non-professional medium sized lorry drivers (category C1) as shown on the licence by a new restriction code
- removing the need for 8-forward gear ratios for large test vehicles (category C)
- allowing people who hold a manual entitlement in either category B, BE, C, CE, C1, C1E, D, D1E, to be allowed to take their large vehicle test (categories C and D) on an automatic vehicle but gain a manual driving licence entitlement.

DSA is not consulting on some of the changes as the UK has no choice but to implement them to comply with the Directive. The UK can however, decide from which date it wants to introduce the changes. But, it is government policy not to implement changes until the latest possible date for doing so.

The consultation period will last for 6 weeks from 15 July to 26 August 2013.

Responses must arrive no later than 26 August 2013 although earlier receipt would help us. Please note that we are unable to consider any comments received anonymously and only those responses received using the [online questionnaire](#) will be accepted. We will acknowledge every response.

If you have any questions about the proposed changes within this document please email DSA using the following address: consultations@dsa.gsi.gov.uk

The changes

The changes have been split into 3 parts as stated below:

Change 1	Updating codes This change is non-regulatory and involves updating the administrative codes used on driving licences to show any driving or vehicle restrictions and entitlements to take account of the new vehicle categories introduced by the 3 rd Directive.	Page 7
Change 2	Motorcycle changes <ul style="list-style-type: none">• allowing a tolerance of 5cc below the minimum specified engine size for motorcycles that can be used for the test• reducing the minimum engine power requirement for medium motorcycles used for the driving test• raising the minimum engine power requirement for large motorcycles used for the driving test• introducing a minimum, mass weight requirement for category A motorcycles used for the driving test	Page 7
Change 3	Lorry and bus changes: <ul style="list-style-type: none">• changes to the test for non-professional medium sized lorry drivers (category C1) as shown on the licence by a new restriction code• removing the need for 8 forward gear ratios for category C (large goods) vehicles• allowing people who take a lorry or bus test on an automatic vehicle to gain a manual entitlement for those vehicles, if they hold a manual entitlement in the following categories: B, BE, C, CE, C1, C1E, D, D1E	Page 10

Change 4	Driving 3-wheeled vehicles on a car licence The European 3 rd Directive requires that 3-wheeled vehicles now fall within the motorcycle rather than the car category for driver licensing purposes, and so provisional licence holders obtaining licences after 19 January 2013 must pass a test on a motorcycle to gain three-wheeled vehicle entitlement. However, the Directive offered Member States the option of allowing drivers who hold a full category B (car) licence to be able to drive three-wheeled vehicles above 15KW power rating, provided that they are at least 21 years of age. This option was not taken up by the UK at the time, but other Member States did. DVLA would therefore like to know if drivers feel that it is a good idea for the UK to take up this option.	Page 13
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Change 1: updating codes

We are not consulting on this proposal. The change does not involve any change to regulations. The change updates existing codes to bring them into line with the changes made to vehicle categories in the 3rd Directive – some new vehicle categories were introduced. The codes are used administratively by the Driver and Vehicle Licensing Agency (DVLA) and by Member States across the EU, to show on the driving licence what entitlements a driver holds and what restrictions apply to the driver when driving certain vehicles. For example, if a driver has a medical condition that restricts them to only being able to drive automatic vehicles, a code will show this restriction on their driving licence.

Minimum test vehicle standards

Currently, all vehicles used for driving tests must meet minimum standards, commonly known as ‘minimum test vehicle standards’. These standards are set out in European and UK legislation. The Directive makes changes to those standards for motorcycles, lorries and buses which are discussed below:

Change 2: motorcycle changes

2.1 Allowing a tolerance of 5cc below the minimum engine capacity, specified in the 3rd Directive for motorcycle test vehicle standards

DSA is not consulting on whether to introduce this change. This change adds no burden and offers benefits.

The 5cc tolerance was asked for by the UK Government and stakeholders, to allow greater flexibility in the minimum engine size of motorcycles that can be used for the driving test. Currently, the Directive requires that motorcycles used for test must meet the following minimum engine capacity standards:

- category A1- an engine size of at least 120cc
- category A2 – an engine size of at least 400cc
- category A - an engine size of at 600cc

The 5cc tolerance allows riders to use a motorcycle for test with an engine capacity that is slightly below the requirements given in the 3rd Directive. The change was sought as motorcycle interest groups informed the government, that it would be difficult to find motorcycles that exactly met those engine capacity requirements. Most motorcycles are slightly below the engine capacities quoted above. DSA has allowed riders to make use of the 5cc tolerance since the 3rd Directive was implemented, so riders will not notice any difference to their test vehicle. There are no costs associated with this change.

2.2 Reducing the minimum engine power requirement for medium motorcycles used for the driving test

DSA is not consulting on whether to introduce this change. As this change amends the minimum standard for the category A2 motorcycle used for the test, the UK is required to implement it. However, the change does not add any burden and widens the choice of the size of motorcycle that riders can use for the test.

Currently, the 3rd Directive requires that medium sized motorcycles used for the category A2 test must meet minimum engine power standards. The current, minimum engine power standard of a category A2 motorcycle is 25kW, the maximum being 35kW. Candidates must therefore use a motorcycle for test that has an engine power output of at least 25kW, but not more than 35kW.

The amending Directive lowers the 25kW minimum standard, down to 20kW. Candidates for the test will be able to choose to use a motorcycle with an engine power between the new minimum of 20kW and the maximum of 35kW

There will be no costs associated with this change. As candidates can continue to use their existing motorcycle with an engine size between 25kW and 35kW; or, opt to use a motorcycle with a slightly lower engine size (if available) down to 20kW; any cost would be of their own choice. DSA assumes that most candidates will continue using existing sized motorcycles.

2.3 Large motorcycles - changes to the minimum standards for vehicles used for the test:

- **raising the minimum engine power requirement**

- **introducing a minimum, mass weight requirement, for large motorcycles (category A) used for the driving test**

DSA is not consulting on whether to introduce this change. As this change amends the minimum standards for the category A motorcycle, used for the driving test, the UK is required to implement it. But, the change does not have to be implemented until 31 December 2018. Therefore, DSA will not introduce this change until 31 December 2018.

Currently, the 3rd Directive requires that large sized motorcycles used for the category A test must meet a minimum engine power standard of 40kw. Candidates must therefore use a motorcycle for test that has an engine power output of at least 40kw. There is no current requirement regarding the weight of the vehicle used for the test.

This amending Directive raises the minimum standard from 40kw to 50kw and introduces a minimum mass weight requirement of 180kg. The European Commission argues that this is to provide for a test on a machine that is much more representative of its class and to introduce a more definite difference between a category A2 motorcycle and a category A motorcycle. The UK was not convinced by this argument and argued against this change during negotiations. Only the Netherlands supported our view. The Commission with a majority of Member States supporting it chose to introduce the change from July 2013. The UK was however, successful in getting the change delayed until 31 December 2018. Therefore, the DSA will not introduce this change before 31 December 2018. This should allow training companies to get at least 5 years use out of existing bikes and will lessen the impact on business, as bikes can be upgraded when trainers decide to replace them through wear and tear.

Motorcycle standards in the amending Directive

Licence category	Min. speed (km/h)	Engine displacement (cm ³)*	Power to weight ratio if powered by an electric motor.		Power (kw)**	
			Min.	Max.	Min.	Max.
AM	25kph	-	-	-	-	4
A1	90kph	Min 115	0.08	0.1	-	11
A2 ***		Min 395	0.15	0.2	20	35
A ****		Min 595	0.25	-	50	-

* Reflects 5cc tolerance on engine capacity (cm³)
 **Power rating as defined by the type-approval directive
 *** Engine power of at least 20 kw and not more than 35 kw
 **** unladen mass more than 180kg

Change 3: lorry and bus vehicle changes

3.1 The introduction of a new type of test for non-professional medium-sized lorry drivers (category C1) as shown on the licence by a new restriction code.

DSA does not intend to make this change, but wants to know if you agree?

This change is optional in the Directive and allows for changes to be made to the C1 and C1+E driving test (medium sized lorries and large vans with or without a trailer). It proposes that anyone wanting to gain a licence to drive a C1/C1+E vehicle on a non-professional basis, such as vehicles used for leisure, should take a slightly adapted driving test. For the theory test this means removing questions on drivers hours and for the practical test this means using a vehicle without a tachograph.

A vehicle used for this adapted test would still need to meet all of the other minimum test vehicle requirements for the category. After a driver had taken and passed the test they would have a restriction code 97 put onto their licence. This code would restrict the driver to only being able to drive a vehicle in a non-professional, non-commercial capacity and apply across the EU. If the driver wished to drive such vehicles in a professional/commercial capacity, for work purposes, they would need to take an original C1 test. We consider within the UK that we already make allowances for professional and non-professional drivers by having a modular driving test for lorry and bus drivers including category C1. Professional drivers take all 4 modules and also gain a professional driver Certificate of Professional Competence (CPC), whereas, non-professional drivers only take 2 modules as they are not required to hold a driver CPC.

The DSA delivers very few C1 tests. In 2011/2012 2,141 C1 tests were taken. The majority of C1 driving tests are taken using vehicles provided by professional driver trainers or employers. These vehicles meet all of the minimum test vehicle standards and have a tachograph fitted. It is highly unlikely that training companies would invest in training vehicles that do not meet all of the required vehicle standards for the driving test on the basis that some non-professional drivers may approach them for training. It would be impossible for them to have a guarantee that it would be worth their while financially to have additional vehicles for non-professional drivers, especially given the low number of annual C1 tests that DSA delivers.

To introduce a new test for non-professional drivers, changes would need to be made to DSA IT systems for booking a driving test. Changes would also be required to IT systems that link DSA to the Driver and Vehicle Licensing Agency (DVLA) to record the result of the test and to tell them to issue a driving licence. These changes would be costly. The costs would need to be recovered from those persons booking the new test. The DSA could not guarantee that enough persons would take this test to recover the costs of delivering it.

Her Majesty's Treasury sets the rules regarding cost recovery systems which Government departments must abide by. The Treasury requires that the user of any service must stand the cost of using that service and not expect others who do not make use of the service to pay for it – this is known as the “user pays” principle. If there was not sufficient demand for the additional C1 test, the recovery of the costs of introducing it would need to be recovered from other services. This would be unfair. The DSA therefore does not intend to introduce this change at this point in time, but will look to how this change can be made in the future when the driving theory and practical tests are next reviewed. This would likely reduce the cost of implementation.

Changes to DVLA IT systems that have to be made to accommodate EU drivers licences when they upgrade, are recovered by charging those persons fees.

3.2 Removing the need for 8 forward gear ratios for category C vehicles used for the large vehicle test.

We propose to remove the need for category C test vehicles (large lorries) to have 8-forward gear ratios when used for the driving test. We will instead, allow a vehicle with any number of gear ratios to be used for the test.

Minimum standards for vehicles used for current driving tests, were first set by European driver licensing legislation back in 2000. Manufacturers are phasing out production of the types of vehicles that were commonly used all those years ago and producing instead, safer, more energy efficient vehicles. The minimum standards that are currently set in regulations for driving test vehicles therefore need to change to allow these newer vehicles to be used for driving tests. If the changes were not made, trainers and operators would find it increasingly difficult to find vehicles that met the current statutory criteria for driving test vehicles.

Many of the newer vehicles are equipped with a range of semi-automatic or hybrid transmission systems. This means that it is becoming increasingly difficult and expensive to find a large vehicle that meets the current standard in the 3rd Directive of having 8-forward gear ratios and a fully manual transmission system.

From discussions with trainers and the DSAs own Large Vehicle examiners, we understand that this proposal would have no adverse impact upon road safety and instead may have benefits, as trainers will be providing training in the types of vehicle that the driver will be required to operate once they have passed their driving lorry test. Large vehicle drivers are already required to undertake statutory on-going training every five years to maintain their professionalism and are more heavily regulated than other drivers on the road today. The DSA proposes to amend legislation so that candidates for the large vehicle (lorry) test are no longer restricted to using a vehicle with 8-forward gear ratios. However, if trainers or employers have these vehicles in use, it will be their choice of whether they continue to use them for test. DSA will continue to accept them as test vehicles as long as they remain legally roadworthy.

3.3 Allowing those persons who take a lorry or bus test on an automatic vehicle to gain a manual entitlement for those vehicles, if they already hold a manual entitlement in the following categories: B, B+E, C, C+E, C1, C1+E, D, D+E and D1+E.

We are consulting on whether to allow those persons who take a test on an automatic vehicle, to gain a manual driving entitlement to drive that vehicle, if they already hold a manual entitlement in another vehicle category.

We also want to know if you agree that those persons who already hold an automatic large vehicle licence, should also be allowed to drive manual vehicles in those categories, if they already hold a manual licence in another vehicle category.

At present, where a driver holds a car driving licence, and then takes his lorry or bus test on an automatic vehicle, his driving licence will restrict him to only being able to drive large automatic vehicles. This change removes this restriction. In future, if a driver takes their large vehicle test on an automatic vehicle, as long as they already hold a manual entitlement for another vehicle, they will not be restricted to driving large automatic vehicles. So, a driver who had passed a test on a manually operated vehicle (other than motorcycles) would be able to hold a manual driving licence on another vehicle, even if they had taken a test on an automatic vehicle.

We also want to allow this relaxation to current holders of a large vehicle automatic licence, as long as they also hold a manual entitlement in another category (except motorcycles). Their licence would be updated when they exchanged it for any reason - NB large vehicle drivers are required to update their driving licence every five years, so in the main it would be updated at that time. If they wished to exchange the licence earlier it would be their decision and they would be responsible for paying the cost of exchanging the licence at that time.

To get a large vehicle driving licence a driver must first hold a car driving licence. This is known as staged access and is the requirement across all European Member States.

We have identified no direct costs to business. As well as being beneficial to drivers, the change will offer flexibility to driver trainers. Such trainers will have the option of being able to provide an automatic vehicle for tests where the driver has passed an earlier test, in another category, in a manual vehicle. Whilst the take up of this option may not be high – we believe that most driver trainers currently use manual vehicles (as they will have to currently comply with the requirement for 8-forward gear ratios discussed above at Section 3.2), it will not mean there is a cost to business. In future it means that driver trainers can opt to use cheaper, more readily available automatic vehicles.

DSA does not believe that this change would have any effect upon road safety. Large vehicle drivers will have already proved competence in a manual vehicle in a lower category, which may be a slightly smaller lorry or bus (categories C1 and D1). Large

vehicle drivers or vocational drivers as they are commonly known are also required to undertake regular, statutory, periodic training to maintain their driving competence and professionalism. This is not a requirement made of either car drivers or motorcycles riders. It is also relevant that manufacturers are phasing out the production of manual vehicles and increasingly producing vehicles that have either a semi-automatic or hybrid transmission system, that are more energy efficient (see section 3.2).

DSA and DVLA propose that when current holders of large vehicle automatic licences, exchange or renew their licence for any reason, they are also given the manual entitlement – subject to them also holding a manual entitlement in another category (can be in either category B, B+E, C, C+E, C1, C1+E, D, D+E, D1+E).

Change 4: driving 3-wheeled vehicles on a car licence

The 3rd European Directive requires that three-wheeled vehicles now fall within the motorcycle, rather than the car category for driver licensing purposes, and so provisional licence holders obtaining licences after 19 January 2013 must pass a test on a motorcycle to gain three-wheeled vehicle entitlement. However, the Directive offered Member States the option of allowing drivers who hold a full category B (car) licence to be able to drive three-wheeled vehicles above 15KW power rating, provided that they are at least 21 years of age. This option was not taken up by the UK at the time, but other Member States did take up the option. The DVLA would therefore like to know if drivers feel that it is a good idea for the UK to take up this option.

Consultation questions

Lorry and bus changes

1. Do you agree that DSA should not introduce a new non-professional test for category C1?

Agree	Disagree (Please say why you disagree)

2. Do you agree that drivers who have passed their large vehicle test on an automatic vehicle, are given a manual licence instead of an automatic one, if they already hold a manual entitlement in another vehicle category such as car?

Agree	Disagree (Please say why you disagree)

3. Do you think that existing holders of automatic large vehicle licences should also be given a manual entitlement when they exchange their licence for any reason?

Agree	Disagree (Please say why you disagree)

3rd Directive change: driving 3-wheeled vehicles on a car licence

4. Please say whether you agree that drivers of at least 21 years of age should be allowed to drive 3-wheeled vehicles on a full car licence?

Agree	Disagree (Please say why you disagree)

How to respond

Please tell us what you think of the proposals in this consultation by completing the reply form at: www.research.net/s/9F7BKP3.

If you have difficulties downloading the consultation paper or using the online reply form or have any questions on the consultation paper please email us at: consultations@dsa.gsi.gov.uk You can also contact us on 0115 936 6093.

The consultation period will last for 6 weeks from 15 July to 26 August 2013.

Responses must arrive no later than 26 August 2013 although earlier receipt would help us. Please note that **we are unable to consider any comments received anonymously** and only those responses received using the [online](#) or hard copy reply form will be accepted. We will acknowledge every response.

If you are replying on behalf of an organisation, it would be helpful if you could tell us who you are representing, the nature of the organisation, how many individuals' views are included within the response and what steps you have taken to gather those views.

What will happen next

We will use your responses to this consultation exercise to inform ministers. A report based on the responses will be produced and published on the website: www.gov.uk/government/consultations/motorcycle-lorry-and-bus-driving-licences-and-driving-test-rules.

Once ministers have considered the report they will make a decision.

We will contact everyone who sends us comments to tell them when the response to consultation report is available.

Application within the United Kingdom

The Secretary of State for Transport has responsibility for driver training and testing in Great Britain. Driver training and testing are matters reserved to the UK Parliament as regards Scotland and Wales.

The Driving Standards Agency (DSA) an executive agency of the Department for Transport (DfT), is responsible for driving tests within Great Britain (GB) and for introducing the new requirements concerning the training and testing processes that underpin the upgrading of driving licence entitlements

Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Executive under the Northern Ireland Act 1998. Responsibility for driver training, testing and licensing within Northern Ireland is with the Driver and Vehicle Agency (DVANI). DVANI will be conducting a separate consultation.

Initial impact assessment

1. The initial impact assessment (IA) analyses the costs and benefits of each of the qualification proposals in this paper in more detail. It can be found at www.gov.uk/government/uploads/system/uploads/attachment_data/file/212410/dsa-impact-assessment.pdf.

Exemption from regulation for micro-businesses and start-ups

2. The government announced in the March 2011 Budget that it would introduce a moratorium exempting micro and start-up businesses from new domestic regulation for 3 years from 1 April 2011. Our preferred proposal will require major changes to domestic regulations and therefore any such alterations could not be in force before April 2014.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The department will process your personal data in accordance with the Data Protection Act 1998 (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

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