STATUTORY INSTRUMENTS

2015 No. 2004

ROAD TRAFFIC

The Road Traffic Offenders Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2015

Made - - - -	*7th December 2015*
Laid before Parliament	*11th December 2015*
Coming into force - -	*4th January 2016*

The Secretary of State, in exercise of the powers conferred by sections 89(3)(a)(**1**), 89(3)(ba)(**2**), 105(1), 105(2)(a)(**3**) and 105(3) of the Road Traffic Act 1988 and section 2(2) of the European Communities Act 1972(**4**), makes the following Regulations.

The Secretary of State is a Minister designated for the purpose of section 2(2) of the European Communities Act 1972 in relation to the licensing of drivers(**5**).

The Secretary of State has consulted with relevant organisations as required by section 195(2)(**6**) of the Road Traffic Act 1988.

Citation and commencement

1. These Regulations may be cited as the Road Traffic Offenders Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2015 and come into force on 4th January 2016.

Amendment of the Road Traffic Offenders Act 1988

2.—(1) The Road Traffic Offenders Act 1988(**7**) is amended as follows.

(**1**) 1988 c. 52. Section 89(3)(a) was amended by section 48 and Schedule 4, paragraph 63, of the Road Traffic Act 1991 (c.40) and sections 36(1) and 2(a) of the Road Safety Act 2006 (c.49).
(**2**) Section 89(3)(ba) of the Road Traffic Act 1988 (c.52) was inserted by section 36(1) and (2)(c) of the Road Safety Act 2006 (c. 49).
(**3**) Section 105(2)(a) of the Road Traffic Act 1988 (c.52) was substituted by S.I. 1996/1974 and amended by section 91(1) and Schedule 5, paragraphs 17 and 23(a)(i), of the Crime (International Co-operation)(Act) 2003 (c.32) and section 10(12) and Schedule 3, paragraphs 13(1), and (2)(a), of the Road Safety Act 2006 (c.49).
(**4**) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51), and section 3(3) and Schedule 1, Part 1, of the European Union (Amendment) Act 2008 (c.7).
(**5**) The European Communities (Designation) (No.4) Order 2002 (S.I. 2002/2840).
(**6**) Section 195(2) of the Road Traffic Act 1988 (c.52) has been amended by sections 42 and 59, Schedule 6, paragraphs 1 and 30 and Schedule 7 of the Road Safety Act 2006 (c.49), but those amendments have not yet been brought into force.
(**7**) 1988 c.53.

(2) In section 37 (effect of order of disqualification)(**8**), after subsection (3) add—

"(4) Notwithstanding anything in Part III of the Road Traffic Act 1988, a person who holds a Community licence which authorises that person to drive motor vehicles of a particular class, but who is disqualified by an order of a court under section 36 of this Act, is (unless the person is also disqualified otherwise than by virtue of such an order) entitled to drive a motor vehicle of that class in accordance with the same conditions as if the person were authorised to drive a motor vehicle of that class by a provisional licence.".

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

3.—(1) The Motor Vehicles (Driving Licences) Regulations 1999(**9**) are amended as follows.

(2) In regulation 38 (further requirements at tests), in paragraph (10), in the definition of "appropriate licence", after sub-paragraph (c)(iv), add—

", or

(v) a Community licence, which by virtue of section 37(4) of the Offenders Act, authorises that person to drive motor vehicles of that class subject to the same conditions as if the person were so authorised by a provisional licence;".

(3) After regulation 83 (statement of date of birth), add—

"Review

Review

84.—(1) The Secretary of State must from time to time—

(a) carry out a review of regulations 37 to 39 (requirements at tests),

(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 Directive 2006/126/EC of the European Parliament and of the Council on driving licences (**10**) (which is implemented in part by means of 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 these 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 impose less regulation.

(4) The first report under this regulation must be published before the 4th January 2021.

(5) Reports under this regulation are afterward to be published at intervals not exceeding five years.".

(**8**) Section 37 of the Road Traffic Offenders Act 1988 (c.53) was amended by sections 33 and 48 and Schedule 4, paragraph 96, of the Road Traffic Act 1991 (c.40). It has been further amended by Schedule 21, paragraph 90, to the Coroners and Justice Act 2009 (c.25), but those amendments have not yet been brought into force.

(**9**) S.I. 1999/2864, relevant amending instruments are S.I. 2012/977, S.I. 2010/1203, S.I. 2009/788, S.I. 2007/698 and S.I. 2005/2717.

(**10**) OJ No L 403, 22.6.2006, p18