

2012 No. 977

ROAD TRAFFIC

The Motor Vehicles (Driving
Licences) (Amendment)
Regulations 2012

<i>Made</i> - - - - -	<i>27th March 2012</i>
<i>Laid before Parliament</i>	<i>30th March 2012</i>
<i>Coming into force</i>	
<i>Regulations 2 and 4</i>	<i>19th January 2013</i>
<i>Remainder</i>	<i>20th April 2012</i>



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The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and sections 89(3)(a)(b) and (c), (4)(a)(c) and (5)(d), 97(3)(e), 98(4)(f), 99(7ZA)(g), 99A(6)(h), 101(2) and (3) and 105(1), (2)(a)(i), (ee)(j), (f)(k) and (g) and (3) of the Road Traffic Act 1988(l) and, in the case of regulation 2 to the extent that it gives effect to paragraph 4 of Schedule 1 and regulation 4 to the extent that it gives effect to paragraphs 17, 19, 47, 48 and 49 of Schedule 3, with the approval of the Treasury under section 105(4) of the 1988 Act.

The Secretary of State is a Minister designated for the purposes of the 1972 Act in relation to the licensing of drivers(m).

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- (a) 1972 c.68, as amended by the Legislative and Regulatory Reform Act 2006 (c.51), section 27(1). By virtue of the amendment of section 1(2) of the European Communities Act 1972 by section 1 of the European Economic Area Act 1993 (c.51), regulations may be made under section 2(2) of the European Communities Act 1972 to implement obligations of the United Kingdom created or arising by or under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183).
- (b) Section 89(3)(a) was amended by the Road Traffic Act 1991 (c.40) (“the 1991 Act”), Schedule 4, paragraph 63 and the Road Safety Act 2006 (c.49) (“the 2006 Act”), section 36(1) and (2)(a).
- (c) Section 89(4)(a) was amended by the 2006 Act, section 36(1) and (3)(a) and (b).
- (d) Section 89(5) was amended by the 2006 Act, section 36 and Schedule 7.
- (e) Section 97(3) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) (“the 1989 Act”) sections 6(2) and 16 and Schedule 6; the Transport Act 2000 (c.38), section 274 and Schedule 31, Part V(1) and S.I. 1996/1974, 1998/1420.
- (f) Section 98(4) was amended by the 1989 Act, section 7 and Schedule 3, paragraph 11(d).
- (g) Section 99(7ZA) was inserted by the 2006 Act, section 40(1)(b).
- (h) Section 99A was inserted by S.I. 1996/1974.
- (i) Section 105(2)(a) was amended by the Crime (International Co-operation) Act 2003 (c.32) (“the 2003 Act”), Schedule 5, paragraphs 17 and 23(a)(i) and the 2006 Act, Schedule 3, paragraphs 2 and 13(1) and (2)(a).
- (j) Section 105(2)(ee) was inserted by the 1989 Act, section 7 and Schedule 3, paragraph 14 and amended by the 1991 Act, section 83 and Schedule 8.
- (k) Section 105(2)(f) was amended by the 1991 Act, section 83 and Schedule 8 and the 2003 Act, Schedule 5, paragraphs 17 and 23(a)(iv).
- (l) 1988. c.52.
- (m) S.I. 2002/2840.

In accordance with section 195(2)(a) of the 1988 Act the Secretary of State has consulted with representative organisations.

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012.

(2) Regulations 2 and 4 come into force on 19th January 2013 but all the other regulations on 20th April 2012.

(3) In these Regulations, “the principal Regulations” means the Motor Vehicles (Driving Licences) Regulations 1999(b).

(4) These Regulations extend to England and Wales and Scotland.

Amendment of the Road Traffic Act 1988

2. Schedule 1 (amendment of the Road Traffic Act 1988) has effect.

Amendment of the Road Safety Act 2006

3. Schedule 2 (amendment of the Road Safety Act 2006)(c) has effect.

Amendment of the principal Regulations generally

4. Schedule 3 (amendment of the principal Regulations) has effect.

Review

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

- (a) carry out a review of these Regulations,
- (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 of 20 December 2006 on driving licences(d) (which is implemented by means of regulations 2 to 4) 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 and the enactments amended 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) The first report under this regulation must be published before the end of the period of five years beginning on 19th January 2013.

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

(a) Section 195(2) was amended by the Road Safety Act 2006 (c.49) sections 42 and 59 and Schedule 6, paragraphs 1 and 30 and Schedule 7. As at the date of these Regulations being made these provisions are yet to be commenced in respect of this amendment.

(b) S.I. 1999/2864; relevant amending instruments are S.I. 2001/53 and 236, 2003/166, 222, 2003 and 2213, 2004/3028, 2006/524, 2007/605, 2008/508, 1435, 2009/788, 2010/1203, 2011/2516.

(c) 2006 c.49: at the date of these Regulations being made, Schedule 3 is yet to be commenced.

(d) OJ L 51, 22.6.2006, p.17.

Signed by authority of the Secretary of State for Transport

27th March 2012

Mike Penning
Parliamentary Under Secretary of State
Department for Transport

We approve the making of these Regulations

27th March 2012

Angela Watkinson
Michael Fabricant
Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Regulation 2

AMENDMENT OF THE ROAD TRAFFIC ACT 1988

1. The Road Traffic Act 1988 is amended as follows.

2.—(1) Section 97 (grant of licences) is amended as follows.

(2) In subsection (1)—

(a) in paragraph (d)(a) the words from “in accordance” to “applies for” become sub-paragraph (i);

(b) omit “and” after that sub-paragraph and insert—

“or

(ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and”;

(c) the words from “is not prevented” to the end become paragraph (e); and

(d) in that paragraph (e), for “it” substitute “the licence”.

(3) Subsections (3)(d), (5) and (6) are omitted.

3. In section 98 (form of licence) omit subsection (3)(b).

4.—(1) Section 99 (duration of licences) is amended as follows.

(2) For subsection (2A)(b) substitute—

“(2A) Where in accordance with the preceding provisions of this section, a licence in the form of a photocard remains in force after the last day of the administrative validity period, the holder of the licence must nevertheless surrender the licence and its counterpart to the Secretary of State not later than that day.

(2B) Subject to subsections (2C) to (2H), the administrative validity period of a licence in the form of a photocard is—

(a) where the licence authorises its holder to drive any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (1A) otherwise than for a purpose mentioned in section 97(2) or by virtue of section 98(2)(c), the period of 5 years beginning with the date shown on the licence as the date of issue; and

(b) in any other case, the period of 10 years beginning with the date shown on the licence as the date of issue.

(2C) In the case of a licence issued before 19th January 2013, the administrative validity period is the period of 10 years beginning with—

(a) the date shown on the licence as the date of issue, or

(a) Section 97(1)(d) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) (“the 1989 Act”), Schedule 3, paragraph 9; the Road Traffic (New Drivers) Act 1995 (c.13), Schedule 2, paragraph 2 and the Crime (International Co-operation) Act 2003 (c.32), Schedule 5, paragraphs 17 and 21.

(b) Section 99(2A) was inserted by S.I. 1998/1420.

(c) Section 98(2) was amended by the 1989 Act, section 5(10)(a) and the Transport Act 2000, Schedule 29, paragraphs 1 and 4. As at the date of these Regulations being made, these provisions in the Transport Act 2000 are yet to be commenced. Section 98(2) was also amended by S.I. 1990/144 in relation to licences which come into force on or after 1 June 1990. Paragraphs (a) and (b) of section 98(2) were substituted by the 1989 Act, Schedule 3, paragraph 11(b).

- (b) if the licence was granted by way of renewal or replacement of a licence bearing the same photograph, the date shown on the earliest licence bearing that photograph as the date of issue of that licence.

(2D) Where under subsection (3)(a) or (4)(b) a person is required to surrender a licence and the Secretary of State grants a new licence under subsection (7), the administrative validity period of the new licence is—

- (a) a period equal to the unexpired part of the administrative validity period of the old licence; or
- (b) if that person so elects in such manner as the Secretary of State may require and pays any fee prescribed, a new administrative validity period calculated in accordance with subsection (2B).

(2E) Subject to subsection (2F), where under section 97 the Secretary of State grants a licence (the “new licence”) to a person who has previously held a licence, the administrative validity period of the new licence is—

- (a) a period equal to the unexpired part (if any) of the administrative validity period of the person’s last licence (the “old licence”), or
- (b) if the person so elects in such manner as the Secretary of State may require and pays any fee prescribed, a new administrative validity period calculated in accordance with subsection (2B).

(2F) Subsection (2E) does not apply if—

- (a) the old licence was revoked by notice under section 93(1)(c) or (2)(d) (revocation because of disability or prospective disability);
- (b) the old licence did not authorise the holder to drive any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of subsection (1A) otherwise than for a purpose mentioned in section 97(2) or by virtue of section 98(2), and the new licence does; or
- (c) the old licence was granted only for a purpose mentioned in section 97(2) and the new licence is a full licence.

(2G) Subsections (2C)(b), (2D)(a) and (2E)(a) are subject to any adjustment the Secretary of State makes in a new licence to correct an error that appears to the Secretary of State to have been made in particulars specified in an earlier licence.

(2H) Where the administrative validity period of a licence under any of subsections (2B) to (2E) would otherwise be longer than the period for which the licence remains in force under subsection (1) or (1A) (the “entitlement period”), the administrative validity period ends with the last day of the entitlement period.”

(3) After subsection (7)(e) insert—

“(7ZZA) Where a person is required to surrender a licence and its counterpart in pursuance of subsection (2A), (3) or (4) but provides the Secretary of State with an

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- (a) Section 99(3) was amended by S.I. 1990/144, Schedule 1, paragraph 5(a), in relation to driving licences which come into force on or after 1 June 1990. Section 99(3) was also amended by the Road Safety Act 2006 (c.49) (“the 2006 Act”), Schedule 3, paragraphs 2, 9(1), 3(a), (b) and (c) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced. Section 99(3) was also amended by the 1989 Act, Schedule 3, paragraph 12(b).
 - (b) Section 99(4) was amended by S.I. 1990/144, Schedule 1, paragraph 5(b), in relation to driving licences which come into force on or after 1 June 1990. Section 99(4) was also amended by S.I. 1998/1420, regulation 8(4). The words “and its counterpart” were repealed by the 2006 Act, Schedule 3, paragraphs 2, 9(1), (4) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced.
 - (c) Section 93(1) was amended by S.I. 1996/1974, Schedule 1, paragraph 4.
 - (d) Section 93(2) was amended by S.I. 1990/144, Schedule 1, paragraph 2(a), in relation to driving licences which come into force on or after 1 June 1990. The words “and its counterpart” were repealed by the 2006 Act, Schedule 3, paragraphs 2, 5(1), (2) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced.
 - (e) Section 99(7) was substituted by S.I. 1998/1420, regulation 8(6) and was amended by the 2006 Act, section 40(1)(a), Schedule 3, paragraphs 2, 9(1) and (6) and Schedule 7. As at the date of these Regulations being made, these provisions of the 2006 Act are yet to be commenced.

explanation for not doing so which the Secretary of State considers adequate, the Secretary of State may (subject to the following provisions of this section) treat the licence and its counterpart as surrendered in accordance with the requirements of those subsections and may grant a new licence and counterpart to that person.”.

- (4) In subsection (7ZA)(a)—
- (a) after “subsection (2A) above” insert “, or in pursuance of subsection (3) or (4) where an election is made under subsection (2D)(b),”; and
 - (b) for “that subsection” substitute “subsection (7)”.
- (5) In subsection (7A)(b) for “subsection (7)” substitute “subsections (7) and (7ZZA)”.
- (6) In subsection (7B)—
- (a) omit “and” after paragraph (a);
 - (b) after paragraph (b) insert—
“and
(c) any information required by subsection (7C),”;
 - (c) after “(7)” insert “, (7ZZA)”.
- (7) After subsection (7B) insert—
“(7C) In a case where—
- (a) a person surrenders a licence, and
 - (b) the surrender is in pursuance of subsection (2A) or an election has otherwise been made under subsection (2D)(b) or (2E)(b),
- the person must provide such evidence or further evidence as the Secretary of State may require for the purpose of satisfying the Secretary of State that the person is not suffering from a relevant or prospective disability.”.
- (8) In subsection (8) after “(7)” insert “, (7ZZA)”.
- 5.—**(1) Section 108 (interpretation) is amended as follows.
- (2) In subsection (1)—
- (a) for the definitions of “EEA Agreement” and “EEA State”(c) substitute—
““EEA agreement” and “EEA state” have the meaning given by Schedule 1 to the Interpretation Act 1978;”(d);
 - (b) after the definition of “licence” insert—
““light quadricycle” means a quadricycle referred to in Article 1(3)(a) of the motorcycle type approval Directive (within the meaning of Part 2 of this Act),”;
 - (c) for the definition of “moped” substitute—
““moped” does not include light quadricycles, but otherwise has the same meaning as in Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences,”; and
 - (d) in the definition of “motor bicycle”, in paragraph (b), for “and” substitute “or”.
- (3) After subsection (1) insert—

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- (a) Section 99(7ZA) was inserted by section 40(1)(b) of the Road Safety Act 2006 (c.49) (“the 2006 Act”) and was amended by Schedule 3, paragraphs 2, 9(1) and (7) and Schedule 7 to that Act. As at the date of these Regulations being made, the amendments made by Schedule 3 and Schedule 7 to the 2006 Act are yet to be commenced.
 - (b) Sections 99(7A) and (7B) were inserted by S.I. 1998/1420, regulation 8(6).
 - (c) In section 108(1), the definitions of “EEA State” and “EEA Agreement” were inserted by S.I. 1996/1974, Schedule 1, paragraph 19(2).
 - (d) The definition “EEA State” was inserted into Schedule 1 to the Interpretation Act 1978 (c.30) by the Legislative and Regulatory Reform Act 2006 (c.51), section 26(1).

“(1A) In this Part of this Act, unless the context otherwise requires, a reference to the expiry of a licence is a reference to the time when it ceases to be in force (and “expired” is to be interpreted accordingly).”.

SCHEDULE 2

Regulation 3

Amendment of the Road Safety Act 2006

1. The Road Safety Act 2006 is amended as follows.

2.—(1) Section 39(1) inserting section 98A to the Road Traffic Act 1988 (compulsory surrender of old-form licences) is amended as follows.

(2) In subsection (4) of the section 98A to be inserted(a)—

(a) omit “and” after paragraph (a), and

(b) after paragraph (b) insert—

“and

(c) provides such evidence or further evidence as the Secretary of State may require for the purpose of satisfying the Secretary of State that the holder is not suffering from a relevant or prospective disability.”.

3.—(1) Schedule 3 (amendments about the endorsement of driving records of all drivers)(b) is amended as follows.

(2) In paragraph 9 (amendments to section 99 of the Road Traffic Act 1988 which relates to the duration of licences), after sub-paragraph (6) insert—

“(6A) In subsection (7ZZA)—

(a) omit “and its counterpart” in both places, and

(b) omit “and counterpart”.”.

SCHEDULE 3

Regulation 4

Amendment of the principal Regulations

1. The principal Regulations are amended as follows.

Definitions

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

(a) after the definition of “1985 Act” insert—

““A1 motorcycle” means a motor bicycle with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kilowatts and with a power to weight ratio not exceeding 0.1 kilowatts per kilogram;

(a) In section 98A(4), the words “with its counterpart” are repealed by the Road Safety Act 2006 (c.49) (“the 2006 Act”), Schedule 3, paragraphs 2 and 8(1) and (4) and Schedule 7. As at the date of these Regulations being made, section 39(1) and these repealing provisions in the 2006 Act are yet to be commenced.

(b) As at the date of these Regulations being made, section 10 of, and Schedule 3 to, the 2006 Act are yet to be commenced.

- “A1 motor tricycle” means a motor tricycle with a power not exceeding 15 kilowatts;
- “A2 motorcycle” means a motor bicycle of a power not exceeding 35 kilowatts, with a power to weight ratio not exceeding 0.2 kilowatts per kilogram and not being derived from a vehicle of more than double its power;
- “A3 motorcycle” means a motor bicycle—
- (a) of a power exceeding 35 kilowatts or with a power to weight ratio exceeding 0.2 kilowatts per kilogram; or
 - (b) of a power not exceeding 35 kilowatts with a power to weight ratio not exceeding 0.2 kilowatts per kilogram and derived from a vehicle of more than double its power;
- “A3 motor tricycle” means a motor tricycle with a power exceeding 15 kilowatts;”;
- (b) after the definition of “appropriate driving test” and “extended driving test” insert—
- ““category P vehicle” means a motor vehicle with fewer than four wheels with a maximum design speed exceeding 45 kilometres per hour but not exceeding 50 kilometres per hour and which, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres;
- “category Q vehicle” means a motor vehicle with less than four wheels which—
- (a) if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres and, if not equipped with pedals by means of which the vehicle is capable of being propelled, has a maximum design speed not exceeding 25 kilometres per hour; and
 - (b) if propelled other than by an internal combustion engine, has a maximum design speed not exceeding 25 kilometres per hour;”;
- (c) after the definition of “controlled by a pedestrian” insert—
- ““deductible period” means—
- (a) any period during which a person is disqualified under section 34 or 35 of the Offenders Act;
 - (b) in a case where a person is or has been disqualified under section 36 of the Offenders Act, the period beginning on the date of the court order under subsection (1) of that section and ending on the date when the disqualification is deemed by virtue of that section to have expired;
 - (c) in a case where a person’s licence or test pass certificate has been revoked by the Secretary of State under section 3(a) of, or Schedule 1(b) to, the Road Traffic (New Drivers) Act 1995(c), the period beginning on the date of the notice of revocation under that Act and ending on the date when the person whose certificate or licence, as appropriate, has been revoked passes the relevant driving test within the meaning of that Act; and
 - (d) any period during which a person’s licence has ceased to be in force;”;
- (d) omit the definition of “large motor bicycle”;
- (e) for the definition of “maximum net power output” substitute—
- ““maximum net power output”, in relation to an engine, means the maximum net power output measured under full engine load”;
- (f) after the definition of “module 1 statement of failure” insert—

(a) Section 3 was amended by the Crime (International Co-operation) Act 2003 (c.32) (“the 2003 Act”), Schedule 5, paragraphs 45 and 47 and the Road Safety Act 2006 (c.49) (“the 2006 Act”), Schedule 1, paragraphs 24 and 26.

(b) Schedule 1 was amended by the Access to Justice Act 1999 (c.22), Schedule 13, paragraph 173; the 2003 Act, Schedule 5, paragraphs 45 and 52 to 60 and the 2006 Act, Schedule 1, paragraphs 24 and 27.

(c) 1995 c.13.

““motor tricycle” means a motor vehicle with three symmetrically arranged wheels which has a maximum design speed of more than 45 kilometres per hour and, if fitted with an internal combustion engine, has an engine capacity of more than 50 cubic centimetres;”;

(g) for the definition of “standard access period” substitute—

““standard access period” means the period of two years commencing on the date, before 19th January 2013, when a person passed a test for a licence authorising the driving of standard motor bicycles of any class, other than motor bicycles with an engine the maximum net power output of which is 11 kilowatts or less, but disregarding any deductible period, or part thereof, which subsists in relation to that person on or after the date on which the test was passed;”;

(h) for the definition of “standard motor bicycle” substitute—

““standard motor bicycle” means—

- (a) in the case of a motor bicycle without a side-car, a motor bicycle the engine of which has a maximum net power output not exceeding 25 kilowatts and a power to weight ratio not exceeding 0.16 kilowatts per kilogram, or
- (b) in the case of a motor bicycle and side-car combination, a combination having a power to weight ratio not exceeding 0.16 kilowatts per kilogram;”.

Licences

3. For regulation 4 (classification of vehicles) substitute—

“4.—(1) Subject to regulations 5 and 78, the Secretary of State shall grant licences authorising the driving of motor vehicles in accordance with—

- (a) the categories and sub-categories specified in column (1) and defined in column (2) of Parts 1 to 3 and 5 and 6 of Schedule 2;
- (b) the former categories and former sub-categories specified in column (1) and defined in column (2) of Part 4 of Schedule 2, other than former category P and former sub-category B1;
- (c) the class defined in column (2) of Part 4 of Schedule 2 opposite former sub-category B1 specified in column (1); and
- (d) the class defined in column (2) of Part 4 of Schedule 2 opposite former category P specified in column (1).

(2) The categories and sub-categories referred to in paragraph (1)(a) and (b), other than former category P and former sub-category B1, are designated as groups for the purposes of section 89(1)(b) of the Traffic Act.

(3) In these Regulations, expressions relating to vehicle categories have the following meanings—

- (a) save for references to a former category or a former sub-category, any reference to a category or sub-category identified by letter, number or word or by any combination of letters, numbers and words is a reference to the category or sub-category defined in column (2) of Schedule 2 opposite that letter or combination in column (1) of the Schedule,
- (b) “sub-category” means, in relation to category A, B, C, C+E, D or D+E, a class of vehicles comprising part of the category and identified as a sub-category in column (2) of Schedule 2,
- (c) unless the context otherwise requires, a reference to a category includes a reference to sub-categories of that category,
- (d) save for references to “former sub-category B1”, “former category N” or “former category P”, a reference to a former category or a former sub-category identified by letter, number or word or by any combination of letters, numbers and words is a

reference to the former category or former sub-category defined in column (2) of Part 4 of Schedule 2 opposite the letter or combination in column (1),

- (e) “former sub-category B1” means a class of vehicle having three or four wheels and an unladen weight not exceeding 550 kilograms,
- (f) “former category N” means vehicles which were exempted from vehicle excise duty under section 7(1) of the Vehicle (Excise) Act 1971(a), and
- (g) “former category P” means a class of vehicle having fewer than four wheels, a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, a cylinder capacity not exceeding 50 cubic centimetres.”.

4. In regulation 5 (classes for which licences may be granted) after paragraph (3) add—

“(4) A licence authorising the driving of motor vehicles of a class shown in column (2) of Part 4 of Schedule 2 opposite a former category or former sub-category (as the case may be) shown in column (1) of that part of that Schedule may not be granted to a person unless, before 19th January 2013, that person held a licence authorising the driving of motor vehicles of that class or passed a test for a licence authorising the driving of motor vehicles of that class.

(5) A licence authorising the driving of category Q vehicles may not be granted to a person unless that person is entitled—

- (a) in accordance with paragraph (1), to be granted a full licence authorising the driving of motor vehicles of a class included in category AM, A or B; or
- (b) in accordance with paragraph (4), to be granted a full licence authorising the driving of category P vehicles.

(6) A licence authorising the driving of motor vehicles of a class included in category B96, which are specified in Part 6 of Schedule 2, may be granted to a person who is entitled thereto by virtue of holding, or having held, a Community licence authorising the driving of that class.”.

5. In regulation 6 (competence to drive classes of vehicle: general)—

- (a) in paragraph (1)(a)(ii) after “this paragraph,” insert “a three-wheeled moped, a light quadricycle, a motor tricycle or”;
- (b) in paragraph (2) for “P” substitute “AM”; and
- (c) after paragraph (2) insert—

“(2A) Where a relevant full licence authorises the driving of vehicles included in category B and the additional category is category Q or AM, the holder is not deemed competent to drive category Q vehicles or vehicles in category AM unless the licence authorises the driving of such vehicles in accordance with regulation 43(3) and (5).”.

6. In regulation 7 (competence to drive classes of vehicle: special cases)—

- (a) in paragraph (4) for “sub-categories B1 and” substitute “former sub-category B1 or sub-category”;
- (b) in paragraphs (5)(a), (6)(a) and (7) for “sub-categories B1 or” substitute “former sub-category B1 or sub-category”;
- (c) after paragraph (7) insert—

“(8) A person who holds a licence authorising the driving of vehicles included in category B and who has, before 1st February 2001, passed a test (or a Northern Ireland test of competence corresponding to such a test) for such a licence may drive a category P vehicle unless the test or, as the case may be, the practical test was passed on a motor vehicle which

(a) 1971 c.10; notwithstanding the repeal of the 1971 Act by the Vehicle Excise and Registration Act 1994 (c.22), section 65 and Schedule 5, licences may still be granted in respect of vehicles in former category N.

was adapted on account of a disability of the person taking the test in which case the person is authorised to drive only such category P vehicles as are so adapted.

(9) Where a person holds a full licence issued before 19th January 2013 authorising the driving of vehicles included in category A, that licence shall not in addition authorise the driving of vehicles in former sub-category B1 unless that person passed the test in respect of that licence (or a Northern Ireland test of competence corresponding to that test) before 1st February 2001.”.

7. In regulation 8 (competence to drive classes of vehicle: dual purpose vehicles) in paragraph (1)(a) for “sub-categories B1 or” substitute “former sub-category B1 or sub-category”.

8. In regulation 9 (minimum ages for holding or obtaining licences)—

(a) after paragraph (1) insert—

“(1A) In item 2 (moped), for the class of moped there is substituted the classes of a vehicle in category AM (moped and light quadricycle) and a category Q vehicle.”;

(b) for paragraph (2) substitute—

“(2) In item 3 (motor bicycle)—

(a) subject to paragraphs (2A) to (2F), for the class of motor bicycle and the age of 17 there is substituted, in respect of full licences, the following—

3(1) A1 motorcycle or A1 motor tricycle	17
3(2) A2 motorcycle	19
3(3) A3 motorcycle	24
3A A3 motor tricycle	24

(b) subject to paragraph (2G), in relation to the class of motor bicycle there is, in respect of provisional licences, substituted for the age of 17 the age of 24.”;

(c) after paragraph (2) insert—

“(2A) For the age of 17 in relation to item 3(1) in the table in paragraph (2)(a) there is substituted the age of 16 in the case of a person holding a Community licence authorising the driving of vehicles in sub-category A1.

(2B) For the age of 19 in relation to item 3(2) in the table in paragraph 2(a) there is substituted the age of 18 in the case of a person holding a Community licence authorising the driving of vehicles in sub-category A2.

(2C) For the age of 19 in relation to item 3(2) and the age of 24 in relation to item 3(3) in the table in paragraph 2(a) there is substituted the age of 17 where a person passed a test before 19th January 2013 in respect of a motor bicycle (other than a motor bicycle with an engine the maximum net power output of which is 11 kilowatts or less) and the standard access period has expired.

(2D) For the age of 19 in relation to item 3(2) in the table in paragraph 2(a) there is substituted the age of 17 in a case where the vehicle is—

- (a) owned or operated by the Secretary of State for Defence, or
 - (b) being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown,
- and is being used for naval, military or air force purposes.

(2E) For the age of 24 in relation to item 3(3) in the table in paragraph 2(a) there is substituted—

- (a) the age of 21 in a case where a person has, for a period of not less than two years, held a full licence which authorises the driving of A2 motorcycles;
- (b) the age of 20 in the case of a person holding a Community licence authorising the driving of vehicles in sub-category A3; and

- (c) the age of 17 in a case where—
 - (i) the vehicle is being used for naval, military or air force purposes and is—
 - (aa) owned or operated by the Secretary of State for Defence; or
 - (bb) being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown; or
 - (ii) a person—
 - (aa) passes an appropriate driving test after 18th January 2013 on a vehicle of a class in category B or sub-category A2 or A3; and
 - (bb) was entitled, before 19th January 2013, to a licence to drive a motor bicycle with an engine having a maximum net power output exceeding 25 kilowatts or a power to weight ratio exceeding 9.16 kilowatts per kilogram.

(2F) For the age of 24 in relation to item 3A in the table in paragraph 2(a) there is substituted—

- (a) the age of 21 in a case where a person has, for a period of not less than two years, held a full licence which authorises the driving of A2 motorcycles;
- (b) the age of 17 in a case where—
 - (i) the vehicle is—
 - (aa) owned or operated by the Secretary of State for Defence, or
 - (bb) being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown,
 and is being used for naval, military or air force purposes; or
 - (ii) the person was, before 19th January 2013, entitled to drive vehicles having three or four wheels and an unladen weight not exceeding 550 kilograms.

(2G) For the age of 24 as substituted by paragraph 2(b) there is substituted—

- (a) the age of 21 in the case of a provisional licence for the driving of A3 motorcycles where a person has, for a period of not less than two years, held a full licence which authorises the driving of A2 motorcycles;
- (b) the age of 19 in the case of a provisional licence which is restricted to the driving of A2 motorcycles;
- (c) the age of 17 where a person has passed a test before 19th January 2013 in respect of a motor bicycle (other than a motor bicycle with an engine the maximum net power output of which is 11 kilowatts or less) and the standard access period has expired;
- (d) the age of 17 in the case of a provisional licence which is restricted to the driving of A1 motorcycles; and
- (e) the age of 17 in a case where the vehicle is—
 - (i) owned or operated by the Secretary of State for Defence; or
 - (ii) being driven by a person for the time being subject to the orders of a member of the armed forces of the Crown,
 and is being used for naval, military or air force purposes.”;

(d) after paragraph (3) insert—

“(3A) In item 5 (small vehicle) the class of small vehicles except motor tricycles and light quadricycles is substituted for the class of small vehicle.”;

(e) in paragraph 4 omit “(small vehicles)”;

(f) omit paragraph (6);

(g) after paragraph (7) insert—

“(8) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category C or C+E where the vehicle is being used by the fire service or for maintaining public order or is undergoing road tests for repair or maintenance purposes.

(8A) In item 7, the age of 18 is substituted for the age of 21 in the case of a motor vehicle and trailer combination which is in sub-category C1+E and the maximum authorised mass of the combination does not exceed 12 tonnes.

(8B) Subject to paragraphs (9) and (9B), in item 7 the age of 24 is substituted for the age of 21 in relation to a motor vehicle of a class included in category D or D+E, other than sub-category D1 or D1+E, save—

- (a) where the vehicle is being used by the fire service or for maintaining public order or is undergoing road tests for repair or maintenance purposes; or
- (b) in respect of a person under the age of 24 who was entitled to a licence to drive a vehicle of that class before 19th January 2013.”; and
- (h) in paragraph (13) after sub-paragraph (e) insert—
 - “; and
 - (f) in the calculation of the period of time for which a licence has been held there shall be disregarded any deductible period.”.

9. After regulation 15 insert—

“Restrictions on provisional licences: two-wheeled vehicles

15A.—(1) A provisional licence granted in respect of a vehicle in category AM or A shall be restricted to such vehicles as have no more than two wheels save where the applicant declares that they are suffering from a relevant disability of such a nature that they are unable to ride a vehicle which has two wheels.

(2) A provisional licence granted in respect of a vehicle with two wheels shall be restricted to vehicles of a class within category AM or A.”.

10. In regulation 16 (conditions attached to provisional licences)—

- (a) in paragraph (3)—
 - (i) for sub-paragraph (a) substitute—

“(a) is driving a motor vehicle constructed to carry only one person which is not adapted to carry more than one person and is a vehicle in sub-category B1 (invalid carriages), a motor tricycle, a motor vehicle having four wheels and an unladen weight not exceeding 550 kilograms or a motor vehicle of a class included in category F, G, H or K;”;
 - (ii) in sub-paragraph (aa), after “included in” insert “former”; and
 - (iii) in sub-paragraph (b), after “side-car” insert “, a category P vehicle or a category Q vehicle”;
- (b) in paragraph (6)—
 - (i) in sub-paragraph (a), omit “or”;
 - (ii) after sub-paragraph (b) add—

“(c) a category P vehicle, or

(d) a category Q vehicle.”;
- (c) in paragraph (7), for “a learner motor bicycle” substitute “an A1 motorcycle”;
- (d) in paragraph (7A)—
 - (i) for “a learner motor bicycle” substitute “an A1 motorcycle”; and
 - (ii) for sub-paragraph (a) substitute—

“(a) present with the person holding the licence on the road while riding a two-wheeled vehicle in category AM or A or a category P vehicle or, if the instructor is suffering from a relevant disability of such a nature that they are unable to ride a two-wheeled vehicle, a three-wheeled vehicle in category AM or A, and”; and

(e) in paragraph (7B)(a), for “learner motor bicycle” substitute “A1 motorcycle”.

11. In regulation 17 (meaning of “qualified driver”) in paragraph (3)(d) for “vehicles in sub-category B1 or B1 (invalid carriages)” substitute “a quadricycle or vehicles in sub-category B1 (invalid carriages)”.

12. In the heading to regulation 19 (full licences not carrying provisional entitlement) for “not carrying” substitute “and”.

13. In regulation 19 (full licences and provisional entitlement)—

(a) for paragraph (1) substitute—

“(1) Sections 98(2) and 99A(5) of the Traffic Act shall apply in accordance with the following paragraphs.”;

(b) for paragraph (4) substitute—

“(4) Section 98(2) shall not authorise a person who has not passed a test of competence to drive a moped or a motor bicycle to drive a category P vehicle or a category Q vehicle.”;

(c) after paragraph (4) insert—

“(4A) In the case of a full licence granted before 19th January 2013 which authorises the driving of a class of standard motor bicycles, other than motor bicycles with an engine the maximum net power output of which is 11 kilowatts or less, section 98(2) shall not apply so as to authorise the driving of an A3 motorcycle before the expiration of the standard access period.

(4B) Section 98(2) shall not apply so as to authorise the driving, as if authorised by a provisional licence, of vehicles of any class included in category B96.”;

(d) omit paragraph (5);

(e) in paragraph (9)—

(i) after “Community licence” insert “granted before 19th January 2013”;

(ii) for “a large motor bicycle” substitute “an A3 motorcycle”;

(f) in paragraph (10) for “a large motor bicycle” substitute “an A3 motorcycle.”; and

(g) for the table at the end substitute—

“TABLE

<i>(1) Full licence held</i>	<i>(2) Provisional entitlement included</i>
AM	A, B, F and K
A1	A, B, F and K
A2	A, B, F and K
A3	B, F and K
B	A, B+E, G and H
C1	C1+E
C	C1+E, C+E
D1	D1+E
D	D1+E, D+E
F	Q, AM and B
G	H
H	G”

Tests of competence to drive

14. In regulation 22 (interpretation of Part III)—

- (a) in the definition of “motor bicycle instructor” for “A or P” substitute “AM or A”; and
- (b) omit the definition of “standard access period”.

15. In regulation 23A(2)(a) for “A, B or P” substitute “AM, A or B”.

16. In regulation 27 (applications for theory tests: motor bicycle instructors) in paragraphs (1) and (5) for “A or P” substitute “AM or A”.

17. In regulation 30 (fees for theory tests) in paragraph (2) for “A, B or P” substitute “AM, A or B”.

18. In regulation 32 (applications for manoeuvres or practical tests: motor bicycle instructors) in paragraphs (1) and (5) for “A or P” substitute “AM or A”.

19. In regulation 35 (fees in respect of manoeuvres, practical or unitary tests)—

- (a) in paragraph (2) omit “(3ZC),”;
- (b) in paragraph (3) omit “, (3ZC),”;
- (c) in paragraph (3ZA)(c) for “A or P” substitute “AM or A”;
- (d) in paragraph (3ZB)—
 - (i) for “paragraphs (3ZC) and (4)” substitute “paragraph (4)”; and
 - (ii) in sub-paragraph (c) for “A or P” substitute “AM or A”;
- (e) omit paragraph (3ZC); and
- (f) in paragraph (6)(a)—
 - (i) after “category” insert “AM,”;
 - (ii) for “K or P” substitute “or K”; and
 - (iii) omit “or B1”.

20. In regulation 37 (test vehicles)—

- (a) in paragraph (1) for “F, G, H, K or P” substitute “AM, F, G, H or K”;
- (b) after paragraph (2) insert—

“(2A) Where in an application for a manoeuvres test or a practical test prescribed in respect of category AM it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a moped with two wheels, that test shall be conducted on a specially adapted two-wheeled moped, a three-wheeled moped or a light quadricycle.”;

- (c) for paragraph (3) substitute—

“(3) Where in an application for a manoeuvres test or a practical test prescribed in respect of category A it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a motor bicycle without side-car, the test shall be conducted—

- (a) in the case of the test for a licence authorising the driving of a vehicle in sub-category A1, on an A1 motor tricycle or an A1 motorcycle with side-car where the capacity and unassisted speed on the level of the motor tricycle or the motor bicycle, as appropriate, is equivalent to or greater than that shown in relation to sub-category A1 in column (2) of the table;
- (b) in the case of the test for a licence authorising the driving of a vehicle in sub-category A2, on an A2 motorcycle with side-car where the capacity and power output of the motor bicycle is equivalent to or greater than that shown in relation to sub-category A2 in column (2) of the table;

- (c) in the case of the test for a licence authorising the driving of a vehicle in sub-category A3, on an A3 motor tricycle or an A3 motorcycle with side-car where the capacity and power output of the motor tricycle or the motor bicycle, as appropriate, is equivalent to or greater than that shown in relation to sub-category A3 in column (2) of the table.”;
- (d) in paragraph (4)(a) after “(2)” insert “, (2A)”;
- (e) in paragraph (5)(a) omit paragraph (i) and “or” at the end of that sub-paragraph;
- (f) in paragraph (6) omit sub-paragraph (a) and “or” at the end of that sub-paragraph; and
- (g) in the table at the end of the regulation—
 - (i) before the first entry in column (1) and the corresponding entry in column (2) insert, respectively “AM” and “Any two-wheeled moped”;
 - (ii) for the entries “A, in the case of a test for a licence authorising the driving of large motor bicycles”, “A, in the case of any other test” and “A1” in column (1) and the corresponding entries in column (2) substitute—

“A1	An A1 motorcycle without side-car, with a cubic capacity of 120 cubic centimetres and capable of an unassisted speed of 90 kilometres per hour on the level.
A2	An A2 motorcycle without side-car, with a cylinder capacity of 400 cubic centimetres and a power of 25 kilowatts.
A3	An A3 motorcycle without side-car, with a cylinder capacity of 600 cubic centimetres and a power of 40 kilowatts.”

; and

- (iii) omit the last entry in column (1) and the corresponding entry in column (2).

21. In regulation 38 (further requirements at tests)—

- (a) for paragraph (4) substitute—

“(2) Subject to paragraph (4A), a person submitting to a manoeuvres test or a practical test must, before the test commences, produce to the person conducting the test—

 - (a) in the case of a test on a motor vehicle of a class included in any category other than category A, a valid standard theory test pass or a valid large vehicle theory test pass certificate showing that the person submitting to the test has passed the theory test prescribed in respect of the same category or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland; or
 - (b) in the case of a test on a motor vehicle of a class included in category A, a valid standard theory test pass certificate showing that the person submitting to the test has passed the theory test prescribed in respect of category A or category AM or a valid certificate corresponding to either such certificate furnished under the law of Northern Ireland.”;
- (b) after paragraph (4) insert—

“(4A) Paragraph (4) does not apply in a case where—

 - (a) a person submitting to a manoeuvres test or a practical test is exempt from the requirement to pass a theory test by virtue of regulation 42; or
 - (b) by virtue of regulation 40(4) no theory test is prescribed for the class of vehicle on which a manoeuvres test or a practical test (as the case may be) is to be taken”;
- (c) in paragraphs (8) and (8A) for “A or P” substitute “AM or A”; and

(d) in paragraph (9)(a) and (b) for the words from “category A” to “driver’s seat” substitute “category AM, A, G, H or K”.

22. In regulation 39 (examiner’s right to refuse to conduct test) in paragraphs (1)(b) and (1A) for “a vehicle” substitute “a two-wheeled vehicle” and for “A or P” substitute “AM or A”.

23. In regulation 40 (nature of tests other than extended tests) in paragraph (1A) for “A or P, or in sub-category A1,” substitute “AM or A”.

24. In regulation 40A(1A) for “A or P”, in each place where those words appear, substitute “AM or A”.

25. In regulation 40C (passing the test)—

(a) in paragraph (1) after “regulation” insert “40(1A)(a) or”;

(b) in the table at the end—

(i) before the first entry in columns (1), (2) and (3) insert, respectively—

“AM	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.”
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; and

(ii) omit the last entry in column (1) and the corresponding entries in columns (2) and (3).

26. In regulation 42 (exemption from theory test)—

(a) for paragraph (1) substitute—

“(1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising that person to drive a motor vehicle of a class included in sub-category A1 if that person—

(a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A; or

(b) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).”; and

(b) after paragraph (1) insert—

“(1A) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in sub-category A2 if that person—

(a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A;

(b) has, for a period of not less than two years, held a full licence which authorises the driving of A1 motorcycles; or

(c) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).

(1B) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in sub-category A3 if that person—

(a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A;

(b) has, for a period of not less than two years, held a full licence which authorises the driving of A2 motorcycles; or

(c) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).

(1C) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category AM or A if that person has held, for a period of not more than two years, a standard theory test pass certificate issued before 19th January 2013 in respect of a motor vehicle which—

- (a) is of a class included in former category P; or
- (b) is a motor bicycle.

(1D) A person who has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to a certificate mentioned in paragraph (1C) is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category AM or A.

(1E) A person who is a full time member of the armed forces is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category A if that person has passed a test for a licence authorising the driving of motor vehicles of another class included in category A.”.

27. In regulation 43 (entitlement upon passing a test other than an appropriate driving test)—

- (a) in paragraph (2)—
 - (i) for “regulations 44 and” substitute “regulation”;
 - (ii) in sub-paragraphs (a) and (b) for “A or P” substitute “AM or A”;
- (b) in paragraph (3) for “paragraphs (5) and (6)” substitute “paragraph (5)”;
- (c) in paragraph (4) for “F, K or P” substitute “Q, AM, F or K”;
- (d) in paragraph (5)—
 - (i) for “category P” in both places where those words appear substitute “category Q or AM”;
 - (ii) in sub-paragraph (a) for “class P” substitute “category Q or AM”; and
 - (iii) in sub-paragraph (b) for “mopeds” in both places where that word appears substitute “vehicles”;
- (e) omit paragraph (6); and
- (f) in paragraph (7)(a) for “A or P” in both places where those words appear substitute “AM or A”.

28. Omit regulation 44 (entitlement upon passing a test other than an appropriate driving test: category A).

29. In the heading to regulation 44A (entitlement upon passing a test other than an appropriate driving test: category P) for “P” substitute “AM”.

30. In regulation 44A—

- (a) in paragraph (1) for “P” substitute “AM”; and
- (b) in paragraph (2)—
 - (i) for sub-paragraph (a) substitute—

“(a) in a case where the test was passed on a three-wheeled moped or a light quadricycle, a licence authorising the driving of all vehicles having three or four wheels included in category AM;”;

and
 - (ii) in sub-paragraph (b) for “P” substitute “AM”.

31. In regulation 45 (upgrading of entitlements by virtue of passing second test)—

- (a) in paragraph (10) for “sub-categories B1 and” substitute “former sub-category B1 or category”; and
- (b) in paragraph (11)—

- (i) omit “and” at the end of sub-paragraph (a); and
- (ii) after sub-paragraph (b) add—
 - “(c) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of motor vehicles in former sub-category D1, references to “sub-category D1” shall include vehicles which would fall within sub-category D1, save that the maximum length of the vehicle exceeds 8 metres,
 - (d) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of motor vehicles in former sub-category D1+E, references to “sub-category D1+E” shall include vehicles which would fall within sub-category D1+E save that the maximum length of the tractor vehicle exceeds 8 metres, and
 - (e) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of vehicles in former category B+E, references to “category B+E” shall include vehicles which would fall within category B+E save that the maximum authorised mass of the trailer or semi-trailer (as the case may be) exceeds 3500 kilograms.”.

(c) after paragraph (11) insert—

“(12) Paragraph (11)(c) and (d) shall apply to references in Schedule 9 to “sub-category D1” and “sub-category D1+E” as that paragraph applies to such references in this regulation.”.

32. In regulation 46 (entitlement upon passing an appropriate test)—

- (a) in paragraph (1) for “and (6)” substitute “, (6) and (6A)”;
- (b) in paragraph (2)—
 - (i) for “paragraph (4)” substitute “paragraphs (4) and (4A)”;
 - (ii) in sub-paragraphs (a) and (b) for “A or P” substitute “AM or A”;
- (c) in paragraph (3)(a) and (b) for “A or P” substitute “AM or A”;
- (d) for paragraph (4) substitute—
 - “(4) In the case of a non-side car licence holder who—
 - (a) was disqualified before 19th January 2013 where the standard access period had not expired at the date of disqualification and has not expired, or
 - (b) is disqualified on or after 19th January 2013 and upon the date of disqualification the standard access period has not expired,
 the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired in relation to A3 motorcycles until the standard access period has expired.”;
- (e) after paragraph (4) insert—
 - “(4A) In the case of a side-car licence holder who—
 - (a) was disqualified before 19th January 2013 where the standard access period had not expired at the date of disqualification and has not expired, or
 - (b) is disqualified on or after 19th January 2013 and upon the date of disqualification the standard access period has not expired,
 the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired in relation to A3 motorcycle and side-car combinations until the standard access period has expired.”;
- (f) in paragraph (5) for “F, G, H, K, L or P” substitute “AM, F, G, H, K or L”;
- (g) at the beginning of paragraph (6) add “Subject to paragraph (6A),”;
- (h) after paragraph (6) insert—
 - “(6A) Where a person passes the two-part practical test on a vehicle of a class included in sub-category A2 the disqualification is deemed to have expired additionally in relation to

all classes of vehicle included in sub-category A3 unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in sub-category A3 as have automatic transmission.”;

- (i) in paragraph (7) omit the words from “, other” to “B1”; and
- (j) for paragraph (9) substitute—

“(9) In this regulation—

“non side-car licence holder” means a person who held a licence, granted before 19th January 2013, authorising the driving of standard motor cycles without a side-car;

“side-car licence holder” means a person who held a licence, granted before 19th January 2013, authorising the driving of standard motor bicycle and side-car combinations;” and

“two-part practical test means—

- (a) in relation to a vehicle of a class included in category AM or A, the manoeuvres test and the practical test in respect of a vehicle of a class included in category AM or A, as appropriate;
- (b) in relation to a vehicle of a class included in sub-category A1, the manoeuvres test and the practical test in respect of a vehicle of a class included in sub-category A1.”.

33. In regulation 47 (evidence of result of theory test: vehicles other than category C or D) in paragraphs (6) and (7), for “regulation 38(4) or 40A(1)(b)(i) or (1A)(b)(i)” substitute “regulation 38(4), 40A(1)(b)(i) or (1A)(b)(i) or 42(1)(a), (1A)(a), (1B)(a) or (1C)”.

Approved training courses for riders of motor bicycles and mopeds

34. In regulation 60 (certified instructors)—

- (a) in paragraph (2) for “learner motor bicycles” substitute “A1 motorcycles”; and
- (b) in paragraph (3)(b) for “vehicles included in sub-category A1” substitute “A1 motorcycles”.

35. In regulation 61 (persons authorised as assistant instructors) in paragraph (2) for “vehicles in sub-category A1” substitute “A1 motorcycles”.

36. For the heading to regulation 64 (approved training courses conducted on large motor bicycles) for “on large motor bicycles” substitute “by certified direct access instructors”.

37. In regulation 64(1), for “large motor bicycles” substitute “A2 motorcycles or A3 motorcycles” and for “a motor bicycle other than a learner motor bicycle” substitute “an A2 motorcycle or an A3 motorcycle, as appropriate”.

38. In regulation 65 (certified direct access instructors)—

- (a) in paragraph (1), for “large motor bicycles” substitute “A2 motorcycles or A3 motorcycles” and for “motor bicycles other than learner motor bicycles” substitute “A2 motorcycles or A3 motorcycles, as appropriate”; and
- (b) in paragraphs (3)(a) and (7)(b), for “large motor bicycles” substitute “motor bicycles other than A1 motorcycles”.

39. In regulation 68 (evidence of successful completion of course)—

- (a) in paragraph (2)(b)—
 - (i) omit paragraph (iii); and

- (ii) in paragraph (iv) omit “in a case where the certificate was issued on or after 1st February 2001,”; and
- (b) after paragraph (4) add—
 - “(5) For the purposes of this regulation, a certificate furnished before 19th January 2013 in the form set out in Part 3 of Schedule 13 to these Regulations as they stood before amendment by the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 shall be regarded as a certificate under paragraph (1).”.

40. After regulation 68 insert—

“Approved training courses before 19th January 2013

68A.—(1) A person who, before 19th January 2013, was authorised as an approved training body, or as a certified instructor, shall be treated as an approved training body or a certified instructor (as the case may be) in relation to motor bicycles or mopeds, as appropriate.

(2) A person who, before 19th January 2013, was authorised, or deemed to be authorised, as a certified direct access instructor shall be treated as, or as being deemed to be authorised as, a certified direct access instructor in relation to motor bicycles.

(3) A course which, before 19th January 2013, was an approved training course shall be treated as an approved training course for riders of bicycles or mopeds, as appropriate.

(4) A certificate which, before 19th January 2013, was issued to a person referred to in paragraph (1) in the form set out in Part I of Schedule 13 shall, subject to regulation 60(7), be treated as being in force in respect of that person.”.

41. In regulation 69 (exemptions from Part 5)—

- (a) for paragraph (1), substitute—
 - “(1) Subject to paragraph (2), section 98(3)(c) of the Traffic Act shall not apply to a person who—
 - (a) passed a test in respect of a vehicle in former category P after 30th November 1990 and before 19th January 2013, or
 - (b) passes the test for the time being prescribed in respect of category AM,and such a person shall be exempt from the requirement imposed by section 89(2A) of that Act.”;
- (b) in paragraph (2B), for “category A” substitute “category AM or A”, for “another” substitute “any” and for “that category” substitute “category AM or A”; and
- (c) in paragraph (6)(b)(ii) for “A or P” substitute “AM or A”.

Disabilities

42. In regulation 70 (licence groups) in paragraph (1), in the definition of “Group 1 licence” for paragraph (a) substitute—

“(a) categories AM, A, B, B+E, F, G, H, K and L.”.

Supplementary

43. In regulation 76 (effect of change in classification of vehicles for licensing purposes)—

- (a) in paragraphs (1) and (2) for “old”, in each instance where it appears, substitute “older”;
- (b) after paragraph (2) insert—
 - “(2A) Subject to paragraphs (3C) to (3E), in a licence (whether full or provisional) granted before 19th January 2013, a reference to motor vehicles in an old category shall be

construed as a reference to motor vehicles in the new category corresponding thereto and a reference to motor vehicles of a class included in an old category shall be construed as a reference to vehicles of the corresponding class included in the new category.”;

(c) in paragraph (3) for “old” in each instance where it appears, substitute “older”;

(d) after paragraph (3) insert—

“(3C) Where a licence (whether full or provisional) granted before 19th January 2013 authorises the driving of—

- (a) standard motor bicycles only, or
- (b) standard motor bicycles and side-car combinations only,

any reference in that licence to motor vehicles in category A (save for those in sub-category A1) shall be construed in accordance with paragraph (3D).

(3D) A reference in a licence of the type referred to in paragraph (3C) granted before 19th January 2013 to motor vehicles in category A shall be construed as a reference—

- (a) where the standard access period has not expired, to motor vehicles in sub-category A2; and
- (b) where that period has expired, to motor vehicles in category A.

(3E) Paragraph (2A) shall not apply to a reference to vehicles in sub-category D1 in a licence granted before 1st January 1997.

(3F) Where a licence granted before 19th January 2013 authorises only the driving of a class of motor vehicles included in an old category having automatic transmission, it shall not under this regulation authorise the driving of any vehicle not having automatic transmission.”;

(e) in paragraph (4)—

- (i) in the definition of “old category” for “column (1)” substitute “column (2)”;
- (ii) after the definition of “old category” insert—

““older category” and “class included in an older category”, mean respectively a category and a class of vehicles specified in column (1) of the table at the end of this regulation,”;

(iii) for the definition of “new category” substitute—

““new category” and “class included in a new category”—

- (a) in relation to an old category, means respectively the category (or, as the case may be, the sub-category) and the class of vehicles specified in column (3) of the table as corresponding to the relevant old category or class included in that old category; and
- (b) in relation to an older category, means respectively the category (or, as the case may be, the sub-category) and the class of vehicles specified in column (3) of the table as corresponding to the relevant older category or class included in that older category,”;

(f) for the table at the end of paragraph (4) substitute—

<i>“(1) Older category or class</i>	<i>(2) Old category or class</i>	<i>(3) Corresponding new category or class</i>
	A (excluding A1)	A
	A1	A1
	B1	Motor tricycles in categories AM and A and light quadricycles in category AM
B1, limited to invalid carriages		B1 (invalid carriages)
	B	B
B plus E		B + E

	B+E	B + E
	C1	C1
C1 plus E		C1 + E (8.25 tonnes)
	C	C
C plus E		C+E
C plus E, limited to drawbar trailer combinations only		Vehicles in category C+E which are drawbar trailer combinations
D1		D1 (not for hire or reward)
	D1	D1
D1 plus E		D1 + E (not for hire or reward)
	D1 + E	D1 + E
D, limited to 16 seats		D1
D, limited to vehicles not more than 5.5 metres in length		D1 and vehicles in category D not more than 5.5 metres in length
D, limited to vehicles not driven for hire or reward		Vehicles in category D which are either driven while being used in accordance with a section 19 permit or, if not being so used, driven otherwise than for hire or reward
	D	D
D plus E		D + E
	F	F
	G	G
	H	H
	K	K
	L	L
	P	Q and AM*

44. In regulation 79 (saving in respect of entitlement to drive mobile project vehicles) for “sub-category B1 or” substitute “former sub-category B1 or sub-category”.

45. After regulation 79 insert—

“Saving in respect of former category and sub-category

79A. Where a person holds a full licence granted before 19th January 2013 authorising the driving of, or is entitled to apply for the grant of a full licence authorising the driving of, vehicles of a class within the category or sub-category referred to in column (1) of Part 4 of Schedule 2—

- (a) that person is authorised to drive, or entitled to apply for the grant of a licence authorising the driving of (as the case may be), vehicles of the relevant class referred to in column (2) of Part 4 of Schedule 2 which corresponds to that category or sub-category, as appropriate, in column (1); and
- (b) the licence granted to that person shall be construed as authorising the driving of vehicles of that class.”.

Schedules

46. In Schedule 2 (categories and sub-categories of vehicle for licensing purposes)—

(a) in Part 1—

- (i) before the entry for category A in column (1) and the corresponding entries in columns (2) and (3) insert respectively—

“AM	Mopeds and light quadricycles.	Q”
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(ii) in relation to the entry for category A—

- (aa) for the entry in column (2) substitute “Motor bicycles and motor tricycles”; and

- (bb) for the entry in column (3) substitute “Q, AM, A1, A2 and K”;

(iii) in relation to the entry for sub-category A1 in column (1)—

- (aa) in column (2) for “learner motor bicycles” substitute “A1 motorcycles and A1 motor tricycles”;

- (bb) for the entry in column (3) substitute “Q and AM”;

(iv) after the entry for sub-category A1 and the corresponding entries in columns (2) and (3) insert respectively—

“A2	A sub-category of category A comprising A2 motorcycles.	Q, AM and A1”
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(v) after the entry for sub-category A2 in column (1) and the corresponding entries in columns (2) and (3) (as inserted by these Regulations) insert respectively—

“A3	A sub-category of category A comprising A3 motorcycles and A3 motor tricycles.	Q, AM, A1, A2 and K”
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(vi) in relation to the entry for category B in column (1)—

- (aa) for the entry in column (2) substitute—

“Motor vehicles, other than vehicles included in category Q, AM, A, F or K, having a maximum authorised mass not exceeding 3.5 tonnes and not more than eight seats in addition to the driver’s seat, including:

- (i) a combination of any such vehicle and a trailer where the trailer has a maximum authorised mass not exceeding 750 kilograms; and

- (ii) a combination of any such vehicle and a trailer where the maximum authorised mass of the combination does not exceed 3.5 tonnes.”;

- (bb) in column (3) for “F, K and P” substitute “Q, AM, F and K”;

(vii) the entry “B1” in column (1) and the corresponding entries in columns (2) and (3) shall be omitted;

(viii) in relation to the entry for category B+E in column (1) for the entry in column (2) substitute—

“Combinations of a motor vehicle (being a tractor vehicle in category B) and trailer or semi-trailer where— (a) the combination does not fall within category B or B96; and (b) the maximum authorised mass of the trailer or semi-trailer does not exceed 3.5 tonnes.”

- (ix) in relation to the entry for category C in column (1), in column (2) after “category D, F, G or H” insert “which are designed and constructed for the carriage of no more than 8 passengers in addition to the driver and”;
 - (x) in relation to the entry for sub-category C1 in column (1), in column (2) after “7.5 tonnes” insert “which are designed and constructed for the carriage of no more than 8 passengers in addition to the driver and”;
 - (xi) in relation to the entry for sub-category D1 in column (1), in column (2) after “driver’s seat” insert “with a maximum length not exceeding 8 metres”;
 - (xii) in relation to the entry for sub-category C1+E in column (1) for the entry in column (2) substitute—
 - “A sub-category of category C+E comprising combinations of a motor vehicle in category B, or in sub-category C1, and a trailer or a semi-trailer where the maximum authorised mass of the combination does not exceed 12 tonnes and—
 - (a) if the tractor vehicle is in category B, the maximum authorised mass of the trailer or semi-trailer exceeds 3.5 tonnes; and
 - (b) if the tractor vehicle is in sub-category C1, the maximum authorised mass of the trailer or semi-trailer exceeds 750 kilograms.”;
 - (xiii) in relation to the entry for sub-category D1+E in column (1), in column (2)—
 - (aa) at the end of paragraph (a) add “and”;
 - (bb) omit paragraphs (c) and (d); and
 - (xiv) the entry “P” in column (1) and the corresponding entries in columns (2) and (3) shall be omitted; and
- (b) after Part 3, insert—

“Part 4

<i>(1) Category or sub-category</i>	<i>(2) Class of vehicle</i>	<i>(3) Additional categories and sub-categories</i>
Former sub-category B1	Motor vehicles having four wheels and an unladen weight not exceeding 550 kilograms save for light quadricycles.	None
Former category B+E	Combinations of a motor vehicle and trailer where the tractor vehicle is in category B and the maximum authorised mass of the trailer exceeds 3.5 tonnes.	None
Former sub-category D1	Motor vehicles having more than eight but not more than sixteen seats in addition to the driver’s seat with a maximum length exceeding 8 metres and including any such vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kilograms.	None
Former sub-category D1+E	Combinations of a motor vehicle and trailer where: <ul style="list-style-type: none"> (a) the tractor vehicle is in former sub-category D1, (b) the maximum authorised mass of the trailer exceeds 750 kilograms but not the unladen weight of the tractor vehicle, (c) the maximum authorised mass of the combination does not exceed 12 tonnes, 	None

Former category P	and (d) the trailer is not used for the carriage of passengers. Category P vehicles.	None
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Part 5

<i>(1) Category</i>	<i>(2) Classes of vehicle included</i>	<i>(3) Additional categories and sub-categories</i>
Q	Category Q vehicles.	None

Part 6

<i>(1) Category</i>	<i>(2) Classes of vehicle included</i>	<i>(3) Additional categories and sub-categories</i>
B96	Combinations of a motor vehicle and trailer where— (a) the tractor vehicle is in category B; (b) the maximum authorised mass of the trailer exceeds 750 kilograms; and (c) the maximum authorised mass of the combination exceeds 3.5 tonnes but does not exceed 4.25 tonnes.	None”

47. In Schedule 3 (licence fees), in Part 1 (table of fees applying on or after 1st April 2008)—

(a) for paragraph 12 substitute—

“12. A photocard licence granted under section 99(7) of the Traffic Act following the surrender under section 99(2A) of that Act of a photocard licence granted before 19th January 2013.”;

(b) after paragraph 12 add—

“13. A Group 1 photocard licence granted under section 99(7) of the Traffic Act (the “new licence”), following the surrender under section 99(2A) of that Act of a Group 1 photocard licence granted after 18th January 2013, where the administrative validity period of the new licence is the period of 10 years in accordance with section 99(2B)(b) of that Act.

14. A Group 1 photocard licence granted under section 99(7) of the Traffic Act, following the surrender under section 99(3) or (4) of that Act of a Group 1 photocard licence granted after 18th January 2013, where an election is made under section 99(2D)(b) of that Act.

15. A Group 1 photocard licence granted under section 97 of the Traffic Act, following the surrender of, or an adequate explanation for not surrendering, a Group 1 photocard licence issued in Great Britain after 18th January 2013, where an election is made under section 99(2E)(b) of that Act.”; and

(c) in paragraphs 12 to 15, in the third column (fee payable), insert “£20”.

48. In Schedule 5 (fees for practical tests or unitary tests: vehicles of categories other than A or P)—

- (a) in the Schedule heading, for “A or P” substitute “AM or A”; and
- (b) in Part 1, in column (1), in the first entry, omit “B1,”.

49. In Schedule 5A (fees for the manoeuvres test and the practical test for vehicles of category A or P)—

- (a) in the Schedule heading, for “A or P” substitute “AM or A”;
- (b) omit Part 1;
- (c) in Part 2—
 - (i) omit the heading; and
 - (ii) in column (1), in the second entry, for “P” substitute “AM”.

50. In Schedule 7 (specified matters for theory test), in Part 1, in the heading, for “A and P” substitute “AM and A”.

51. In Schedule 8 (specified requirement for practical or unitary test), in Part 2, omit paragraph (2).

52. In Schedule 8A (specified requirements for manoeuvres test) in paragraph (2)(g)(ii) and (i)(ii) for “P” substitute “AM”.

53. In Schedule 10D (forms of certificate and statement), in Part 1, for “categories A and P” substitute “categories AM and A”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in order to implement Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (“the Third Directive”). (This Directive was added to Annex XIII of the EEA Agreement by Article 1 of the Decision of the EEA Joint Committee No. 29/2008 of 14th March 2008 (OJ No. L 182, 10.7.2008, p.21)).

Regulation 1 brings the Regulations into force on 20th April 2012 save for regulations 2 and 4, and the related Schedules 1 and 3, which come into force on 19th January 2013.

Regulation 2 and *Schedule 1* amend the Road Traffic Act 1988 (“the 1988 Act”).

Regulation 3 and *Schedule 2* amend the Road Safety Act 2006 (“the 2006 Act”).

Regulation 4 and *Schedule 3* amend the Motor Vehicles (Driving Licences) Regulations 1999 (“the 1999 Regulations”).

Regulation 5 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

Schedule 1

Paragraph 2(2) amends section 97(1)(d) of the 1988 Act and creates new subsection 97(1)(e). These amendments provide that a person who is subject to a current disqualification under the law of another EEA State and who was the holder of a driving licence from that State, is not eligible to be granted a driving licence.

Paragraph 2(3) omits section 97(3)(d) of the 1988 Act to enable the grant of provisional licences to allow testing and training to take place on motor bicycles in sub-category A2 (those of medium power). Section 97(5), giving the meaning of “learner motor bicycle”, and related definitions in subsection (6) are also omitted as, following the introduction of new vehicle categories, learner motor bicycles are referred to as motor bicycles in sub-category A1.

Paragraph 3 omits section 98(3)(b) of the 1988 Act in consequence of the omission of section 97(3)(d).

Paragraph 4(2) and (4) makes amendments to section 99 of the 1988 Act, for the purposes of implementing the Third Directive provisions on driving licence administrative validity periods. These will generally be 5 years for a licence to drive any prescribed class of goods vehicle or passenger-carrying vehicle, or 10 years in other cases; with provision for replacement licences issued during these periods. If a licence expires before the end of the standard 5 or 10 year period (for instance in the case of licences issued for shorter periods on medical grounds), its administrative validity period will end on the expiry date of the licence. If, following surrender of a licence, a person elects to have a new licence with an administrative validity period of 5 or 10 years (rather than unexpired period of the surrendered licence) then a fee may be payable upon the issue of the new licence.

Paragraphs 4(3), (5) and (8) make provision in relation to the treatment of licences as if they had been surrendered.

Paragraphs 4(6) and 4(7) enable the Secretary of State to require medical evidence before granting a new driving licence.

Paragraph 5 amends the interpretation provision in section 108 of the 1988 Act. The definitions of “EEA State” and “EEA Agreement” are omitted, since these definitions are updated and covered by the definitions in Schedule 1 to the Interpretation Act 1978. There are new definitions of “moped” and “light quadricycle” and an amendment to the definition of “motor bicycle”. Sub-

paragraph (3) inserts a new section 108(1A) in the 1988 Act so as to make it clear that a reference to expiry of a licence is a reference to the time it ceases to be in force.

Schedule 2

Paragraph 2 amends section 39(1) of the 2006 Act, which in turn inserts section 98A into the 1988 Act providing for the compulsory surrender of old-form licences. Following compulsory surrender, the Secretary of State may require a person to provide medical evidence before granting a new driving licence.

Paragraph 3 amends Schedule 3 to the 2006 Act, to ensure the reference to a counterpart licence in the new section 99(7ZZA) of the 1988 Act, inserted by paragraph 3(3) of Schedule 1 to these Regulations, is included in the general repeal of all references to counterpart licences, once the relevant provisions of the 2006 Act are brought into force.

Schedule 3

Paragraphs 2 to 4, 5(b) and (c), 7 to 18, 19(c), (d)(ii) and (f), 20 to 26, 27(a), (c), (d) and (f), 28 to 30, 32 to 38, 41(b) and (c), 42, 43, 46(a), 48, 49(a) and (c)(i) and 50 to 53 provide for the introduction of new categories and sub-categories of vehicles (principally mopeds and motorcycles) and that there is no driving test (and hence that no new licence is to be granted) in respect of vehicles formerly in sub-category B1 (lighter three or four wheeled vehicles). New category AM comprises of mopeds and light quadricycles; category Q comprises of vehicles which would be mopeds save that their maximum design speed is 25 kilometres per hour or less; category A (motor bicycles) is divided into three sub-categories, namely A1 motorcycles, A2 motorcycles and A3 motorcycles and category A motor tricycles is divided into two sub-categories, namely A1 motor tricycles and A3 motor tricycles.

Paragraphs 2 to 4, 5(c), 6, 8(c) and (g), 27(b) and (e), 31, 32, 41(a), 44, 45 and 46(b) make provision for the preservation of entitlements existing before 19th January 2013 to drive specified classes of vehicle (lighter three or four wheeled vehicles, cars with heavier trailers, longer minibuses, two or three wheeled vehicles up to 50cc. and capable of 50km/h and large motor bicycles).

After 18th January 2013, licences for these classes can only be granted to those who held such an entitlement before 19th January 2013 or who passed a test for a licence to drive such vehicles before that date. Those holding, or entitled to apply for such a licence are authorised to drive, or to apply for the grant of a licence to drive, such vehicles and any licence granted is construed as authorising the driving of such vehicles.

Paragraphs 4, 13(c) and 46(a)(viii) and (b) make provision regarding the granting of licences for category B96, which category comprises of cars or light vans combined with a trailer having a maximum authorised mass exceeding 750 kilograms. A B96 licence is only granted if a person holds, or held, a Community licence to drive such vehicles.

Paragraphs 5(a), 9, 20(b), (c) and (d) make provision in relation to the use of vehicles by those who are disabled and the competency of such persons to drive.

Paragraphs 19(a), (b), (d)(i) and (e) and 49(b) and (c)(i) omit provisions relating to fees in respect of tests conducted before 5th October 2009.

Paragraphs 39 and 40 make provision as to the validity of certificates relating to approved training courses and in relation to certificates issued before 19th January 2013.

Paragraph 47, in relation to Group 1 (cars, vans, mopeds and motor bicycles) and Group 2 (lorries and buses) photocard licences, limits the payment of the licence exchange fee to the circumstances where the licence surrendered was issued before 19th January 2013 and, in relation to Group 1 photocard licences granted and surrendered after 18th January 2013, limits the payment of the licence exchange fee to the circumstances where the new licence is valid for 10 years.

A transposition note setting out how the Third Directive is transposed into the law in England and Wales and Scotland has been produced and is available on the Department for Transport website,

www.dft.gov.uk. The transposition note is attached to the Explanatory Memorandum and is available alongside the instrument at www.legislation.gov.uk.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from www.direct.gov.uk. The impact assessment is also attached to the Explanatory Memorandum and available alongside the instrument at www.legislation.gov.uk.

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