



Driving: licensing

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This note explains the law related to driver licensing, including the changes introduced in the UK by virtue of European Directives. There is a separate section on the new licensing regime for HGV drivers, introduced in 2009.

It is illegal to drive a motor vehicle in the UK without holding a valid driving licence. Licence entitlements vary depending on when they were obtained and the type of vehicle you wish to drive. There are separate qualifications for those wishing to become HGV and bus drivers. General information on driver licensing, including application procedures, can be found on the [Gov.uk website](#).

Legislation in this area derives from EU law. The collected European Driving Licence Directives require Member States to adopt a common format licence, to harmonise categories and to provide common standards of competence and fitness to drive. The current law applies the Third Directive, agreed in December 2006, which came into force on 19 January 2013.

Changes to the driving requirements for HGV drivers were introduced in 2009, also as a consequence of EU legislation. These require new drivers to undertake further tests and training and for those with existing licences to undergo a package of retraining by September 2014.

This note does not cover licensing for motorcyclists (see: [SN3259](#)), or bus drivers (see: [SN1523](#)), or changes to medical requirements for fitness to drive (see: [SN387](#)). Information on other driving-related issues can be found on the [Roads Topical Page](#) of the Parliament website.

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1 Licensing – an overview

All the rules as to entitlement and use of driving licences are set out on the Gov.uk website.¹

From the 1930s onwards, there were separate arrangements for the treatment of ordinary and vocational driving in Great Britain. The separate arrangements were not unified until the late 1980s, partly because of the need to implement the First European Driving Licence Directive.

The current arrangements are set out in Part III of the [Road Traffic Act 1988](#), and the [Motor Vehicles \(Driving Licences\) Regulations 1999 \(SI 1999/2864\)](#), both as amended. Section 87 of the 1988 Act states that it is an offence for a person “to drive on a road a motor vehicle of any class otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class”. The maximum penalty for doing so is a £1,000 fine, between three and six penalty points and possible disqualification.

In order to obtain a Great Britain driving licence you must pass an authorised test, administered by a Driving Standards Agency (DSA)-approved examiner. There are arrangements for exchanging a licence obtained abroad in an EEC or other approved country.

Depending on when you obtained your licence, you may be able to drive goods and passenger vehicles on a vocational basis without having to obtain further entitlement.

2 Driver licensing law: EU legislation and implementation

2.1 First Directive, 80/1263/EEC

A common framework for driver licensing was first tackled by the EU in the late 1970s, culminating in the First European Driving Licence Directive ([80/1263/EEC](#)).

The European Commission (EC) sought to bring the licensing systems of Member States closer together as part of its efforts to facilitate the free movement of citizens across national frontiers. It was felt that the creation of a single licence document would offer advantages in terms of greater efficiency and cost-effectiveness and would allow the then multiplicity of records to be merged and fully computerised.

¹ Gov.uk, [Driving licences](#) [accessed 28 February 2013]

With these aims in mind, the First Directive was adopted in December 1980. It provided for a common format licence across the EU; harmonisation of licence categories; and common standards of competence and fitness to drive.² Consequently, a new style GB 'ordinary' licence on the lines of the Community model was introduced in 1986 and the regulations were changed to allow licences from other Member States to be exchanged for British driving licences without the need for a further test. The First Directive allowed Member States to continue with their existing national licence categories until harmonised EU categories were adopted under the Second Directive (see below).

A new unified British driving licence was required to fit in with the terms of the First Directive and to enable the UK to comply with the expected terms of the Second Directive with the minimum of difficulty and delay. In January 1988 the then Conservative Government issued a consultation document inviting comments on proposals to introduce new primary legislation to alter the arrangements for issuing driving licences.³ The results of the consultation were published in May 1988. The then Minister for Roads and Traffic, Peter Bottomley, told the House that the responses to the consultation indicated "general support for the concept of harmonisation with other [EU] member states" and indicated that the Government would propose the necessary legislation to implement the changes "at the first available opportunity".⁴

The [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) introduced the unified driver licensing system and primarily affected the bus and goods vehicle drivers.

2.2 Second Directive, 91/439/EEC

The two main aims of the Second Directive ([91/439/EEC](#)), adopted in July 1991, were to facilitate the free movement of the citizens of the EU and to contribute to the improvement of road safety. To those ends, the Directive:

- abolished the obligation to exchange driving licences within a year in the event of a change of State of normal residence;
- adopted the Community model driving licence (established by the First Directive) for ease of use across Member States; and
- harmonised the categories of driving licence, the conditions for the issue of a driving licence, the minimum ages for the various categories, driving tests, and minimum standards of physical and mental fitness.

In principle, the changes in the Second Directive had the full support of the Conservative Government, which had, in any case, already anticipated some of the changes and had consulted on others. Consultation documents were published in 1989,⁵ 1990,⁶ 1994,⁷ and 1996⁸ on different aspects of the proposals, with the aim of implementing them by 1 July 1996. With the exception of the theory test for cars and motorcycles, implementation of the

² approved in the House of Commons, see: [HC Deb 4 November 1980, cc1201-48](#)

³ DoT, *Setting up a new unified driver licensing system in Great Britain*, 8 January 1988

⁴ [HC Deb 18 May 1988, c461W](#)

⁵ DoT, *European Commission proposal for a new directive on driving licences*, March 1989

⁶ DVLA, *Proposed new driving licence regulations for drivers of goods and passenger carrying vehicles: summary of views and proposals for further changes*, May 1990

⁷ DVLA, *Implementation of the Second EC Directive on the driving licence*, March 1994

⁸ DoT, *Implementation of the second EC directive on the driving licence*, 14 August 1996

Directive was postponed until 1 January 1997.⁹ The main changes introduced on that date, by the *Driving licences (Community driving licence) regulations 1996 (SI 1996/1974)*,¹⁰ were as follows:

- new categories for entitlement to drive minibuses and medium sized goods vehicles;
- new rules on towing trailers by car drivers and changes to the rules for vocational drivers who would be required to take separate tests for a lorry or bus before they then take a test for towing a trailer;
- the 'direct access' scheme for motorcyclists; and
- changes to the eyesight regulations for lorry and bus drivers.¹¹

The Second Directive required photographs to be included on all British driving licences issued after 29 July 2001, but there was no agreement on the format that this would take as newer Member States such as Finland, Sweden and Norway had already adopted plastic cards. Eventually, the Commission agreed to an amending Directive ([96/47/EC](#)) and a common format for plastic driving licenses was adopted on 26 July 1996.

This coincided with proposals by the UK Government to introduce a plastic photocard. The Conservative Government first published a consultation document on the proposal to put photographs on driving licenses in March 1991.¹² A second consultation document was issued in August 1994 proposing a plastic credit card style licence that would be more convenient to carry and would help motoring enforcement and cut fraud. In the longer term, it was thought that a plastic card licence could be adapted to become a 'smart card' by the addition of a microchip. The chip could include details of endorsements and other driver licensing information, or could be used to include details such as whether the driver wanted to be an organ donor.¹³

The relevant legislative changes were made to section 98 of the 1988 Act by the *Driving Licences (Community Driving Licence) Regulations 1998 (SI 1998/1420)*. The legislation now provides that a driving licence will be in "the form of a photocard of a description specified by the Secretary of State or such other form as he may specify". The DVLA phased introduction of the photocard between July 1998 and July 1999.

2.3 Third Directive, 2006/126/EC

The Third Directive ([2006/126/EC](#)) was adopted on 20 December 2006. It came into force on 19 January 2013. Driving entitlements obtained prior to 19 January 2013 are not removed or restricted by the Directive. However, other changes, in particular those relating to licence validity periods and mandatory medical assessments, will apply also to existing licence-holders who require a new licence after 19 January 2013.

The Directive provides for changes to:

⁹ [HC Deb 25 April 1996, c250W](#)

¹⁰ debated in the Commons in the Fourth Delegated Legislation Committee on 17 July 1996 and in the Lords: [HL Deb 12 July 1996, cc595-605](#)

¹¹ further information on 'direct access' for motorcyclists can be found in [SN3259](#) and on medical conditions of fitness to drive in [SN387](#)

¹² DoT press notice, "Photographs for driving licences", 25 March 1991; and: DoT, *Photographs on driving licences: consultation document*, 25 March 1991

¹³ DoT press notice, "Mawhinney launches photographs on driving licences", 9 August 1994; and: DVLA, *Photographs on driving licences: consultation document*, August 1994, p3 [HC DEP 410]

- definitions of vehicle sub-categories,
- progressive access to larger categories of motorbike;
- the rules on the duration of the administrative validity period (AVP) of a licence;
- mandatory medical checks on the renewal of a Group 2 (bus or lorry) licence;
- minimum standards for driving examiners; and
- steps to ensure that no one can at any one time possess more than one licence issued by an EEA State and that where a licence has been cancelled or withdrawn in an EEA State where the holder resided, other EEA States cannot issue a licence to that person.

The provisions in the final Directive are different to those that were first proposed in October 2003. The Commission gave three main reasons for proposing the new Directive – to enhance free movement, to combat fraud and to improve road safety.¹⁴ The Department for Transport published a consultation document in February 2004 setting out the main changes that it believed the Commission's proposals would make to present practice in the UK.¹⁵ A summary of consultation responses was published in June 2004.¹⁶

Following a meeting of the European Council of Transport Ministers on 7 October 2004, the Council produced a new text for the draft Directive which differed significantly from that originally proposed by the Commission. In evidence to the European Scrutiny Committee the then Minister for Transport stated that the recast Directive was closer to the UK's wishes, though he still hoped to see progress in some areas, particularly regarding motorcycles.¹⁷ Following the first reading of the draft Directive in the European Parliament (EP) on 23 February 2005, the EP produced several amendments to the revised Directive, rowing back on the changes that had proven congenial to the Council.

Agreement on the draft Directive was finally reached at the Council meeting on 27 March 2006. In a written statement to the House, the then Transport Minister, Dr Stephen Ladyman, explained the UK Government's decision to abstain from the vote.¹⁸ This was largely due to the proposed changes to motorcycle licensing which will introduce the concept of 'staged access'. There was a long and concerted campaign by the UK motorcycle lobby to get these provisions removed or changed.¹⁹

In November 2009 the Department for Transport published a consultation paper on the implementation of the Third Directive. It stated that the Directive must be transposed into national law by mid-January 2011 and come into practical effect by mid-January 2013. It was described as going "a stage further than the Second Directive, by harmonising definitions of vehicle sub-categories and rules on the duration of the validity of a licence. Further, it introduces minimum standards for driving examiners and attempts to ensure that no one can at any one time possess more than one licence issued by an EU or EEA state".²⁰ The response to the consultation was published in March 2010. This confirmed the government's

¹⁴ EC memo, *Driving licences: ensuring security, safety and free movement*, 21 October 2003

¹⁵ DfT, *European proposals for a third directive on driving licences*, February 2004, pp5-11

¹⁶ DfT, *European proposals for a third directive on driving licences: consultation response summary*, June 2004

¹⁷ ESC, *Third report of session 2004-05*, HC 38-iii, 27 January 2005, section 20

¹⁸ [HC Deb 30 March 2006, cc103-106WS](#)

¹⁹ for more information see HC Library note [SN3259](#)

²⁰ DfT, *Driver testing, training, examining and licensing: Implementing new European Union requirements*, 11 November 2009, para 1.1.2

intention to proceed with the changes to motorcycle licensing and testing and to the following:

- The need for new car drivers to pass a test to tow a medium sized trailer;
- New conditions of approval for organisations with non-DSA Driving Examiners
- Abolition of the separate category B1 (quadracycles) driving entitlements for new drivers; and
- Five year driving licence administrative validity periods for drivers of lorries and buses.²¹

The *Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (SI 2012/977)* were laid before Parliament on 30 March 2012. The procedural elements came into force on 20 April 2012, while the substantive changes came into force on 19 January 2013. These were laid under the Negative Procedure (i.e. without a requirement for debate and Parliamentary approval).

The impact on the public sector is considered to be negligible. There will be a one off development cost to DVLA of £1.25 million for implementation of more frequent Group 2 renewals under age 45 and ongoing running costs of £1.17 million in total, over 10 years. Licence fees may, in future, be changed to offset the cost of implementation but that would be subject to consultation. The cost to business is the cost to drivers, either employed or self employed, to complete a self declaration at a total estimated cost of £1.6 million in total over 10 years.

The Regulations require the Secretary of State to conduct a review of their operation and effect and publish the results before 19 January 2018.

3 Certificate of Professional Competence for HGV drivers

If you want to drive a lorry (heavy/large goods vehicle or HGV/LGV) you will normally need to apply to the Driver and Vehicle Licensing Agency (DVLA) to add provisional entitlement for HGVs to your driving licence. When you have provisional entitlement, you can take lessons and the necessary theory and practical driving tests to drive an HGV. If you want to drive an HGV for a living, you will also need to pass the Driver Certificate of Professional Competence (CPC) initial qualification tests.

The CPC for professional drivers was introduced as a result of European Directive [2003/59/EC](#). All **new** professional HGV drivers must pass an initial qualification, and all **existing** professional HGV drivers must take periodic training on a five-yearly cycle. The requirements to pass an initial qualification were introduced on 10 September 2009; existing drivers will have to have undertaken the first round of training by 9 September 2014.

The Driving Standards Agency (DSA) held a consultation on the introduction of CPC in November 2005. The Partial Regulatory Impact Assessment states that the overall objective of the Directive is:

... to improve road safety, to improve the professionalism and the quality of service offered by professional drivers and to facilitate the free movement of workers". In addition, the European Commission hoped by proposing these measures to encourage

²¹ DfT, [Report on Response to Consultation - Implementation of the Third Driving Licence Directive \(2006/126/EC\)](#), March 2010, para 4.4

more drivers into the road haulage and passenger transport industries. This was seen as being assisted by establishing a Community-wide standard for the Initial Qualification and Periodic Training for drivers working in the road freight and passenger-carrying sectors.²²

The consultation paper gave the following summary of the 'expected benefits' of CPC:

The proposed new arrangements offer the prospect of major benefits to the road freight and passenger transport sectors. In particular:

- better qualified drivers should mean savings in fuel consumption. Research indicates that the economic benefits should outweigh the costs of the Directive's provisions.
- better arrangements for skilling professional drivers will enable younger persons to take up those occupations, which has long been a request from the 2 sectors.²³

The *Vehicle Drivers (Certificates of Professional Competence) Regulations 2007* ([SI 2007/605](#)) were laid on 2 March 2007; there was no debate on them.²⁴

The syllabus for the HGV driver CPC is available on the [Business Link website](#) and a searchable list of approved training providers is available on the [JAUPT website](#).

²² DSA, *Certificates of Professional Competence for professional lorry and bus drivers - partial RIA*, November 2005, para 2.1.1

²³ DSA, *Proposed arrangements for implementing European Union requirements for initial qualification and periodic training: consultation paper*, November 2005

²⁴ though they were considered by the HL Merits of Statutory Instruments Committee, *Fifteenth Report of 2006-07* (HL 78), 22 March 2007