



A CONSULTATION PAPER

DRIVER CERTIFICATE OF PROFESSIONAL
COMPETENCE

FURTHER IMPLEMENTATION
ARRANGEMENTS

DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE: FURTHER IMPLEMENTATION ARRANGEMENTS

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Glossary

Abbreviation	Definition
CPC	Certificate of Professional Competence
CPC Regulations	The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007
The Directive	EU Directive 2003/59
DSA	Driving Standards Agency
DVA	Driver & Vehicle Agency (Northern Ireland)
DVLA	Driver & Vehicle Licensing Agency
DQC	Driver Qualification Card
HPT	Hazard Perception Test
JAUPT	Joint Approvals Unit for Periodic Training
LGV	Large goods vehicle ¹
MCQ	Multiple Choice Questions
Module 1	Driving licence acquisition Theory Test
Module 2	Driver CPC Theory Test
Module 3	Driving licence acquisition Practical Test
Module 4	Driver CPC Practical Test
NVT	National Vocational Training
PCV	Passenger-carrying vehicle ²
RIA	Regulatory Impact Assessment

¹ Unless otherwise stated, categories C1, C, C1+E and C+E

² Unless otherwise stated, categories D1, D, D1+E and D+E

Introduction

1.1 In March, the Government transposed EU Directive 2003/59, introducing the Driver Certificate of Professional Competence (CPC) for lorry, bus and coach drivers, into UK legislation. It will become effective for professional bus and coach drivers from September 2008 and lorry drivers from September 2009. DVA is responsible for CPC implementation in Northern Ireland and DSA in GB.

1.2 New bus and lorry drivers entering the industries after the respective dates will need to obtain an initial qualification before being able to drive professionally. Drivers holding a licence in the relevant categories on the implementation dates will receive acquired rights. These enable them to drive for five years without the need to obtain a CPC.

1.3 New drivers will have the opportunity to acquire a licence to drive a lorry, bus or coach and qualify for their initial CPC, through a single, modular process:

- Module 1: Driving licence acquisition Theory Test;
- Module 2: Driver CPC Theory Test;
- Module 3: Driving licence acquisition Practical Test;
- Module 4: Driver CPC Practical Test.

Drivers can qualify for their initial CPC at any time after they have obtained their vocational driving licence by passing Modules 2 and 4.

1.4 All professional lorry, bus and coach drivers will need to take 35 hours periodic training in each 5 year period to update their knowledge and skills in light of new technologies and legislation. Those with acquired rights will need to undertake their first 35 hours of training in the five years following the relevant implementation date. Those obtaining their CPC by an Initial Qualification must complete their first 35 hours of training within the following five years.

1.5 The CPC Implementation Project draws upon the expertise of key stakeholders and has identified a number of areas where we believe changes should be made to the existing implementation arrangements. This paper describes those changes and seeks comments.

1.6 The issues on which we seek your views fall into 5 groups:

- Flexibility in the Initial Qualification process.
- Adjustments in the arrangements for Periodic Training.

- Smarter/ cheaper process for issuing Driver Qualification Cards (DQCs).
- Better compliance arrangements.
- Other issues.

Table of proposals

Heading	Item	Proposal	Page
Initial Qualification			
Number of Hazard Perception Testing (HPT) clips in Module 1	1	Increase the number of HPT clips in the Module 1 (licence acquisition theory) test from 14 to 19 from 1 April 2008 (NI consulted on this previously)	13
Splitting the licence acquisition theory test	2	Consider separating the Multiple Choice Question (MCQ) and HPT elements of Module 1 into 2 separate tests, Module 1a and Module 1b, from 1 April 2008	14
Order of Module 1a and Module 1b tests	3	If Module 1 is split into Modules 1a and 1b, Module 1a to be passed before Module 1b can be taken	15
Maximum period to complete the licence acquisition test	4	If Module 1 is split, Module 3 to be passed within 24 months of passing Module 1a	15
Order of Module 2 and Module 4 tests	5	Module 2 to be passed before Module 4 can be taken	16
Maximum period to complete the Initial Qualification	6	Module 4 to be passed within 24 months of passing Module 2	17
Fees for Module 1	7	Increase the Module 1 fee proportionate to the longer HPT from £45 to £47 from April 2008. If the decision is taken to split Module 1, the relevant fee for Module 1 overall will be £50: Module 1a - £35 Module 1b - £15	18
Test assistants for CPC tests	8	Allow approved test assistants to accompany candidates when taking CPC tests	18

Periodic Training			
Approval of training courses.	9	Realign fee charging system for approval of courses.	19
Fees for approval of a training centre or course.	10	Provide that fees for the approval of a training centre or course may be waived in whole or in part, e.g. where an application is submitted for the approval of a training centre or course that has been the subject of a previous, or similar, application.	21
Mutual recognition of training centres and courses between GB and NI	11	Provide that training centres and courses that have been approved in one jurisdiction do not have to be approved again for the other jurisdiction.	22
	12		22
Driver Qualification Cards (DQCs)			
Issuing DQCs following Initial Qualification	13	Issue drivers holding a UK photocard driving licence a DQC following Initial Qualification without a separate application or DQC fee.	23
Issuing DQCs following Periodic Training	14	Issue drivers holding a UK photocard driving licence a DQC following completion of 35 hours Periodic Training without a separate application or DQC fee. Amend the fee for a data upload following Periodic Training from £5 per upload to £1.25 per completed hour of Periodic Training to recover costs.	24
Arrangements if a DQC is lost or stolen	15	Replicate for the DQC the arrangements that apply to lost or stolen digital tachographs [i.e. a driver must apply for a new card within 7 days of the loss or theft, and he may continue to drive (within the UK only) for up to 15 days].	25
Compliance			
Integrity	16	Require candidates to:	26

checks for candidates for Module 2 and 4 tests	17	Hold either a provisional or full driving licence appropriate to the category of CPC being sought (i.e. PCV or LGV) when taking Modules 2 and 4. present the same evidence of identity as required for licence acquisition tests	27
Periodic Training courses	18	Require trainees to provide evidence of their ID to the training provider	28
National Vocational Training (NVT) Concession Statement	19	Apply equivalent rules to the DQC (e.g. make it an offence to forge such a statement or make a false statement) Charge a £25 fee for the statement evidencing granting of the concession	29
CPC Offences	20	Provide an alternative fixed penalty punishment for certain CPC offences	30

Executive Summary

2.1 The proposals in this Paper build on the existing arrangements supporting the implementation of the Driver CPC Directive. Where necessary we will amend the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (the “CPC Regulations”) or the Motor Vehicles (Driving Licence) Regulations (Northern Ireland) 1996 (the “Driving Licence Regulations”).

2.2 We propose to make changes to the theory test (Module 1) for all PCV and LGV drivers from 1 April 2008. This is the date from which the number of multiple choice questions (MCQs) increases from 60 to 100. The proposals are to:

- increase the number of Hazard Perception Testing (HPT) clips from 14 to 19 with a proportionate increase in test fee from £45 to £47;
- consider separating the HPT and MCQ elements into separate tests (Modules 1a and 1b, with test fees of £35 and £15 respectively).

2.3 If the decision is taken to split Module 1 candidates will have up to 24 months to pass Module 3 having passed Module 1a

2.4 We propose the arrangements for the CPC tests will be as follows:

- candidates will have to pass Module 2 before being able to book Module 4;
- candidates will have up to 24 months to pass Module 4 having passed Module 2;
- approved test assistants will be allowed to accompany candidates when taking CPC tests.

2.5 We propose to issue drivers holding a UK photocard licence a DQC following Initial Qualification without a separate application or fee. We propose to increase the Module 4 test fee to £55 for weekday tests and £63 for tests conducted in the evening and weekends. (Those drivers not holding a photocard driving licence will have to apply for a DQC and pay the appropriate fee - currently £25.)

2.6 We propose to realign the charging system for approval of courses.

2.7 We propose to take a power to waive or reduce the fee where a person submits an application for the approval of a periodic training centre or course that has been the subject of a previous, or similar, application.

2.8 Applicants who are aggrieved by the non-approval of a centre or a course or the imposition of conditions of approval will be able to appeal to a court of summary jurisdiction.

2.9 At present, a person wishing to be approved as a periodic training provider must submit separate applications and pay separate fees to both DSA and DVA if he wishes to operate throughout the UK. We propose to amend the Regulations to remove that requirement.

2.10 We propose to issue drivers holding a UK photocard licence a DQC following completion of 35 hours periodic training without a separate application or fee. We propose to amend the fee for updating a driver's periodic training record to £1.25 for each hour of training to cover costs. (Those drivers not holding a photocard driving licence would have to apply for the DQC and pay the appropriate fee - currently £25.)

2.11 We propose to replicate for DQCs the arrangements that apply to lost or stolen digital tachographs [i.e. where a driver has applied for a new card within 7 days of the loss or theft, he may continue to drive (within the UK only) for up to 15 days].

2.12 We propose that:

- CPC test candidates must hold a provisional or full driving licence corresponding to the category of CPC being sought (i.e. PCV or LGV);
- candidates must present the same evidence of ID for CPC tests as required for licence acquisition tests;
- trainees must provide evidence of their ID to the periodic training provider.

2.13 We propose putting the statement evidencing the granting of the NVT concession on a par with the DQC, creating an offence of forgery of the statement or for knowingly making a false statement in order to obtain the concession. We propose charging a fee of £25 for the statement.

2.14 We propose to provide an alternative fixed penalty punishment for certain CPC offences.

Regulatory Impact Assessment

3.1 We have prepared an initial Regulatory Impact Assessment (RIA) at Section C. The RIA will be revised in the light of any comments received in response to this Consultation Paper.

Your invitation to comment

4.1 Please use the questionnaire at Appendix A, which is on our website www.dvani.gov.uk to put forward your response to this Paper and the RIA.

4.2 If you are unable, or do not wish, to respond electronically please reply to Angie McClenaghan, DVA Testing HQ, Balmoral Road, Belfast, BT12 6QL.

4.3 We should be grateful if responses could arrive no later than **15 December 07** although earlier receipt would help us.

4.4 We have written to those organisations and persons listed at Appendix B to notify them of this Paper. That list is not exhaustive. It is representative of the types of organisations to which we have sent the paper. Please tell us if you think that we should tell other organisations or individuals about this Paper. The Paper is also posted on our website at www.dvani.gov.uk.

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

4.6 We shall use the responses received to this consultation exercise to inform Ministers of the views of key stakeholders. A report based on the responses will be produced and posted on our website.

4.7 We have produced this Paper in accordance with the principles of the Code of Practice on Consultations³, which are reproduced at Appendix C. If you consider that this Paper does not comply with the criteria, please write setting out the areas where you feel the paper departs from the criteria to Brian Morrison, DVA Testing HQ, Balmoral Road, Belfast, BT12 6QL.

Freedom of Information Act 2000 – Confidentiality of Consultations

5.1 The Agency will compile a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Agency

³ Modernising Government - Code of Practice on Consultation - Cabinet Office September 2005. www.cabinet-office.gov.uk

can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of consultations and they will give you guidance on the legal position about any information given by you in response to this consultation.

5.2 The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely DVA in this case. This right of access to information includes information provided in response to a consultation. The Agency cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, including information about your identity should be made public or be treated as confidential.

5.3 This means that information provided by you in response to the consultation is unlikely to be treated as confidential, except in very particular circumstances. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

the Agency should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Agency's functions and it would not otherwise be provided; the Agency should not agree to hold information received from third parties "in confidence" which is not confidential in nature; and acceptance by the Agency of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

5.4 For further information about confidentiality of responses please contact the Information Commissioner's Office. For further information about this particular consultation please contact DVA.

Application within the United Kingdom

6.1 The Department of the Environment has responsibility for driver training and testing in Northern Ireland. Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Assembly under the Northern Ireland Act 1998. Arrangements in Great Britain will be subject to separate consultation there.

Proposals explained

Initial CPC Tests

Proposal 1: Increase the number of HPT clips in the Module 1 (licence acquisition theory) test to 19 from 1 April 2008

What will this mean?

7.1 The number of HPT clips will increase to 19 from 1 April 2008 for LGV and PCV theory tests, with a corresponding increase to 20 scorable hazards⁴. This will apply to tests provided to the public by DSA and for those organisations allowed an in-house theory testing facility for their staff.

What is the current situation?

7.2 Each HPT currently has 14 clips, with 15 scorable hazards.

Why are we proposing this change?

7.3 The government is committed to raising the standards of all bus, coach and lorry drivers. Enhancing HPT within the licence acquisition theory test will assist this. The proposal also supports the cost-effective implementation of the CPC Directive, which requires a longer, and more demanding, theory test in the Initial Qualification for professional drivers. This proposal will enable drivers to obtain a vocational licence and the CPC Initial Qualification in an integrated manner.

How will the proposal be implemented?

7.4 We propose to introduce the longer HPT on 1 April 2008.

Are there any costs?

7.5 The £45 fee specified for theory tests for vocational licence acquisition (Module 1) from 1 April 2008 takes no account of the longer HPT, which requires a proportionate increase of £2 per test to cover the costs. Subject to Proposal 2 below, the fee will be £47 from 1 April 2008.

⁴ as now, one clip in each test will contain 2 scorable hazards.

Proposal 2: Consider separating the Multiple Choice Question (MCQ) and HPT elements of Module 1 from 1 April 2008

What will this mean?

8.1 The MCQ and HPT elements would be offered as separate tests (i.e. Modules 1a (MCQs) and 1b (HPT) from 1 April 2008, each with their own fee.

What is the current situation?

8.2 MCQ and HPT elements form a single theory test event. Although each element is scored separately, and candidates must achieve a pass mark in both elements in order to pass the test, the elements cannot be taken separately.

Why are we proposing this change?

8.3 From 1 April 2008, the number of MCQs will increase to 100 in the theory test taken by bus, coach and lorry drivers. We propose that the number of HPT clips will increase to 19 from the same date (see Proposal 1). Representatives of the road freight and passenger transport sectors have expressed concern that the test duration (around 2 hours 30 minutes permitted time) would be too long as a single test event, and might discourage people from considering bus, coach and lorry driving as potential careers.

How will the proposal be implemented?

8.4 Research has been commissioned on the effects of separating the MCQ and HPT elements and offering them as separate tests. Provided that the research identifies that splitting Module 1 does not undermine the psychometric validity of the test, we will present the MCQ and HPT elements as separate tests [i.e. Modules 1a (MCQs) and 1b (HPT)] with separate fees from 1 April 2008]. A candidate will be able to book both tests at the same time. A candidate who takes Module 1b immediately after Module 1a, passing Module 1a but not Module 1b, will need to reattempt only Module 1b.

Are there any costs?

8.5 Splitting Module 1 involves extra development and running costs. The fees for Module 1a and 1b would be £35 and £15 respectively from 1 April 2008 to recover the costs of implementing this change and the longer tests.

Proposal 3: If the decision is taken to split Module 1 into two separate tests (Modules 1a and 1b), require Module 1a to be passed before Module 1b can be taken

What will this mean?

9.1 If the proposal to separate the MCQ and HPT elements is introduced, a candidate will be required to pass Module 1a before being able to take a Module 1b test. If a candidate booked the 2 tests to run sequentially, but was unsuccessful at Module 1a, the candidate could not progress to Module 1b. The fee for Module 1b would not be refundable as it would be within the minimum cancellation periods.⁵

What is the current situation?

9.2 In the current Module 1 test, the MCQ element is taken before HPT. Candidates must achieve a pass mark in both elements in order to pass the test.

Why are we proposing this change?

9.3 This is an adjustment to splitting Module 1. We are not proposing to alter the principle that candidates should demonstrate competence in the knowledge and understanding (MCQs) before attempting the performance test (HPT).

How will the proposal be implemented?

9.4 The staging process would be implemented together with the separate tests.

Are there any costs?

9.5 There are no additional costs involved in staging the modules.

Proposal 4: Allowing a maximum 24 months between passing Module 1a and passing Module 3.

What will this mean?

10.1 If the separate MCQ and HPT tests are introduced, we propose that a candidate, on passing Module 1a, should be allowed up to 24 months to

⁵ 3 days normally, special arrangements for the trainer booking service

pass Module 3 (driving licence acquisition practical test). Candidates would be free to take Module 1b at any time during the 24 months, though they could not book a practical (Module 3) test until they had passed Module 1b.

What is the current situation?

10.2 A candidate is allowed up to 24 months from passing the current licence acquisition theory test in which to pass the practical test.

Why are we proposing this change?

10.3 This is an adjustment to splitting Module 1. We are proposing that a candidate should be required to demonstrate practical driving competence within a reasonable period of having demonstrated theoretical knowledge. We believe that 24 months from the first theoretical test represents such a period and it is the current practice.

How will the proposal be implemented?

10.4 It would be implemented at the same time as separating the Module 1 test into Modules 1(a) and 1(b).

Are there any costs?

10.5 There are no additional costs arising from the 24 month maximum period.

Proposal 5: Require Module 2 to be passed before Module 4 may be taken.

What will this mean?

11.1 A candidate will be required to pass Module 2 (the CPC theory test – case studies) before booking a Module 4 test (the CPC practical test).

What is the current situation?

11.2 The new tests have not yet been introduced. The principle for the existing licence acquisition tests is that the theory test must be passed before booking the practical test.

Why are we proposing this change?

11.3 To ensure the candidate has mastered the theoretical element (Module 2) before attempting the practical test (Module 4).

How will the proposal be implemented?

11.4 The procedure would be established when the tests are introduced in 2008 (PCV) and 2009 (LGV).

Are there any costs?

11.5 This will not create additional costs. Indeed, if the various modules were not staged, it would introduce administrative complexity and additional expense to build the necessary IT systems to support Driver CPC. It would also be confusing for customers.

Proposal 6: Allow a maximum of 24 months between passing Module 2 and passing Module 4.

What will this mean?

12.1 We propose that a candidate, on passing Module 2, should be allowed up to 24 months to pass Module 4.

What is the current situation?

12.2 The CPC tests do not exist at present. (Drivers are allowed up to 24 months from passing the current licence acquisition theory test in which to pass the practical test).

Why are we proposing this change?

12.3 The knowledge and competence should be demonstrated within a reasonable period of each other and 24 months represents the maximum of such a reasonable period.

How will the proposal be implemented?

12.4 The procedure would be established when the tests are introduced in 2008 (PCV) and 2009 (LGV).

Are there any costs?

12.5 There are no additional costs from introducing the planned time limits.

Proposal 7: Increase the Module 1 fee from 1 April 2008.

What will this mean?

13.1 The fee for Module 1 will increase to £47 from April 2008 in line with Proposal 1, or if the decision is taken to offer the MCQ and HPT elements as separate tests in line with Proposal 2, the relevant fees will be:

- Module 1a - £35
- Module 1b - £15

13.2 Candidates could choose to make a booking so that they take Module 1b immediately after Module 1a. However, they would be permitted to take Module 1b only if they had passed Module 1a. No fee or part of a fee would be refunded if they failed either module.

What is the current situation?

13.3 Regulations currently specify that: the fees charged to the public for Module 1 will increase to £45, when the number of MCQs rises to 100 questions on 1 April 2008.

Why are we proposing this change?

13.4 The specified fee levels do not take account of the extra cost of introducing the additional HPT clips, or splitting Module 1. Higher fees are necessary to recover the increased costs of delivering the revised tests. As a Trading Fund, DVA is obliged to recover the costs of the services it delivers from fees charged to users without recourse to the general taxpayer.

Proposal 8: Allow approved test assistants to accompany candidates when taking CPC tests

What will this mean?

14.1 We propose that test assistants who have been approved by DVA will be able to accompany candidates for Driver CPC (Module 2 and 4) tests. These persons will assist candidates in a number of areas, for example translation of instructions for non-English speakers or signing for those with hearing difficulties. The procedures affecting test assistants will follow arrangements previously announced following consultation for other type of tests.

What is the current situation?

14.2 Candidates for licence acquisition (Module 1) theory tests are already permitted to use approved translators.

Why are we proposing this change?

14.3 In 2004, DSA consulted on a number of proposed changes to modernise the arrangements for theory and practical tests⁶. These included the use of Authorised Translators. Ministers decided that only translators approved by DSA should be allowed to support test candidates and that a list of such translators should be made publicly available. The introduction of the Driver CPC will provide an opportunity to extend the scope of those arrangements in terms of the categories of tests where support may be provided and its nature.

14.4 We consider that candidates for the Initial CPC tests should not face unnecessary discrimination on account of language or physical difficulties (e.g. hearing problems) and they should be allowed to receive appropriate support. However, in order to ensure the integrity of the test, it is important that only persons who have been approved by DVA or DSA should be permitted to provide that support.

How will the proposal be implemented?

14.5 We propose to include provision for test assistants when the new tests are introduced.

Are there any costs?

14.6 There would be a small administrative cost to the DVA for approving test assistants, but we are not proposing any specific cost recovery arrangement at this stage.

Periodic Training

Proposal 9: Realign charging system for approval of courses.

What will this mean?

15.1 Course approval fees would be charged according to the length of the course at £36 per complete or part hour.

⁶ Modernising the Arrangements for Taking Driving Tests – DSA July 2004

What is the current situation?

15.2 The approval is on the basis of £250 per course, irrespective of its length.

Why are we proposing this change?

15.3 Key stakeholders - trade associations and the sector skills councils for the road freight and passenger transport industries - have suggested that the amount of fee paid for course approval should be pro rata to the length of the course. They believe this is a fair and sensible way of recovering the cost of quality assuring periodic training courses. They want to remove any financial incentive there might otherwise be for providers to design periodic training courses as unitary 35 hour blocks. Stakeholders do not wish the fee arrangements to narrow the market for opportunities by imposing a relative financial disadvantage on providers developing shorter units on particular subjects, particularly as stakeholders consider that a modularised approach providing regular training across the 5 years may be a pedagogically and operationally superior solution.

How will the proposal be implemented?

15.4 We will introduce the new procedure with other changes to CPC regulations from 1 April 2008.

Are there any costs?

15.5 The fee charged for CPC training course approval is currently set at £250 for a course irrespective of its duration (minimum 7 hours). In the light of advice from the two sectors about suitable quality control arrangements for courses and the estimated costs of undertaking the work, the proposed course approval fee is £36 per hour or part hour. We expect that the overwhelming majority of requests for approvals will be for courses of 7 hours duration, in line with the declared preferences of the two sectors. Therefore the fee for approving a 7 hour course will be £252 (7 x £36), about the same as at present. The regulations require that a driver undertakes a minimum of 35 hours training over a five year period. Therefore the aggregate fee paid by a course provider designing units totalling the full 35 hours would be £1,250 (35 x £36). For course providers who wished to design a single 35-hour unit the annual cost would be the same amount, i.e. £1,250. To ensure that these arrangements can be operated flexibly, we are also consulting on waiving the course approval fee, in whole or part, where appropriate.

Proposal 10: Power to waive the fee for training centre or course approval.

What will this mean?

16.1 DVA will be able to waive the fee or part of the fee in appropriate circumstances, such as where a person submits an application for the approval of a training centre or course and that centre or course:

- has previously been the subject of an application (whether or not that application was successful), or
- a similar application for the approval for a centre or course has previously been considered.

What is the current situation?

16.2 There is no provision to waive the approval fee for training providers or training courses. Such a provision exists, however, in other areas (e.g. the fee for replacing a lost or stolen DQC).

Why are we proposing this change?

16.3 It might not be sensible to require each application for approval to be re-submitted in its entirety where there was, for example, only a small change to the course content. The same principle applies to applications for the approval of the training centre itself.

16.4 In such circumstances, it might be unreasonable to require the applicant to pay the full fee again. However, situations will inevitably differ so it is appropriate to have discretion about when, and how much of, the fee is waived.

How will the proposal be implemented?

16.5 We will introduce the new procedure with other changes to CPC regulations from 1 April 2008.

Are there any costs?

16.6 There will be no costs to applicants from this change. Indeed this measure will reduce the cost to training providers of obtaining centre or course approval.

Proposal 11: Mutual recognition of training centres and courses between NI and GB

What will this mean?

17.1 Training centres and courses that have been approved by one competent authority do not have to be approved again by the other competent authority.

What is the current situation?

17.2 Regulations at present would require an application that was approved by one competence authority to be resubmitted for approval by the other competent authority.

Why are we proposing this change?

17.3 Where a training provider operates across GB and Northern Ireland, at the present time he would have to apply to both competent authorities. We propose that trainers should be able to make a single application covering training centres in both GB and Northern Ireland.

How will the proposal be implemented?

17.4 We will introduce the new procedure with other changes to CPC regulations from 1 April 2008.

Are there any costs?

17.5 This measure will reduce the costs to applicants.

Proposal 12: Provide for appeals to be heard by Court of Summary Jurisdiction

What will this mean?

18.1 Applicants who are aggrieved by the non-approval of a centre or a course or the imposition of conditions of approval will be able to appeal to the Court of Summary Jurisdiction.

What is the current situation?

18.2 This system would be in line with the appeals procedure proposed for taxi drivers in Northern Ireland.

Why are we proposing this change?

18.3 The courts of summary jurisdiction are independent from the competent authority, thus making appeals independent of those responsible for the operation of the CPC system.

How will the proposal be implemented?

18.4 With other CPC changes from 1 April 2008.

Are there any costs?

18.5 Appellants usually have to meet their own costs. The Court of Summary Jurisdiction does not require appellants to pay a fee

Driver Qualification Card

Proposal 13: To realign the fee for a Module 4 test (CPC practical test) and to include an element to cover the costs of issuing the initial Driver Qualification Card (DQC)

What will this mean?

19.1 The fee for a Module 4 test will be £55 for a weekday test and £63 for a test taken in the evening or at the weekend. This will cover the automatic issue of the DQC to candidates holding UK photocard licences.

What is the current situation?

19.2 The CPC regulations currently state a fee of £41 is payable for a Module 4 test. To obtain a DQC, a driver has to make a separate application and pay a separate fee of £25.

Why are we proposing this change?

19.3 Stakeholders have asked us to meet the costs of producing and issuing the initial DQC via the Module 4 test fee as this would remove the process and costs of a separate DQC application and be a simpler process for customers.

19.4 In response to stakeholder concerns, the Agency intends to offer Module 4 test slots outside normal working hours. A new fee of £63 is

proposed for such tests – reflecting the extra costs incurred by the Agency in providing this additional customer service.

How will the proposal be implemented?

19.5 The fee for a Module 4 test will include an allowance for the costs of production and despatch of the initial DQC. The DQC will be issued automatically to drivers holding a photocard licence who pass a Module 4 test, unless the driver has not yet passed a Module 3 test, in which case the DQC will be issued on passing the Module 3 test.

19.6 However, this provision would not apply to those holding a UK paper driving licence, or a foreign licence, as DVLA holds no photographic record of such drivers. They would need to make a separate application for a DQC. The fee is £25. Alternatively, they may choose to exchange the paper licence for a photocard licence before taking the test for the Initial Qualification.

Are there any costs?

19.7 The fee cost to drivers with a UK photocard licence will reduce from £66 under the current arrangement (£41 for the Module 4 fee plus £25 for a DQC) to £55 for a weekday test.

19.8 The increased fee for an evening or weekend test covers the higher cost of delivering this service.

Proposal 14: Realign the fee charging mechanism for updating a driver's periodic training record to include issuing a driver with a DQC on completion of periodic training.

What will this mean?

20.1 This proposal contains two elements:
The fee for updating a driver's periodic training record will be £1.25 for each hour of training completed. This fee will cover update of the database and automatic issue of the DQC on completion of the 35 hours periodic training to drivers holding a UK photocard licence.

20.2 DQCs cannot, however, be automatically issued upon completion of periodic training to drivers with UK paper licences or foreign licences. The DQC must hold a photograph of the driver. Those with a paper licence will not have provided a photograph to DVLA. Therefore, they will need to apply for a DQC supplying a photograph and paying a fee of £25.

Alternatively, they may obtain a photocard licence (current cost £19) prior to completing their Periodic Training.

What is the current situation?

20.3 The regulations at present include a fee of £5 for updating a driver's training record for each piece of Periodic Training; requirement for drivers to apply for a DQC with payment of a fee of £25.

Why are we proposing this change?

20.4 Stakeholders have asked us to meet the costs of producing and issuing the periodic DQC via the data upload fee as this would remove the process and costs of a separate DQC application, spread the cost-recovery and be a simpler process for customers.

How will the proposal be implemented?

20.5 The new procedure and fee will be implemented as part of the CPC periodic training arrangements in September 2008.

Are there any costs?

20.6 The realignment of fees will reduce the overall cost to drivers with photocard licences of updating the training record and obtaining a DQC. Under the current arrangements this would be £50 (£25 for five updates and £25 for the DQC), compared with £43.75 (35 updates at £1.25 per hour).

20.7 There will be an additional cost to those with a paper licence (GB licence holder) of either:

- £25.00 for a DQC or
- £19.00 for exchange to a photocard licence – but this would be a one off cost.

Proposal 15: Ability to drive professionally if a DQC is lost or stolen

What will this mean?

21.1 We propose that a driver who is required to hold a DQC issued in the UK will, for a limited period, be able to drive without a DQC if it has been lost or stolen. The same arrangements as apply to those for digital tachographs would be introduced whereby a driver must apply for a new card within 7 days of discovering the loss or theft. However, he can drive for up to 15 days without committing an offence.

What is the current situation?

21.2 The CPC regulations contain a provision for mandatory production of a DQC whilst driving professionally.

Why are we proposing this change?

21.3 We have been asked by stakeholders to include an arrangement for a driver to be able to continue to drive professionally if the DQC has been lost or stolen. In the absence of such an arrangement, the driver would be unable to earn a living until a replacement DQC had been received.

21.4 We are keen, from an enforcement perspective, to ensure that a driver has the correct documentation at all times. However, we are receptive to the view that a driver should not be prevented from driving professionally simply because the DQC has been lost or stolen. Aligning the digital tachograph and DQC arrangements for lost or stolen cards is both sensible and proportionate. However, this arrangement could only apply within the UK. The driver would be unable to work professionally in any other Member State during this period – even when transiting another Member State. The provision would only apply where the CPC had been obtained in the UK. Drivers who had obtained their CPC in another Member State would not be able to make use of this concession.

How will the proposal be implemented?

21.5 The 15 day facility would be introduced from September 2008.

Are there any costs?

21.6 There are no costs. Legislation already specifies that a fee is payable for a replacement DQC. However, there are significant benefits for affected drivers as they will be able to work professionally for 15 days which the current legislation does not permit.

Compliance

Proposal 16: All candidates must hold either a provisional or a full corresponding driving licence when taking the LGV or PCV Module 2 (CPC case studies) test and Module 4 (CPC practical) test.

What will this mean?

22.1 Candidates taking the Module 2 and 4 tests will need to hold either a provisional or full vocational driving licence (Category C or D licence – including sub categories) relevant to the type of CPC (goods or passenger) for which they are seeking an Initial Qualification.

What is the current situation?

22.2 The Module 2 and 4 tests do not exist at present.

Why are we proposing this change?

22.3 This would align the licence requirements for CPC with those for licence acquisition tests.

How will the proposal be implemented?

22.4 The requirement will form part of the arrangements for conducting the tests when they are introduced for bus drivers in 2008 and lorry drivers in 2009.

Are there any costs?

22.5 There are no additional costs to DSA in implementing this requirement. There is no cost to the driver for adding a new provisional entitlement to an existing licence.

Proposal 17: Candidate must present the same evidence of identity at CPC Module 2 and 4 tests as required for licence acquisition tests.

What will this mean?

23.1 A candidate will be required to present either a photocard driving licence, or a paper driving licence and valid passport, for identification purposes.

What is the current situation?

23.2 The CPC Module 2 and 4 tests do not exist at present. However, candidates are already required to present either a photocard driving licence, or a paper driving licence and valid passport, at the licence acquisition tests.

Why are we proposing this change?

23.3 It is important that the identification procedures for the new CPC tests are robust. This can best be achieved by introducing the same requirements as for licence acquisition tests so as to ensure the integrity of the tests.

How will the proposal be implemented?

23.4 The requirement will form part of the arrangements for conducting CPC tests when they are implemented in 2008 for bus drivers and 2009 for lorry drivers.

Are there any costs?

23.5 Drivers without a photocard driving licence or a passport would need to acquire one. The cost of exchanging a paper licence for a photocard one is £19. The cost of a passport is £66. However, most drivers already hold the documents.

Proposal 18: Trainees to provide evidence of ID to training provider, who will validate the ID.

What will this mean?

24.1 A trainee undergoing periodic training will be required to present means of identification to the trainer when attending a course - either a photocard driving licence or a paper driving licence and valid passport.

What is the current situation?

24.2 The requirement to take periodic training does not exist at the present time. It will be introduced for bus drivers in 2008 and lorry drivers in 2009.

Why are we proposing this change?

24.3 It is important for the identification procedures for the CPC to be robust. This can best be achieved by introducing a standard requirement

for all CPC elements. The training providers are best placed to undertake this function in respect of periodic training.

How will the proposal be implemented?

24.4 The requirement will be incorporated into periodic training administration arrangements.

Are there any costs?

24.5 Drivers without a photocard driving licence or a passport will be required to acquire one. The cost of exchanging a paper licence for a photocard one is £19.00. The cost of a passport is £66.00. However, most drivers already hold the documents.

Proposal 19: Make it an offence to forge a statement evidencing granting of the National Vocational Training (NVT) concession, or to knowingly make a false statement to obtain such a statement and to charge a £25 fee for the statement.

What will this mean?

25.1 Drivers may apply to DVA or DSA to make use of the NVT concession, whereby they may drive professionally for up to one year without a CPC provided they are following an approved course. Where the concession is granted, it will be evidenced by a written statement issued to the relevant driver. To cover service delivery costs we propose to charge a fee of £25 for each statement. Where a replacement statement is issued owing to loss or theft of the original we may waive the fee in whole or part. We also propose creating an offence where such a statement is forged or where a person knowingly makes a false statement in order to obtain the statement.

25.2 These provisions reflect those that already apply to the Driver Qualification Card.

What is the current situation?

25.3 The NVT concession does not currently exist.

Why are we proposing this new arrangement?

25.4 When the NVT provision in the CPC Directive is introduced, there will need to be a means by which those drivers benefiting from the concession can prove to police or enforcement officers that it has been granted to

them. The written statement will be the prime evidence. The fee will be consistent with that charged for the DQC.

How will the proposal be implemented?

25.5 In order to make use of the NVT concession, drivers will have to apply to DVA or DSA (or an organisation carrying out this function on DSA's behalf), supplying sufficient information for a decision to be made as to whether the concession should be granted. The fee for the written statement must be enclosed with the application. Where the concession is granted, the written statement will be sent to the applicant. If the application is refused, the fee may be waived in whole or part.

Are there any costs?

25.6 There will be a cost of £25 for the written statement.

Proposal 20: Provide an alternative fixed penalty punishment for certain CPC offences

What will this mean?

27.1 The following offences under CPC could be punishable by fixed penalties:

- driving a vehicle on a public road without a valid CPC that applies to that vehicle (regulation 10(1) of the CPC Regulations);
- failing to carry evidence of a valid CPC when driving a relevant vehicle (regulation 11(1));
- failing to carry evidence of a valid CPC when driving a relevant vehicle (regulation 11(3));
- failing to carry the National Vocational Training (NVT) exemption document when driving a relevant vehicle (regulation 11(5));
- failing to produce evidence of a valid CPC or the NVT exemption document to a constable or vehicle examiner upon request as above (regulation 11(7)).

What is the current situation?

27.2 There is no provision for enforcement staff to offer fixed penalties as an alternative to prosecution through the courts.

Why are we proposing this change?

27.3 In many instances, it would be disproportionate to commence court proceedings for an infringement of the CPC regulations. In those circumstances, enforcement staff could offer offenders the option of a fixed penalty. This would reduce the burden on the Courts Service, the Legal Aid budget and offending drivers who would then not be required to attend court. However, criminal proceedings would remain an option where the offender declined to accept a fixed penalty or where the circumstances (e.g. repeat offenders) merited a criminal justice approach.

How will the proposal be implemented?

27.4 None of the offences which are suitable for fixed penalties can be committed before September 2008. We would wish to ensure that the fixed penalty option was available by that date. The likelihood is that the level of the fixed penalty would be £30.

Are there any costs?

27.5 The costs to individual drivers, the courts and the Legal Aid budget will be reduced by offering fixed penalties.

INITIAL REGULATORY IMPACT ASSESSMENT

PURPOSE AND INTENT OF THE PROPOSALS

Background

1.1 This Regulatory Impact Assessment describes proposed changes to The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 which were made in March. These transposed into UK legislation EU Directive 2003/59, which introduces a Driver Certificate of Professional Competence (CPC) for lorry, bus and coach drivers. This will become effective for professional bus/coach drivers from 2008 and for lorry drivers from 2009. Where necessary, we will also amend the Motor Vehicles (Driving Licences) Regulations 1996.

1.2 New bus and lorry drivers entering the industries after the respective dates will need to obtain an initial qualification before being able to drive professionally. Drivers with a licence in the relevant categories on the implementation dates will receive acquired rights. This will enable them to drive for five years without the need to obtain a CPC.

1.3 In addition, all drivers will need to take 35 hours periodic training every 5 years, to update their skills in light of new and emerging technologies and legislation. Those with acquired rights will need to undertake the training in the five years following the implementation dates to acquire CPC.

Objective

1.4 The CPC Implementation Project is continuing. With input from the road freight and passenger transport sectors, the enforcement agencies and the DSA and DVA, this has identified a number of areas where we believe improvements can be made to our original plans. This RIA describes those changes. We are consulting on them and the RIA will be updated in the light of comments.

Initial CPC Tests

Proposal 1

2.1 The number of HPT clips will increase to 19 from 1 April 2008 for LGV and PCV theory tests, with a corresponding increase to 20 scorable hazards⁷. This will apply to tests provided to the public by DSA and for those organisations⁸ allowed an in-house theory testing facility for their staff.

2.2 The government is committed to raising the standards of all bus, coach and lorry drivers. Enhancing HPT within the licence acquisition theory test will assist with this. The proposal also supports the cost-effective implementation of the CPC Directive, which requires a longer, and more demanding, theory test in the Initial Qualification for professional drivers. This proposal helps deliver the flexibility for vocational licence acquisition tests and the CPC Initial Qualification to be taken in an integrated manner.

2.3 We propose to introduce the longer HPT on 1 April 2008.

Public Sector savings/costs

2.4 The £45 fee specified for theory tests for vocational licence acquisition (Module 1) from 1 April 2008 takes no account of the longer HPT, which requires a proportionate increase of £2 per test to cover the costs. Over 50,000 LGV and PCV theory tests for vocational licence acquisition were conducted in the UK in 2006/07.

Private Sector savings/costs

2.5 The increase in fees charged to the general public for the longer HPT would cost individuals and industry some £101,000 per annum based on volumes in the UK 2006/07.

⁷ as now, one clip in each test will contain 2 scorable hazards.

⁸ MOD, certain police and fire brigades, some bus and coach operators.

Proposal 2

3.1 Consider whether the Multiple Choice Questions (MCQ) and Hazard Perception Test elements in the theory test should be separated into two distinct Modules.

Impetus for change

3.2 From 1 April 2008, the number of MCQs will increase to 100 in the theory test taken by bus, coach and lorry drivers. We propose that the number of HPT clips will increase to 19 from the same date (see Proposal 1). Representatives of the road freight and passenger transport sectors have expressed concern that the test duration (around 2 hours 30 minutes permitted time) would be too long as a single test event, and might discourage people from considering bus, coach and lorry driving as potential careers.

3.3 DSA has commissioned research on the effects of separating the MCQ and HPT elements and offering them as separate tests. Provided the research identifies that splitting Module 1 would not undermine the psychometric validity of the test, we will present the MCQ and HPT elements as separate tests [i.e. Modules 1a (MCQs) and 1b (HPT)] with separate fees from 1 April 2008. If a candidate wishes, the tests could be booked at the same time. A candidate who took Module 1b immediately after Module 1a, passing Module 1a but not Module 1b, would need to reattempt only Module 1b.

Public Sector savings/costs

3.4 Splitting Module 1 into Modules 1a and 1b would generate development costs of around £0.5m plus additional running costs (extra bookings, etc) operating 2 tests where previously there had been one. These would require an increase of around £3 per Module 1 overall. Over 50,000 LGV and PCV theory tests were conducted in the UK in 2006/07.

Private Sector savings/costs

3.5 The fees for Module 1a and 1b for the general public would be £35 and £15 respectively from 1 April 2008 [i.e. £50 for Module 1 overall] to recover the costs of this proposal plus the longer HPT. The "split test" element of the increase would cost individuals and industry some £152,000 per annum in the UK based on volumes in 2006/07. There would be compliance costs for two separate appointments – transport, time off work etc – unless the candidate chose to book Modules 1a and 1b back-to-back.

Stakeholders have advised DVA and DSA that they regard the extra benefit of the flexibility brought by splitting Module 1 to outweigh these extra costs.

Proposal 3

4.1 If the proposal to separate the MCQ and HPT elements is introduced, a candidate will be required to pass Module 1a before being able to take a Module 1b test. If a candidate booked the 2 tests to run sequentially, but was unsuccessful at Module 1a, the candidate could not progress to Module 1b. The fee for Module 1b would not be refundable as it would be within the minimum cancellation periods.⁹

Impetus for change

4.2 This is an adjustment to splitting Module 1. We are not proposing to alter principle that candidates should demonstrate competence in the knowledge and understanding (MCQs) before attempting the performance test (HPT).

4.3 The staging process would be implemented together with the separate tests.

Public Sector savings/costs

There will be no additional costs involved in staging the modules.

Private Sector savings/costs

There will be no additional costs involved in staging the modules.

Proposal 4

5.1 If the separate MCQ and HPT tests are introduced, we propose that a candidate, on passing Module 1a, should be allowed up to 24 months to pass Module 3 (driving licence acquisition practical test). Candidates would be free to take Module 1b at any time during the 24 months, though they could not book a practical (Module 3) test until they had passed Module 1b.

Impetus for change

5.2 This is an adjustment to splitting Module 1. We are proposing that a candidate should be required to demonstrate practical driving competence

⁹ see note 5

within a reasonable period of having demonstrated theoretical knowledge. We believe that 24 months from the first theoretical test represents such a period and it is the current practice.

5.3 It would be implemented at the same time as separating the Module 1 test into Modules 1(a) and 1(b).

Public Sector savings/costs

5.4 There are no additional costs from the 24 month maximum period.

Private Sector savings/costs

5.5 There are no additional costs from the 24 month maximum period.

Proposal 5

6.1 A candidate will be required to pass Module 2 (the CPC theory test – case studies) before booking a Module 4 test (the CPC practical test).

Impetus for change

6.2 To ensure the candidate has mastered the theoretical element (Module 2) before attempting the practical test (Module 4).

6.3 The procedure would be established when the tests are introduced in September 2008 (PCV) and September 2009 (LGV).

Public Sector savings/costs

6.4 This will not create additional costs. Indeed it would introduce administrative complexity and additional expense to build the necessary IT systems to support Driver CPC if the various Modules were not staged. It would also be confusing for customers.

Private Sector savings/costs

6.5 This will not lead to additional costs.

Proposal 6

7.1 We propose that a candidate, on passing Module 2, should be allowed up to 24 months to pass Module 4.

Impetus for change

7.2 The knowledge and competence should be demonstrated together within a reasonable period, and 24 months represents the maximum of such a reasonable period.

7.3 The procedure would be established when the tests are introduced in 2008 (PCV) and 2009 (LGV).

Public Sector savings/costs

7.4 There are no additional costs from introducing the planned time limits.

Private Sector savings/costs

7.5 There are no additional costs from introducing the planned time limits.

Proposal 7

8.1 The fee for Module 1 will increase to £47 from April 2008 in line with Proposal 1, or if the decision is taken to offer the MCQ and HPT elements as separate tests, in line with Proposal 2, the relevant fees will be:

- Module 1a - £35
- Module 1b - £15

8.2 Candidates could choose to make a booking so that they take Module 1b immediately after Module 1a. However, they would be permitted to take Module 1b only if they had passed Module 1a. No part of the fee would be refunded if they failed either Module.

Impetus for change

8.3 The specified fee levels do not take account of the extra cost of introducing the additional HPT clips, or splitting Module 1. Higher fees are necessary to recover the increased costs of delivering the revised tests. As a Trading Fund, DVA is obliged to recover the costs of the services it delivers from fees charged to users without recourse to the general taxpayer.

8.4 These fees would be introduced with the service changes to which they relate on 1 April 2008.

Public Sector savings/costs

8.5 The £45 fee specified for theory tests for vocational licence acquisition (Module 1) from 1 April 2008 takes no account of the longer HPT, which requires a proportionate increase of £2 per test to cover the costs. In addition, splitting Module 1 into Modules 1a and 1b would generate development and operating costs, requiring an increase of £3 per Module 1 overall – together making a £5 per test increase. Over 50,000 LGV and PCV theory tests for vocational licence acquisition were conducted in the UK in 2006/07.

Private Sector savings/costs

8.6 The element of the increase to enable splitting Module 1 would cost individuals and industry some £152,000 per annum in the UK based on volumes in 2006/07. The fees for Module 1a and 1b tests would be £35 and £15 respectively from 1 April 2008 to recover the costs of this change and splitting Module 1.

Proposal 8

9.1 We propose that test assistants who have been approved by DVA or DSA will be able to accompany candidates for Driver CPC tests. These persons will assist candidates in a number of areas, for example translation of instructions for non-English speakers or signing for those with hearing difficulties. The procedures affecting test assistants will follow arrangements previously announced following consultation for other type of tests.

Impetus for change

9.2 In 2004, DSA consulted on a number of proposed changes to modernise the arrangements for theory and practical tests¹⁰. These included the use of Authorised Translators. GB Ministers decided that only translators approved by DSA should be allowed to support test candidates and that a list of such translators should be made publicly available. The introduction of the Driver CPC will provide an opportunity to extend the scope of those arrangements in terms of the categories of tests where support may be provided and the nature of that support.

¹⁰ Modernising the Arrangements for Taking Driving Tests – DSA July 2004

9.3 We consider that candidates for the Initial CPC tests should not face unnecessary discrimination on account of language or physical difficulties (e.g. hearing problems) and they should be allowed to receive appropriate support. However, in order to ensure the integrity of the test, it is important that only persons who have been approved by DVA or DSA should be permitted to provide that support.

9.4 We propose to include provision for test assistants when the new tests are introduced.

Public Sector savings/costs

9.5 There would be a small administrative cost of approving test assistants but we are not proposing any specific cost recovery arrangement at this stage.

Private Sector savings/costs

At present, we are not proposing a fee for approval of test assistants, though we shall keep this under review.

Periodic Training

Proposal 9:

10.1 Course approval fees would be charged, according to the length of the course at £36 per hour.

10.2 The present approval fee is £250 per course, irrespective of its length.

Impetus for change

10.3 The fee charged for CPC training course approval has been set at £250 per course (typically 7 hours) per annum. Key stakeholders - trade associations and the sector skills councils for the road freight and passenger transport industries - have suggested that the fee should be based upon the length of the course. They believe this is a fair and sensible way of recovering the cost of quality assuring periodic training courses. As we anticipate that the overwhelming majority of periodic training courses will be of 7 hours' duration, the approval fee for a periodic training course should be £36 per hour (i.e. £250 ÷ 7). Thus, the approval fee for a course of ten hours' duration would be £360. We are also

consulting on waiving the course approval fee, in whole or part, where appropriate.

10.4 We will introduce the new procedure with other changes to CPC regulations from 1 April 2008.

Public Sector savings/costs

10.5 This change will be - for a seven hour course - cost-neutral to the public sector. The new arrangements will cover the cost of administering the system being put in place.

Private Sector savings/costs

10.6 The approval fee for a course of any duration (minimum 7 hours) is £250. The regulations require that a driver undertakes a minimum of 35 hours training over a five year period. For those training providers wishing to deliver a 35-hour course the annual cost will increase from £250 to £1,250. This is the same for organisations wishing to deliver five annual 7-hour courses to their drivers. We are also consulting on taking a power to waive the fee in whole or in part for approving training centres or courses in appropriate circumstances.

Proposal 10

11.1 DVA may waive the fee or part of the fee in appropriate circumstances, e.g. where a person submits an application for the approval of a training centre or course and that centre or course:
has previously been the subject of an application (whether or not that application was successful), or
a similar application for the approval for a centre or course has previously been considered

Impetus for change

11.2 It would not be sensible to require each application for approval to be re-submitted in its entirety where there was, for example, only a small amendment to the course content. The same principle applies to applications for the approval of the training centre itself.

11.3 In such circumstances, it would be unreasonable to require the applicant to pay the full fee again. However, situations will inevitably differ so it is appropriate to have discretion about when, and how much of, the fee is waived.

11.4 The proposal will be implemented in respect of applications for approval submitted from April 2008 onwards.

Public Sector savings/costs

11.5 There would be no additional costs from this proposal.

Private Sector savings/costs

11.6 There will be no costs to applicants from this change. Indeed this measure could reduce the overall cost to training providers of obtaining centre or course approval. Were 10% of courses, assuming a length of seven hours, reassessed in this way it could save industry £25,200.

Number of UK courses	Percentage resubmitted	Number resubmitted	Fee for approval	Saving if no fee for re-approval
1000	10%	100	£252.00	£25,200.00

Proposal 11

12.1 Mutual recognition of training centres and courses between GB and NI. Training centres and courses that have been approved by one competent authority do not have to be approved again by the other competent authority.

Impetus for change

12.2 Where a training provider operates across GB and Northern Ireland, at the present time he would have to apply to both competent authorities. We propose that trainers should be able to make a single application covering training centres in both GB and Northern Ireland.

12.3 We will introduce the new procedure from 1 April 2008.

Public Sector savings/costs

12.4 This measure will reduce administrative costs.

Private Sector savings/costs

12.5 This measure will reduce the costs to persons operating in both GB and Northern Ireland.

12.6 If 30 trainers running three courses each were accredited in both NI and GB, this would reduce the overall costs over five years as shown below:

	Number	Full fee for approval	Saving if no fee for approval in GB
Trainers	30	£1,250.00	£37,500.00
Courses	90	£252.00	£22,680.00
Total			£60,180.00

Proposal 12:

13.1 Applicants who are aggrieved by the non-approval of a centre or a course or the imposition of conditions of approval will be able to appeal to the court of summary jurisdiction.

Impetus for change

13.2 The courts of summary jurisdiction are independent from the competent authority, thus making appeals independent of those responsible for the operation of the CPC system

13.3 This system would be in line with the appeals procedure proposed for taxi drivers in Northern Ireland.

13.4 We will introduce the new procedure with other CPC changes from 1 April 2008.

Public Sector savings/costs

13.5 There are not expected to be significant costs from this change.

Private Sector savings/costs

13.6 Transport Tribunal appellants usually have to meet their own costs. The Tribunal does not require appellants to pay a fee

Driver Qualification Card

Proposal 13

14.1 The fee for a Module 4 test will increase from £41 to £55 and £63 for a test taken in the evening or at the weekend. This will cover the automatic issue of the DQC to candidates that hold a UK photocard driving licence. The vast majority of drivers taking the tests for the Driver CPC Initial Qualification will hold a UK photocard driving licence.

14.2 For non-DSA test providers, the £41 fee will remain as specified in the regulations, but will also cover the automatic issue of the DQC to candidates that hold a UK photocard driving licence. We shall clarify that liability to pay a £41 fee to DSA lies with the test provider, not the candidate.

Impetus for change

14.3 Stakeholders have asked us to meet the costs of producing and issuing the initial DQC via the Module 4 test fee as this would remove the process and costs of a separate DQC application and be a simpler process for customers.

14.4 In response to stakeholder concerns, the Agency intends to offer Module 4 test slots outside normal working hours. A new fee of £63 is proposed for such tests – reflecting the extra costs incurred by the Agency in providing this additional customer service.

14.5 When CPC is introduced, the fee for a Module 4 test will include an amount for producing and dispatching an initial DQC which will be issued automatically to drivers holding a photocard licence on completion of the Initial Qualification.

14.6 However, this provision would not apply to those with a paper driving licence as DVLA holds no photographic record of such drivers. They would need to make a separate application for a card. The fee is £25. Alternatively, they may choose to exchange the paper licence for a photocard one for a fee of £19 before attempting Module 4.

14.7 Unsuccessful candidates will not receive an initial DQC. However, we anticipate that the failure rate will be relatively low. Introducing systems to reimburse such candidates that element of the Module 4 test fee relating to the DQC, would impose significant additional costs on all candidates.

Public Sector savings/costs

14.8 It would be administratively more streamlined for this to be completed by one simple transaction, thus saving on costs.

Private Sector savings/costs

14.9 The cost to drivers with a photocard licence will reduce from £66 under the current arrangement (£41 for the Module 4 fee plus £25 for a DQC) to £55.

14.10 The increased fee for an evening or weekend test covers the higher cost of delivering this service.

Proposal 14

15.1 This proposal contains two elements:

The fee for updating a driver's periodic training record will be £1.25 for each hour of training completed. This fee will cover update of the database and automatic issue of the DQC on completion of the 35 hours periodic training to drivers holding a UK photocard licence. The photograph will be obtained from records at DVLA.

15.2 DQCs cannot, however, be automatically issued upon completion of periodic training to drivers without a UK photocard licence. The DQC must have a photograph of the driver. Those with a paper licence will not have provided a photograph to DVLA. Therefore, they will need to apply for a DQC supplying a photograph and paying a fee of £25. Alternatively, they may obtain a photocard licence before completing 35 hours Periodic Training. The fee for licence exchange is currently £19.

Impetus for change

15.3 Stakeholders have asked us to meet the costs of producing and issuing the periodic DQC via the data upload fee as this would remove the process and costs of a separate DQC application, spread the cost-recovery and be a simpler process for customers.

15.4 The new procedure and fee will be implemented as part of the CPC periodic training arrangements in September 2008.

Public Sector savings/costs

15.5 This proposal will reduce the costs of issuing DQCs by removing the separate DQC application process.

Private Sector savings/costs

15.6 The realignment of fees will reduce the overall cost to drivers with photocard licences of updating the training record and obtaining a DQC. Under the current arrangements this would be £50.00 (£25 for five updates plus £25 for the DQC), compared with £43.75 (35 updates at £1.25 per hour).

Chargeable events per periodic training cycle	Fee per data update	Data update fee costs per periodic training cycle	Separate fee for periodic DQC	Overall fee cost per periodic training cycle
5	£5.00 per course	£25.00	£25.00	£50.00
35	£1.25 per hour	£43.75	£0.00	£43.75

15.7 This could generate significant savings for industry and drivers. Assuming 750,000 professional drivers, if they all held UK photocard licences this would save £4,687,500 over a 5 year periodic training cycle.

15.8 There will be an additional cost to those with a paper licence of either:
£25.00 for a DQC or £19.00 for exchange to a photocard licence – but this would be a one off cost.

Proposal 15

16.1 We propose that a driver who is required to hold a DQC will, for a limited period, be able to drive without a DQC if it has been lost or stolen. The same arrangements as apply to those for digital tachographs would be introduced whereby a driver must apply for a new card within 7 days of discovering the loss or theft. However, he can drive for up to 15 days without committing an offence.

Impetus for change

16.2 We have been asked by stakeholders to include an arrangement for a driver to be able to continue to drive professionally if the DQC has been lost or stolen. In the absence of such an arrangement, the driver would be unable to earn a living until a replacement DQC had been received.

16.3 We are keen, from an enforcement perspective, to ensure that a driver has the correct documentation at all times. However, we are receptive to the view that a driver should not be prevented from driving professionally simply because the DQC has been lost or stolen. Aligning the digital tachograph and DQC arrangements for lost or stolen cards is both sensible and proportionate. However, this arrangement could only apply within the UK. The driver would be unable to work professionally in any other Member State during this period – even when transiting another Member State.

16.4 The 15 day facility would be introduced from September 2008.

Public Sector savings/costs

16.5 There are no costs from this proposal.

Private Sector savings/costs

16.6 There are no costs. Legislation already specifies that a fee is payable for a replacement DQC. However, there are significant benefits for affected drivers as they will be able to work professionally for 15 days which the current legislation does not permit.

Compliance

Proposal 16

17.1 Candidates taking the Module 2 and 4 tests will need to hold at least a provisional driving licence (Category C or D licence – including sub categories) in the category in which they are to take the test.

Impetus for change

17.2 This would align the licence requirements for CPC with those for licence acquisition tests.

17.3 The requirement will be incorporated in arrangements for conducting the tests when they are introduced for bus drivers in 2008 and lorry drivers in 2009.

Public Sector savings/costs

17.4 There are no additional costs to DSA in implementing this requirement.

Private Sector savings/costs

17.5 There is no cost to the driver for adding a new provisional entitlement.

Proposal 17

18.1 A candidate will be required to present either a photocard driving licence, or a paper driving licence and valid passport, for identification purposes.

Impetus for change

18.2 It is important that the identification procedures for the new CPC tests are robust. This can best be achieved by introducing the same requirements as for licence acquisition tests so as to ensure the integrity of the tests.

18.3 The requirement will be incorporated in arrangements for conducting CPC tests when they are implemented in 2008 for bus drivers and 2009 for lorry drivers.

Public Sector savings/costs

18.4 There are no additional costs to DSA involved in implementing this requirement.

Private Sector savings/costs

18.5 Drivers without a photocard driving licence or a passport will be required to acquire one. The cost of exchanging a paper licence for a photocard one is £19.00. The cost of a passport is £66.00. However, most drivers already hold the documents.

Proposal 18

19.1 A trainee undergoing periodic training will be required to present means of identification to the trainer when attending a course - either a photocard driving licence or a paper driving licence and valid passport.

Impetus for change

19.2 It is important for the identification procedures for the CPC to be robust. This can best be achieved by introducing a standard requirement for all CPC elements. The training providers are best placed to undertake this function in respect of periodic training.

19.3 The requirement will be incorporated into periodic training administration arrangements.

Public Sector savings/costs

19.4 There are no additional costs from this proposal.

Private Sector savings/costs

19.5 Drivers without a photocard driving licence or a passport will be required to acquire one. The cost of exchanging a paper licence for a photocard one is £19.00. The cost of a passport is £66.00. Over 80% of vocational licence holders hold a photocard licence.

Proposal 19

20.1 Drivers may apply to DVA or DSA to make use of the NVT concession, whereby they may drive professionally for up to one year without a CPC provided they are following an approved course. Where the concession is granted, it will be evidenced by a written statement issued to the relevant driver. To cover service delivery costs we propose to charge a fee of £25 for each statement. Where a replacement statement is issued due to loss or theft of the original we may waive the fee in whole or part. We also propose creating an offence where such a statement is forged or where a person knowingly makes a false statement in order to obtain the statement.

20.2 These provisions reflect those that already apply to the DQC.

Impetus for change

20.3 When the NVT provision in the CPC Directive is introduced, there will need to be a means by which those drivers benefiting from the concession can prove to police or VOSA officers that it has been granted to them. The written statement will be the prime evidence. The fee will be consistent with that charged for the DQC.

20.4 In order to make use of the NVT concession, drivers will have to apply to DVA or DSA (or an organisation carrying out this function on

DSA's behalf), supplying sufficient information for a decision to be made as to whether the concession should be granted. The fee for the written statement must be enclosed with the application. Where the concession is granted, the written statement will be sent to the applicant. As with other fees in the CPC scheme, we propose that the fee may be waived in whole or part in appropriate circumstances.

Public Sector savings/costs

20.5 Likely uptake of the NVT option is unclear. Our intention is that the fee for the statement should cover the administrative cost of operating this arrangement, including producing and dispatching the statement.

Private Sector savings/costs

20.6 There will be a cost of £25 for the written statement. Assuming 1,000 UK drivers annually take up the NVT option the fee cost would be £25,000

Proposal 20

21.1 Provide an alternative fixed penalty punishment for certain CPC offences:

- driving a vehicle on a public road without a valid CPC that applies to that vehicle (regulation 10(1) of the CPC Regulations);
- failing to carry evidence of a valid CPC when driving a relevant vehicle (regulation 11(1));
- failing to carry evidence of a valid CPC when driving a relevant vehicle (regulation 11(3));
- failing to carry the National Vocational Training (NVT) exemption document when driving a relevant vehicle (regulation 11(5));

Impetus for change

21.2 There is no provision for enforcement staff to offer fixed penalties as an alternative to prosecution through the courts.

21.3 In many instances, it would be disproportionate to commence court proceedings for an infringement of the CPC regulations. In those circumstances, enforcement staff could offer offenders the option of a fixed penalty. This would reduce the burden on the Courts Service, the Legal

Aid budget and offending drivers who would then not be required to attend court. However, criminal proceedings would remain an option where the offender declined to accept a fixed penalty or where the circumstances (e.g. repeat offenders) merited a criminal justice approach.

21.5 None of the offences which are suitable for fixed penalties can be committed before September 2008. We would wish to ensure that the fixed penalty option was available by that date. The likelihood is that the level of the fixed penalty would be £30.

Public Sector savings/costs

21.6 This would reduce the burden on the Courts Service and Legal Aid budget.

Private Sector savings/costs

21.7 The costs to individual drivers, the courts and the Legal Aid budget will be reduced by offering fixed penalties.

General

Consultation

Public consultation

22.1 When conducting consultations we aim to consult as wide a range of stakeholders as possible. We will post the consultation paper on our website. We have also established an electronic notification system whereby interested parties can register with us to receive information via email.

Within Government

22.2 DVA has consulted with DSA on the changes to ensure the new system is acceptable throughout the UK.

Small firms impact test

23.1 A small business is defined ¹¹ as one with:

- Fewer than 50 employees;

¹¹ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

- No more than 25% of the business owned by another enterprise (which is not a small business);
- Less than £4.44 million annual turnover;
- Less than £3.18 million annual balance sheet total;

23.2 Most lorry and bus training organisations are small businesses. Similarly, in addition to a number of high profile Operators, there are a large number of small companies running buses and lorries. It is not considered that the additional fees involved in this RIA will negatively impact on these sectors.

Competition assessment

24.1 The proposed new regulations would apply equally to all affected parties. We therefore do not consider that the proposals will have any adverse effect on competition.

Social Exclusion Issues

25.1 We do not believe that any social exclusion issues are likely to arise from these proposals.

Equality Impact Issues

26.1 We have been unable to identify any negative impact on any group of people following implementation of the proposals based on:

Minority Ethnic Groups (including colour, nationality and ethnic origin);
 Religious /Personal beliefs;
 Sexual orientation;
 Age;
 Gender (including gender reassigned people);
 Disabled people;
 Social status and origin;
 Marital status;
 Caring responsibilities;
 Working patterns

26.2 Proposals 2 and 10 are designed to reduce disadvantage to candidates. Splitting Module 1 would reduce the length of time an individual has to attend test and thereby reduce the pressure on those who are exam averse. This would be beneficial in reducing fatigue and how long an individual has to commit to the test. Allowing test assistants to accompany candidates (Proposal 8) will assist those with special needs.

26.3 We should welcome your views on whether you consider this assessment is correct.

Environmental Issues

27.1 Similarly, we do not consider that the proposals would have any significant environmental impact.

Application within the United Kingdom

27.1 DVA has responsibility in Northern Ireland for the Driver CPC. Arrangements in GB will be subject to separate consultation there by DSA.

Enforcement, sanctions and monitoring

27.1 Sections concerning - implementation and delivery, post-implementation review, summary and recommendation, and sign-off by the Minister will be completed after consultation and included in the full RIA.

Appendix A – Reply Form

Please Note: DVA is unable to consider any views submitted anonymously. Please complete your name and address below:

Reply Form:

Name:

Title: Mr /Mrs/Miss/Ms.

ADI Number (if applicable).....

Organisation (if applicable)*

Address:

.....
.....
.....

Postcode:

Telephone number:

E-mail address:

Please tell us what you think of each proposal by ticking **one** of the boxes below each proposal. If you wish to comment on the proposal, please do so in the space provided.

Please note that we will only take account of any additional comments if you have ticked the relevant box indicating your views.

Proposal 1: Number of HPT clips in Module 1	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 2: Splitting Module 1	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 3: Order of Module 1a and Module 1b tests	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 4: Maximum period to complete the licence acquisition test	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 5: Order of Module 2 and Module 4 tests	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 6: Maximum period to complete the Initial Qualification	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 7: Fees for Module 1	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 8: Test assistants for CPC tests	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 9: Course Approval Fees	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 10: Waiving of Fees	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 11: Mutual recognition of training centres and courses between GB and NI	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 12: Courts of Summary Jurisdiction	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 13: Issuing DQCs following Initial Qualification	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 14: Issuing DQCs following Periodic Training	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 15: Arrangements if a DQC is lost or stolen	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 16/ 17: Integrity checks for candidates for Module 2 and 4 tests	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 18: Periodic Training courses	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 19: National Vocational Training (NVT) Concession Statement	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Proposal 20: CPC Offences	In favour	
	Undecided / Neutral	
	Opposed	
Additional Comments:		

Appendix B – Consultation List

We have written to the following organisations informing them of this consultation exercise

The following is not an exhaustive list, but is indicative of the types of organisations this document was sent to.

Advanced Driving Instructors

LGV Training Schools

PCV Training Schools

DOE

DVLNI

PSNI

NI Fire Authority

Translink

Equality Consultees

NIPSA

House of Lords Library

House of Commons Library

Northern Ireland Assembly Library

MP's and MEP's

Northern Ireland Party Leaders

Road Safety Organisations

Individuals/Organisations who attended consultation seminars and requested further information.

Appendix C – Cabinet Office Code Of Practice On Consultation: Consultation Criteria

The six consultation criteria are:

Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;

Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses;

Ensure that your consultation is clear, concise and widely accessible;

Give feedback regarding the responses received and how the consultation process influenced the policy;

Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator;

Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information about the Code of Practice is available at the Cabinet Office website: www.cabinet-office.gov.uk/regulation/consultation/code.htm