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10 September 2003

Purpose of Consultation

1.1 The purpose of the attached consultation paper is to seek public opinion on a number of proposals effecting practical and theoretical driving tests for certain classes of person or vehicles. A Regulatory Impact Assessments for the proposals is attached at Appendix A.

Responses

1.2 A number of questions have been asked and these are listed for ease of reference at Appendix D, along with space to provide answers. Completed questionnaires should be sent to the following address:

By Post: Deirdre Walsh
Driver & Vehicle Testing Agency
Balmoral Road
Belfast
BT12 6QL

By Email: deirdre.walsh@doeni.gov.uk
By Textphone: 028 9066 5453

1.3 If you are responding on behalf of others, please include in your response a summary of the people and organisations that you represent. It would also be helpful if you state what the organisation does and what its aims are, how many individuals' views are included in the response and what steps you have taken to gather those views.

Help with queries

1.4 If you would prefer to discuss your views or to respond in a different way than by post or email please contact Deirdre Walsh on 028 9054 7959 or by email at deirdre.walsh@doeni.gov.uk. She will do her best to facilitate your request. The document may also be made available in other accessible formats, or talked through. Please contact Deirdre at the above number and arrangements will be made as far as possible to meet your needs.

1.5 A list of consultees is attached at Appendix B. If you are aware of any individual or organisation who has been omitted from the list and who would be interested in receiving a copy of the document, please advise Deirdre and a copy will be forwarded.

1.6 This Paper has been produced in accordance with the principles of the Code of Practice on Written Consultations¹, which are reproduced at **Appendix C**. If you think that the Paper does not comply with the criteria, please write setting out the areas where you feel it departs from the criteria to: Jim Rankin DVTA, Technical Policy and Legislation, Balmoral Road, Belfast, BT12 6QL.

Disclosure of information

1.7 DVTA may be asked to make public the content of replies it received to this Paper. When submitting comments, please state whether you would be content for your reply to be included in a summary of responses which the Agency may compile or divulge on request.

1.8 DVTA may also be asked, under the Code of Practice on Access to Government Information², to provide copies of individual responses. Subject to the consent of the person submitting the comments, the Agency proposes to do so, making a reasonable charge for processing and copying. Please make it clear if you do not wish this to happen with regard to your response.

Closing Date

1.9 Responses must be received by 5 December 2003.

Yours sincerely,



STANLEY DUNCAN
Chief Executive

¹ *Modernising Government: Code of practice on written consultation*. Cabinet Office. November 2000.

² *Open Government: Code of Practice on Access to Government Information*. Cabinet Office. 1997.

**CHANGES TO QUALIFYING TESTS TAKEN BY APPROVED DRIVING
INSTRUCTORS (ADIs) AND LEARNER DRIVERS OF DOMESTIC VEHICLES**

A CONSULTATION PAPER

Driver & Vehicle Testing Agency, an executive agency of the Department of the Environment

September 2003

Background

1. In September 2000 the European Commission adopted Directive 2000/56 EC, which substituted a new Annex 2 into the second EC Directive on driver licensing (91/439/EEC). The new text will make significant changes to the minimum driving test requirements and set maximum periods for implementation.
2. In January 2001 the Driving Standards Agency (DSA) and the Driver & Vehicle Testing Agency (DVTA) simultaneously issued a discussion paper in NI and GB seeking views on how the new standards could be implemented and the timescale for their introduction. In October 2002 DVTA issued a Report on the outcome of the consultation which set out the proposed timetable for the introduction of the changes.
3. DVTA is now in the process of implementing the new European standards for theory and practical tests for categories covered by European driver licensing. However, driving and theory tests that apply to ADIs and domestic categories of vehicles are not covered by the European test standards. DVTA is now proposing (in line with the DSA in GB) to apply the new EU test standards to these categories of tests.

Vehicle safety checks in driving tests for learners driving domestic categories of vehicles

4. Certain domestic vehicle categories in Great Britain pre-date the 1990s European harmonisation of vehicle categories into cars, motorcycles, lorries and buses. Driving licences and tests relating to these minor domestic categories are not, therefore, covered by European legislation. The tests involve an assessment of practical driving skills, without a separate theory test. The vehicles affected are:
 - agricultural & forestry tractors (Category F)
 - road rollers (Category G)
 - track-laying vehicles steered by their tracks (Category H)
 - vehicles controlled by a pedestrian (Category K).
5. It is proposed subject to legislation that the higher European standards relating to driving tests generally should apply to tests taken by those seeking a full licence to drive vehicles in these categories. In line with changes to the driving test for the main vehicle categories, the practical test for the domestic categories would include basic vehicle safety checks. This would involve the examiner asking candidates two “show me” or “tell me” questions at the start of the test. Failure by the candidate to answer one or both questions correctly would be assessed as one driving fault. This would not therefore constitute a reason for failing the test in its own right but it could contribute to a failure for other reasons.

Approved Driving instructors

6. To qualify to join the statutory register of Approved Driving Instructors (ADIs), driving instructors have to pass a three-part examination. The first part of the examination is a

theory test, which includes a multiple-choice question (MCQ) paper with 100 questions. The syllabus includes road procedure, driving matters and instructional techniques. The part of the syllabus dealing with general driving and road traffic law overlaps with the syllabus for learner drivers. It is proposed to update the ADI question bank in line with the requirements for learner drivers required by Directive 2000/56 EC.

7. The qualifying examination contains practical tests of driving ability and instructional ability. It is proposed to carry over the basic vehicle safety checks from the practical tests for learner drivers to the driving ability test on the basis that if ADIs are to teach these checks they should be able to demonstrate proficiency in them. The examiner would ask candidates five “show me” or ”tell me” questions at the start of the test. Each incorrect answer would be recorded as a driving fault up to a maximum of four driving faults. Should the candidate answer all five questions incorrectly, this would be assessed as a serious fault and would result in test failure. These changes should help raise the knowledge and awareness of instructors, as well as familiarising them with tests their trainees may undergo.

Financial and regulatory

8. The changes to theory test question banks for instructors would be incorporated in a periodic review process which would not result in a test fee increase. Similarly, the incorporation of basic vehicle safety checks in the practical tests for agricultural and forestry tractors, road rollers, track-laying vehicles and pedestrian-controlled vehicles would involve a minor procedural change, and would not result in a test fee increase. A regulatory impact assessment (RIA) is attached at Appendix A.
9. The content of these tests is prescribed in regulations and it would be necessary to make a small amendment to both the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 and Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991.

Consultation

10. A copy of this Paper has been sent to the organisations listed at **Appendix B**. This Paper can also be found on the Agency’s website at: www.doeni.gov.uk/dvta. Please advise us if you think that other organisations or individuals should be sent a copy.

DRAFT REGULATORY IMPACT ASSESSMENT (RIA)

IMPROVING THE QUALIFYING TESTS TAKEN BY DRIVING INSTRUCTORS AND LEARNERS DRIVING SPECIALIST VEHICLES

1. This Regulatory Impact Assessment (RIA) considers the implications of introducing the new European driving test standards into the qualifying tests for ADIs, and into tests taken by learners seeking a full licence for domestic vehicle categories not covered by the new European driving test standards.

Background

2. In 2001/02, 153 people were killed, 1,638 were seriously injured, and 10,812 were slightly injured on the roads in Northern Ireland.³ This level of casualties causes enormous human suffering and is a serious economic burden - the direct cost is thought to be in the region of £500 million a year.
3. The *Northern Ireland Road Safety Strategy 2002 - 2010* published in December 2002 aims at a one-third reduction (from the average for the period 1996-2000) in the number of people killed or seriously injured on NI's roads each year from the current average of 1,750 to fewer than 1,200 by 2012. The *Strategy* identified improvements in driver and rider testing as an important route for helping to deliver casualty reductions, and noted that UK practice would take account of developments in the European Union
4. The *Strategy* also committed the Driving & Vehicle Testing Agency (DVTA) to contribute to improvements in road safety through establishing, developing and disseminating high standards and best practice in driving and riding on the road – as people prepare to learn to drive and after they pass their test. It acknowledged that the contribution of skilled and motivated driving instructors was central to delivering higher driving standards and that the quality and expertise of all instructors should be raised to that of the best.

Issue

5. Minimum standards for driving tests conducted in the UK are set by European law⁴ for European categories of driving licence (cars, motorcycles, lorries and buses). DVTA and DSA have recently implemented a package of changes⁵ that affect tests subject to harmonised European driving licence provisions.
6. European driving test standards do not automatically apply to the tests taken as part of the qualification process for ADIs who train learner drivers, nor do they automatically apply to the tests taken to acquire one of the domestic categories of driving licence. The

³ Transport Statistics 2001-2002

⁴ The Second European Council Directive on driving licences 91/439/EEC, as amended by Commission Directive 2000/56 EC.

⁵ Implementing European changes to the driving test. A report on responses and decisions reached. DVTA October 2002.

domestic categories relate to types of vehicle where there are not currently harmonised European driving licence provisions (i.e. agricultural or forestry tractor, road roller, track-laying vehicle steered by tracks, or a vehicle controlled by a pedestrian).

7. In particular, the higher European standards appear relevant in the following cases:
 - For ADIs: the syllabus and the improved question banks relating to the theory test taken by the related category of learner driver; and the new vehicle safety checks in the practical test taken by the related category of learner driver.
 - For persons seeking a licence to drive one of the domestic categories: the relevant new vehicle safety checks.

Objective

8. To provide that the driving tests taken by driving instructors, and the driving tests taken by those who wish to drive vehicles in the domestic categories, are upgraded, where appropriate, to incorporate the higher European standards.

Those affected

ADIs

Existing situation

9. DVTA operates a scheme for driving instructors offering services to learner drivers of cars and maintains the statutory registration scheme for car driving instructors – the Approved Driving Instructor (ADI) scheme.
10. Instructors can qualify for ADI registration by successfully completing a three-part qualifying examination comprising:
 - a theory test and hazard perception test;
 - a practical test of driving ability;
 - a practical test of instructional ability.
11. The current question bank for the ADI theory test has regard to the questions asked of learner car drivers in their theory test. The question bank for the theory test for learner car and motorcycle drivers was updated with effect from 1 July 2003.

Proposed change

12. It is proposed to update the theory test question bank for ADIs in the light of relevant changes to the question bank for the theory tests taken by car and motorcycle drivers.

13. It is also intended that practical tests for learner drivers would include basic vehicle safety checks. This aspect of the test would be undertaken by the examiner asking the candidate “show me” or “tell me” vehicle safety questions.
14. To mirror this change it is therefore also proposed to introduce relevant “show me” or “tell me” vehicle safety questions into the practical test of driving ability taken as part of the ADI qualifying exam for driving instructors. The examiner would ask the candidate five questions at the start of the test. Each incorrect answer would be recorded as a driving fault up to a maximum of four driving faults. Should the candidate answer all five questions incorrectly, this would be assessed as a serious fault and result in failure.

Numbers affected

16. The number of qualifying tests taken by instructors last year was:

2002	ADI
Part 1	227
Part 2	130
Part 3	144

Benefits

17. The proposed changes would require those persons seeking to qualify as driving instructors to demonstrate they have the necessary knowledge and skills to teach all aspects of the relevant driver syllabus. Better quality instruction would provide learner drivers with the opportunity of achieving the required standards in a cost-effective and efficient manner. Any reduction in the number of road traffic casualties associated with the changes would benefit all road users.

Costs

18. There would be minimal costs to DVTA in amending the theory test taken by ADIs, and it is proposed that these should be absorbed within the existing theory test fee.
19. The public sector costs of introducing “show me/tell me” questions into the practical tests for driving instructors would be minimal and would not be expected to cause any test fee increase.
20. Instructors, as part of the qualifying process, need to demonstrate the knowledge and skills to meet the new test standards. They require these in order to provide a satisfactory service to learner drivers. DVTA would expect the compliance cost of meeting the higher standards to be modest.

Candidates for tests to drive vehicles in domestic categories

Those affected

21. Persons wishing to drive domestic categories of vehicle:
- agricultural & forestry tractors (Category F)
 - road rollers (Category G)
 - track-laying vehicles (Category H)
 - pedestrian-controlled vehicles (Category K).

Existing situation

22. These domestic categories pre-date the adoption of harmonised European categories. They have been retained as they allow certain flexibilities in establishing competence to drive these specialised types of vehicle on the road. Agricultural & forestry tractors are vehicles designed for off-road use, but they can be licensed to be driven on the road. Some of these vehicles are now large and comparatively fast.
23. A person who passes a driving test to drive a car or small van (Category B) also receives full entitlement to drive agricultural & forestry tractors (Category F) and pedestrian-controlled vehicles (Category K). However, it remains possible to gain entitlement to drive a vehicle in one of these two minor categories by passing a category-specific test as candidates for those tests face slightly different rules:
- subject to a vehicle size limitation, the minimum age for driving tractors is 16 years rather than 17 years
 - pedestrian-controlled vehicles are slow-moving, so the eyesight standard is less stringent than for cars.
24. Road rollers and track-laying vehicles are usually large, slow-moving vehicles. A person must hold a full Category B driving licence before seeking to obtain a licence to drive a vehicle in one of these 2 categories.
25. Tests to drive a vehicle in one of these four specialist categories comprise a practical assessment using one of the types of vehicle involved. There is no separate theory test, though candidates are asked a selection of five Highway Code questions and asked to identify six traffic signs at the end of the practical test.
26. Tests are normally conducted either from the centre or in close proximity. The fee is the same as for the car test but tests are not conducted outside normal hours.

Numbers affected

27. The numbers of practical driving tests conducted for domestic categories last year were:

Cat F	Cat G	Cat H	Cat K
4	0	5	0

(1/1/02 to 31/12/02)

Proposed change

28. Subject to legislation it is proposed to amend the practical tests for the domestic categories by adding basic vehicle safety checks. This would be achieved by asking two “show me” or “tell me” questions at the start of the test. Should the candidate fail to answer either one or both questions correctly, it would be counted as one driving fault and would not therefore constitute a reason for failing the test in its own right.

Benefits

29. The introduction of the relevant “show me/tell me” questions would assess if candidates had basic skills and knowledge concerning safety of that type of vehicle. Any reduction in the number of road traffic casualties associated with the changes would benefit all road users.

Costs

30. The public sector costs of introducing “show me/tell me” questions into the practical tests for the domestic licence categories would be minimal and would not necessitate any test fee increase.
31. Candidates would need the knowledge and skill to answer the vehicle safety questions. DVTA would expect the costs of any additional training to be modest. Copies of the “show me/tell me” questions would be included in a revised version of the DSA book⁶ published as guidance for these tests.

Impact on small businesses

32. A small business is defined⁷ as one with:
- fewer than 50 employees; and
 - no more than 25% of the business owned by another enterprise (which is not a small business); and either
 - less than £7 million annual turnover, or
 - less than £5 million annual balance sheet total.
33. Once qualified, most car driving instructors operate as self-employed, one-person businesses. DVTA does not consider that the introduction of these proposed changes would adversely impact on driving schools, individual instructors or those seeking to enter the driving instruction industry.
34. Most tractor drivers work in agriculture, employed in small businesses. DVTA does not consider the costs of meeting the enhanced test standards would be particularly burdensome or would adversely affect the viability of these businesses.

⁶ *The official guide to tractor and specialist vehicle driving tests.* ISBN 0115523138

⁷ *European Commission: Information Society April 2003*

Competition assessment

35. The proposed new requirements would apply equally to all affected parties. DVTA does not, therefore, see any risk of a substantial detrimental effect on competition.

Social exclusion & rural issues

36. The Agency does not believe that any social exclusion or rural issues are likely to arise from these proposals.

Equality Impact Assessment

37. The Agency does not believe that any equality impacts are likely to arise from these proposals.

Environmental issues

38. Similarly, the Agency does not consider that the proposal would have any significant environmental impact either directly or indirectly.

Risk Addressed

39. The risk of not upgrading the tests taken by those who wish to drive vehicles in the domestic categories and by driving instructors is that candidates would be less aware of basic safety issues and therefore more likely to be involved in accidents. In addition, driving instructors would be less able to instruct learner drivers appropriately, and this could in turn contribute to a higher failure rate for the practical driving test for 'L' drivers, an increased accident rate, and a reduction in the value of the changes to road users generally.

THIS PAPER HAS BEEN SENT TO:

<p>Association of British Insurers Civil Service Motoring Association Institute of Advanced Motorists AA ABBA Driving School Acclaim Driving School British Telecom Community Transport Association Disability Action Driver Vehicle licensing NI Education and Library Boards Freight Transport Association Ltd General Consumer Council Hursts Auto Complex Ian School of Motoring Institute of Advanced Motorists Instructor Association LGV / PCV Training Organisations Mid – Ulster Driving Association Newry & District ADI Association NI Council for Ethnic Minorities NI Dyslexia Association NI Institute for the Deaf North West Driving Instructors Association Mid-Ulster Driving Instructors Association Northern Ireland Approved Driving Instructors Association Northern Ireland Electricity Northern Ireland Fire Authority Driving School Prometric UK PSNI Retail Motor Industry Federation Road Haulage Association Ltd Road Safety & Vehicle Standards Division Road Safety Council (NI) Sandy Arthur Driver Training</p>	<p>National Association of Citizen’s Advice Bureaux Swift School of Motoring Translink Transport Training Services Ulsterbus Driving School Transport and General Workers’ Union Transport Research Laboratory Omagh and District ADI Association Number of ADIs District Councils RNLI Construction Industry Training Ulster Farmers Union Equality Commission Equality Forum NI John Armstrong Construction Employers Federation Amicus</p>
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***CABINET OFFICE CODE OF PRACTICE ON WRITTEN CONSULTATION:
CONSULTATION CRITERIA***

1. Timing of consultation should be built into the planning process for a policy (including legislation) or service from the start, so that it has the best prospect of improving the proposals concerned, and so that sufficient time is left for it at each stage.
2. It should be clear who is being consulted, about what questions, in what timescale and for what purpose.
3. A consultation documents should be as simple and concise as possible. It should include a summary, in two pages at most, of the main questions it seeks views on. It should make it as easy as possible for readers to respond, make contact or complain.
4. Documents should be made widely available, with the fullest use of electronic means (though not to the exclusion of others), and effectively drawn to the attention of all interested groups and individuals.
5. Sufficient time should be allowed for considered responses from all groups with an interest. Twelve weeks should be the standard minimum period for a consultation (though there may be circumstances, which unavoidably require a shorter period – such as the timetable for annual financial cycles).
6. Responses should be carefully and open-mindedly analysed, and the results made widely available, with an account of the views expressed, and the reasons for decisions finally taken.
7. Departments should monitor and evaluate consultations, designating a consultation co-ordinator that will ensure the lessons are disseminated.

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

CHANGES TO QUALIFYING TESTS TAKEN BY APPROVED DRIVING INSTRUCTORS (ADIs) AND LEARNER DRIVERS OF SPECIALIST VEHICLES

Name of organisation or individual

.....

Address.....

.....

Postcode.....

Name of contact.....

Telephone.....

Email

If you are replying on behalf of an organisation, please say how many individuals' views are included in the response.....

Please also say what steps you have taken to gather those views.

.....

.....

Vehicle safety checks in driving tests for learners driving specialist vehicles
(paragraphs 4 -5 of the Paper)

Do you agree with the proposal to include basic vehicle safety checks in driving tests taken for specialist vehicle categories, in line with higher European standards for driving tests?

(please tick as appropriate-if you do not agree, please specify why)

Yes, I agree

No, I do not agree

Your views are invited on this proposal

The qualifying examination for professional driving instructors (paragraphs 6-7 of the Paper)

Do you agree with the proposal to include basic vehicle safety checks in driving tests and that the multiple-choice question element in the qualifying examination taken by those seeking entry to the Register of Approved Driving Instructors (ADIs) should be enhanced in line with higher European standards for driving tests? (please tick as appropriate-if you do not agree, please specify why)

Yes, I agree	
No, I do not agree	

Your views are invited on this proposal

To what extent do you feel that this Paper meets the consultation criteria set out at Appendix C?

Disclosure of responses

I am/am not content for my response to be included in any summary of responses which the Agency may compile and publish.

I am/am not content for my response to be made available to anyone requesting copies of individual responses.

Signed.....

Date.....

If you are replying on behalf of a group or organisation, please say in what capacity you are signing

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Please send responses to:

Deirdre Walsh
Driver & Vehicle Testing Agency
Balmoral Road
Belfast
BT12 6QL
Tel No 028 9054 7959