



DRIVER AND VEHICLE TESTING AGENCY

CONSULTATION PROPOSALS 2006

**A Consultation Paper on measures to introduce
CPC for Lorry and Bus Drivers and other
changes**

DVTA CONSULTATION PROPOSALS 2006

Glossary

Abbreviation	Definition
The Agency	Driver & Vehicle Testing Agency
DVTA	Driver & Vehicle Testing Agency
DSA	Driving Standards Agency
ADI	Approved Driving Instructor (car)
ATB	Approved Training Body
CPC	Driver Certificate of Professional Competence
DVTA	Driving Standards Agency
HPT	Hazard Perception Test
LGV	Large goods vehicle ¹
MCQ	multiple choice questions
PCV	Passenger-carrying vehicle ²
RIA	Regulatory Impact Assessment
DQC	Driver Qualification Card
DVLNI	Driver and Vehicle Licensing Northern Ireland

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

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

1 Introduction

1.1 The Driver & Vehicle Testing Agency (DVTA) welcomes your views on this package of proposals which are primarily intended to introduce measures relating to EU Directive 2003/59/EC. We propose to introduce many of the proposals from 1 April 2007, taking account of the outcome of this consultation exercise.

1.2 Some consequential increases in fees are required where changes to the length of theory and practical tests have been proposed.

The main purpose of the proposals is set out in the Table of Proposals below:

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Safety-related measures	1	Increase the number of questions and test lengths for the theory tests for drivers of buses, coaches and lorries in stages to: <ul style="list-style-type: none"> o 60 multiple choice questions from 2 April 2007 o 100 multiple choice questions and 19 hazard perception clips from 1 April 2008 Associated increase in fees.	6
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2 Executive Summary

2.1 The purpose of the proposals is primarily to introduce measures relating to EU directive 2003/59/EC. This directive introduces additional testing requirements for new bus and lorry drivers, from 2008 and 2009 respectively. It also requires existing professional drivers to undergo 35 hours of periodic training every 5 years in order to be able to continue to work professionally. Drivers who complete the new tests, and who keep their training updated, will be issued with

a Certificate of Professional Competence – Driver CPC – which they must possess to drive professionally. The directive is being introduced to improve road safety across Europe and to harmonise standards within the industry across Member states.

- 2.2 We plan to improve the safety benefits from the theory tests taken by learner drivers of buses, coaches and lorries by increasing the number of questions and the number of hazard perception clips in the theory tests in two stages from 2 April 2007 and 1 April 2008 (with consequential increases in the fees).
- 2.3 We propose to improve the safety benefits from the practical tests taken by learner drivers of buses, coaches and lorries by including an extra 10-minutes driving on-road. This can be incorporated into the existing test period without a large increase in fees.
- 2.4 We plan to put in place quality assurance arrangements (including the arrangements for recovering the costs of supervision) for the Approved Training Centres authorised to provide Periodic Training for the purposes of the Certificate of Professional Competence. This measure is required in order to comply with the EU Directive 2003/59/EC.
- 2.5 In addition to the measures relating to EU Directive 2003/59/EC we also seek views on a proposal to improve the safety benefits from the theory tests taken by learner car drivers and motorcyclists by increasing the number of questions in the test (with consequential increases in the fees) from 3 September 2007.
- 2.6 The EU Directive will introduce requirements for all professional lorry and bus drivers. To ensure compliance it is necessary to introduce offences into legislation. These are also outlined in this consultation document and your views are sought.

3 Regulatory Impact Assessment

- 3.1 We have prepared an initial Regulatory Impact Assessment (RIA) of the proposals, which is included at Annex A. The RIA will be developed in the light of any comments received in response to this Consultation Paper.

4 Your invitation to comment

- 4.1 Please send any written comments on any issues raised in this paper and the RIA by using the questionnaire at Annex B by post to:

Elaine Hutchinson,
DVTa Technical Policy, Legislation and Standards Branch,
Balmoral Road,
Belfast,
BT12 6QL.
Tel: (028) 90547920
Email: elaine.hutchinson@doeni.gov.uk

Alternatively an electronic version of the form can be obtained by emailing the address above. These can then be submitted by email.

- 4.2 DVTA has written to everyone listed at Annex C to tell them that this Paper is available, should they wish to obtain a copy. Full copies of the Paper will not be sent to all of those on the list and this list is not exhaustive. Please tell us if you think that we should tell other organisations or individuals about this Paper. The text of the Paper is also available on our website at: <http://www.dvtani.gov.uk>. The Paper can be made available in alternative formats or larger font size. If required please contact Elaine Hutchinson at the above address.
- 4.3 The Agency is allowing twelve weeks for comment in accordance with Cabinet Office guidelines. DVTA would be grateful if responses could arrive no later than 2 February 2007 although earlier receipt would help us.
- 4.4 If you are replying on behalf of an organisation, it would be helpful if you could tell us who you are representing along with the nature of the organisation, how many individuals' views are included within the response and what steps you have taken to gather those views.
- 4.5 DVTA will 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 at: <http://www.dvtani.gov.uk>.
- 4.6 This Paper has been produced in accordance with the principles of the Code of Practice on Consultations³, which are reproduced at Annex D. 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
Driver & Vehicle Testing Agency,
Balmoral Road Belfast
BT12 6QL
Tel: (028) 90547920
e-mail: brian.morrison@doeni.gov.uk
- 4.7 In line with DVTA's policy on openness, it is the Agency's intention to make available the responses we receive. DVTA will publish a report on our website at the end of the consultation period. It follows that disclosure of your response may be provided as part of a request for information under the Freedom of Information Act 2000. You may ask that your response is kept confidential, but we will only be able to do this if withholding the information is consistent with the obligations under that legislation. Please note that a confidentiality disclaimer generated by an IT system in email responses will not be regarded as a confidentiality request. If third parties ask for hard copies of responses, we may make a reasonable charge for processing and copying.

³ Modernising Government - Code of Practice on written consultation - Cabinet Office November 2000

5 Application within the United Kingdom

- 5.1 Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Assembly under the Northern Ireland Act 1998. The Secretary of State for Transport has responsibility for driver training and testing in GB and these matters are reserved to Westminster. Arrangements in GB will be subject to separate consultation there.

6 Safety related measures explained

6.1 Proposal 1: Increase the number of questions and test lengths for the theory tests for drivers of buses, coaches and lorries in stages

What will this mean?

- 6.1.1 We propose to increase the number of multiple-choice questions (MCQ) in the theory test taken by learner drivers of category C (lorry) and category D (bus) (including sub categories C1 and D1) to:

- 60 multiple-choice questions from 2 April 2007;
- 100 multiple-choice questions from 1 April 2008.

- 6.1.2 We also propose to increase the number of hazard perception clips to 19 from 1 April 2008.

What is the current situation?

- 6.1.3 The MCQ element of the theory test taken by learner drivers of lorries and buses currently has 35 multiple-choice questions, with a pass-mark of 30. Candidates are allowed up to 40 minutes for the MCQ element. The test also contains a moving image hazard perception test, which takes about 20 minutes, and contains 14 separate clips. The pass mark for this part of the test is currently 50 out of 75. Both parts of the test have to be passed at the same time, and the current fee is £20.50.

Why are we proposing this change?

- 6.1.4 Under EU Directive 2003/59/EC, all new professional drivers of buses and coaches (from September 2008) and lorries (from September 2009) will have to pass a CPC Initial Qualification as well as hold the appropriate vocational driving licence. Once a driver passes this qualification they will be issued with a Driver CPC in the form of a DQC.
- 6.1.5 UK is implementing these higher standards in a way that maximises their potential for road safety and other benefits whilst avoiding unnecessary process, delays and cost.
- 6.1.6 We shall adopt a modular assessment arrangement that will offer drivers an integrated process for obtaining an Initial CPC Qualification in parallel with a vocational driving licence. We are working with DSA who are in partnership

with Skills for Logistics and GoSkills, the Sector Skills Councils for the road freight and passenger transport industries respectively, to ensure that the assessments address the syllabus for the vocational licence and the syllabus for the CPC in an effective and efficient manner, and take into account the profile of the test taker.

6.1.7 Non-professional drivers of buses, coaches and lorries will not have to hold a CPC. We are designing the test modules to ensure that under the new arrangements all vocational licence holders demonstrate that they have the essential knowledge and skills to drive these vehicles safely. The extra modules to obtain a CPC Initial Qualification will focus on the additional knowledge which is relevant to the professional driver operating in the 21st century.

How will the proposal be implemented?

6.1.8 We propose to phase in the extra MCQs during the period before the introduction of the Initial Qualification to smooth the transition to CPC implementation. This will help mitigate the risk of a drop in pass-rates affecting the flow of new drivers into the road freight and passenger-transport sectors when the CPC is introduced, or test demand bow-wave effects around implementation.

6.1.9 The time allowed for completing the MCQ and hazard perception parts of the theory test, the pass mark, and the theory test fee will increase proportionately in line with the number of questions:

- the maximum permissible time for the MCQ element of the theory test will be 70 minutes from 2 April 2007 and 115 minutes from 1 April 2008;
- the pass marks for the MCQ part of the theory test will be set at 51 out of 60 from, 2 April 2007 and 85 out of 100 from 1 April 2008, about the same ratio as present;
- the fee for the theory test will be increased to £32.00 for tests taken from 2 April 2007 and £45.00 from 1 April 2008
- from 1 April 2008 the time for the HP element of the test will be increased to around 30 minutes.
- from 1 April 2008 the pass mark for the HP test may be around 67 out of 100, depending on the number of moving hazards in each clip.

Are there any costs?

6.1.10 Estimated costs of introducing this proposal and the potential benefits / disadvantages are explained further in Annex A.

6.2 Proposal 2: Introduce an additional 10 minutes driving time to bus, coach and lorry tests from September 2008

What will this mean?

6.2.1 We propose to add 10 minutes on-road driving time to category C (lorry), category D (bus and coach), C1 and D1 driving tests within the existing 90 minute test slot. The practical tests for drivers taking large vehicle-plus-trailer tests, category C+E, D+E, C1+E and D1+E will not be affected.

What is the current situation?

6.2.2 Each vocational driving test slot is 90 minutes long. Ten minutes are allocated for undertaking the uncoupling/re-coupling exercise which is part of the vehicle plus trailer tests [categories C1+E, C+E, D1+E and D+E]. DVTA currently delivers about 3,000 category C and D (including C1 and D1) practical tests annually.

Why are we proposing this change?

6.2.3 We have reviewed the content of the practical test to maximise the road safety value we can obtain from the test slot. We can add 10-minutes on-road driving time to the tests for categories C1, C, D1 and D within the existing 90 minute test slot as these tests do not include an uncoupling/re-coupling exercise. Adding these 10 minutes will help ensure the best use of time in the various test modules so we can cover the syllabi for licence acquisition and CPC Initial Qualification in an effective and efficient way.

6.2.4 Extending the on-road driving time of the licence acquisition test for lorry, bus and coach drivers will help raise the standard of driving of all those joining those sectors by broadening the range of road and traffic conditions that can be included in a test.

6.2.5 The extra on-road driving time will apply to tests conducted by DVTA, MoD, PSNI and Fire Authority.

How will the proposal be implemented?

6.2.6 All category C and D (including sub-categories) practical tests for driving licence acquisition conducted from 1 September 2008 will include the additional 10-minutes on-road driving time.

Are there any costs?

6.2.7 This change can be made without significantly affecting the unit cost of providing the tests, so any required increase in test fee would be kept to a minimum. Further information is contained in the RIA at Annex A.

6.3 Proposal 3: Introduce quality assurance arrangements for Approved Training Centres providing Periodic Training for professional drivers of buses, coaches and lorries

What will this mean?

6.3.1 Organisations will be able to obtain approval to offer Periodic Training for professional bus, coach and lorry drivers. This periodic training will become a

requirement for all professional drivers, and they will need to complete 35 hours every five years to allow them to renew their Driver CPC.

What is the current situation?

6.3.2 Currently there are no statutory obligations on professional drivers to undertake training to maintain and enhance their knowledge and skills.

Why are we proposing this change?

6.3.3 Under EU Directive 2003/59/EC all Member States will be required to put in place arrangements that provide for:

- professional bus, coach and lorry drivers to undertake a minimum 35 hours of approved training every five years in periods of not less than seven hours duration;
- standards assurance about the content and quality of Periodic Training that these drivers will have to undertake in order to remain in their occupation. This will involve the regulation of standards for training providers and training courses.

6.3.4 As previously stated, we are working with DSA who are in partnership with the Sector Skills Councils, Skills for Logistics and GoSkills, the industry-led bodies with responsibility for national occupational standards for their sectors, to develop suitable quality assurance arrangements for Periodic Training that meet the needs of the road freight and passenger-transport sectors as well as satisfying the requirements of the EU legislation.

6.3.5 This proposal sets out how we envisage the arrangements will operate for approving training centres for Periodic Training, and the charges that are likely to be involved. It follows earlier consultation about how we should introduce the new Driver CPC within the UK.

How might these arrangements operate?

6.3.6 We envisage that:

- these arrangements will involve separate approval of training centres and training courses;
- an approved training centre would, subject to satisfactory performance, be authorised for a fixed period – perhaps five years. We would welcome views on whether the authorised period should be shorter, perhaps one or two years
- quality assurance inspections would be carried out regularly on the training centres. We would welcome your views on whether this should be done for example on an annual basis;
- an approval period for a specific course might be shorter, to avoid the risk of obsolete training content remaining authorised. We would welcome views on whether the authorised period should be shorter, perhaps one or two years;

- re-authorisation of a centre would be dependent on completion of a satisfactory inspection conducted during the period of authorisation.

Who can deliver Periodic Training?

6.3.7 We envisage that a range of organisations might be interested. These include commercial training providers, in-house training divisions of vehicle operators, and further education colleges.

What are the conditions and criteria for training centre approval?

6.3.8 We envisage potential providers will be assessed against pre-determined criteria including:

- adequate insurance cover;
- secure IT systems;
- trainee attendance records, including certification of course completion;
- course evaluation systems;
- driver feedback;
- driver records maintenance;
- individual trainer qualification criteria;
- course content;
- suitability of vehicles;
- suitability of premises and training areas.

6.3.9 An application for approval might be undertaken as a paper exercise supported by subsequent site visits.

What are the criteria for an approved course?

6.3.10 Course content must relate to the professional driver CPC syllabus set out in the EU Directive, with emphasis on safety and fuel efficiency. However, that syllabus is broad. As previously announced, we intend when implementing the Periodic Training arrangements, to facilitate training that meets the needs of both drivers and operators.

6.3.11 We envisage that the value of the course in terms of the learning taking place and the quality of the teaching would be assessed during site visits.

When will the proposal be implemented?

6.3.12 We intend to introduce procedures for approval of course providers and content in spring 2007.

What are the likely costs involved?

6.3.13 The cost of a five-year registration for centre accreditation could be in the region of £1,500. This cost would be reduced on a pro-rata basis should it be decided to adopt a shorter period of authorisation.

6.3.14 The cost of assessing potential courses for approval is likely to be in the region of £250.00.

6.3.15 Estimated costs of introducing this proposal and the potential benefits/disadvantages are further explained in the RIA at Annex A.

6.4 Proposal 4: Record CPC status by a Driver Qualification Card (DQC) and set a fee

The proposal

6.4.1 DVTA propose to record CPC status using a Driver Qualification Card (DQC). This would take place:

- For new drivers - on passing the relevant tests for Initial Qualification.
- For Acquired Rights drivers (those holding the appropriate licence at the date of introduction for their category of vehicle) - following 35 hours approved training during the five year period that such drivers are exempt from CPC.
- For both groups - on a five yearly cycle subsequently, linked to Periodic Training and renewal of CPC.

6.4.2 Where a fee was charged, we are proposing £25.00.

Impetus for change

6.4.3 The European legislation introducing the CPC requires that it should be recorded by either a code on the driving licence or a DQC. We are proposing using a DQC primarily for reasons for enforcement. Regulations can require a driver to carry a DQC when driving a relevant vehicle and produce this to a Police Officer of Traffic Examiner.

Public Sector savings/costs

6.4.4 A DQC is also the most financially beneficial of the two options. Were we to opt for putting a code on the driving licence for most drivers, this would not remove the need to develop a DQC. We would still need to issue a DQC to non-GB licence holders irrespective of what we decided to do for domestic licence holders. There would therefore be development costs of a DQC, and recovering the DQC development costs on low volumes would imply high unit costs and fees.

6.4.5 Adopting the DQC as the tangible evidence for all UK drivers will avoid the development costs arising from putting a code on the driving licence.

Private Sector savings/costs

6.4.6 The cost of the DQC will be paid, where applicable, by the individual driver. Savings arising from using a single means of recording CPC status will be passed on to drivers. We are planning to replicate the charging arrangements for driving licences. It is unlikely that we will charge a fee for a DQC issued to

new drivers – drivers who acquire CPC by an initial test. For acquired rights drivers and those taking periodic training, there will be a charge. Based on current assumptions we propose £25.00.

6.4.7 Adopting the DQC as the tangible evidence for all GB drivers avoids the costs of repeated licence exchanges to update CPC entitlements. It was initially hoped that it would be possible to align CPC issue and driving licence renewal as a single action. But detailed planning indicates that the five yearly renewal period for Periodic Training and CPC entitlement will not stay aligned with the licence renewal period.

6.5 Proposal 5: Increase the number of questions in the theory tests taken by learner car drivers and motorcycle riders

What will this mean?

6.5.1 We propose to increase the number of MCQs in the theory tests taken by learner car drivers and motorcycle riders from 35 to 50 questions, offering the opportunity to give greater exposure to topics such as:

- unlicensed and uninsured driving;
- eco-driving and environmental issues;
- new motorway signage;
- first aid;
- health and driver licensing.

What is the current situation?

6.5.2 The MCQ element of the theory test taken by learner drivers and riders currently has 35 questions, with a pass-mark of 30. Candidates are allowed 40 minutes. The test also contains a moving image hazard perception test, containing 14 clips with 15 scorable hazards which takes about 20 minutes overall. The pass mark for this part of the test is 50 out of 75. Both parts of the test have to be passed at the same time, and the current fee is £20.50.

Why are we proposing this change?

6.5.3 When the separate theory test was introduced in 1996, educational experts advised that 35 MCQs was the minimum number needed to constitute a valid test of the syllabus required by EU standards. The underlying EU standards were revised in 2003, though the number of questions was not altered.

6.5.4 In addition, in recent years there have been increasing pressures to use the theory test as a way of improving knowledge, understanding and awareness around a number of issues. The confines of a 35 question test mean that greater exposure for an issue can only be at the expense of another.

6.5.5 In GB, the Government's Road Safety Strategy⁴ commits DSA to upgrading the theory test (taking account of European developments) and keeping the

⁴ *Tomorrow's roads safer for everyone* DETR March 2000.

number of questions under review. DVTA would aim to follow with regard to this measure in order to maintain consistency in the driving test across the UK. We can make a positive contribution to driving standards and road safety by a more thorough assessment of the learner's knowledge and understanding. Increasing the number of questions will create a more robust test with better content validity.

How will the proposal be implemented?

6.5.6 The time allowed for completing the MCQ part of the theory test, the pass mark, and the theory test fee will increase proportionately in line with the larger number of questions:

- the maximum permissible time for the MCQ element of the theory test will be around 57 minutes;
- the pass marks for the MCQ part of the theory test will be set at 43 out of 50 – about the same ratio as present;
- the fee for the theory test will be increased to £32
- the hazard perception element of the test will remain unchanged

6.5.7 The Hazard Perception test for learner car drivers and motorcycle riders will not be affected by this change.

6.5.8 We propose to implement the change according to the timetable when we revise these theory tests, so the change would not be before 3 September 2007.

6.5.9 As part of our efforts to maximise the safety value to be gained from our assessments, we want to involve subject matter experts for different topics to help prepare new questions and associated learning material. We are already working with other road safety organisation, Driver Instructor Associations, British Red Cross (BRC) and St John's Ambulance (StJA) and we shall invite other interested parties to nominate subject matter experts.

Are there any costs?

6.5.10 Estimated costs of introducing this proposal and the potential benefits/disadvantages are further explained in the RIA at Annex A.

7 Offence Provisions Explained

7.1 Proposal 1: Create an offence to drive without a valid Driver CPC

What will this mean?

7.1.1 The introduction of the requirements for all bus, coach and lorry drivers to hold a valid Driver CPC mean that some offences must be created for any driver failing to meet the requirements. This offence relates to drivers who are found to be driving professionally without a valid Driver CPC, either because they

have not taken the required tests or have failed to take the necessary periodic training.

What is the current situation?

7.1.2 The requirements for bus, coach and lorry drivers in relation to Driver CPC have not yet been introduced. However currently if a driver is found driving without a valid driving licence they will be guilty of an offence.

Why are we proposing the change?

7.1.3 To introduce the requirements for a driver to hold a Driver CPC without creating an offence for them not to do so, would make the implementation of the Directive unenforceable. This may have a negative impact on the commercial competitiveness of those who did comply with the legislation due to the costs associated with driver retraining and the new testing arrangements, and give those failing to comply an unfair advantage.

How will the proposal be implemented?

7.1.4 DVTA therefore propose that any driver found driving without a valid CPC is prosecutable under a fixed penalty offence. This will enable all European drivers to be prosecuted equally for any failure to comply with the requirements, and remove any temptation to avoid compliance.

7.2 Proposal 2: Create an offence for causing or permitting a person to drive without a valid Driver CPC

What will this mean?

7.2.1 This means that any operator or employer who knowingly allows a person in their employment who does not hold a valid CPC to carry out the duties of a professional bus, coach or lorry driver will be committing an offence.

7.2.2 This will mean employers will have an onus to ensure their driver's training is up to date. Failure to do so could lead to prosecution.

What is the current situation?

7.2.3 Currently employers have a responsibility to ensure their driver's are complying with appropriate road transport regulations. For example employers must ensure their driver's do not breach working time regulations, and an offence is in place for them should they allow a driver to exceed the maximum number of working hours.

Why are we proposing the change?

7.2.4 Given that it is the industry norm for employers to carry a certain responsibility for the compliance of their drivers with their legal requirements; we are proposing the Driver CPC regulations should mirror this standard.

7.2.5 In addition, creating an onus on employers to ensure their drivers have valid CPC may encourage drivers to ensure they have the relevant training, as they know their employer will be aware of when their training expires.

How will the proposal be implemented?

7.2.6 Again this offence will be a fixed penalty offence in Northern Ireland, with operators receiving similar punishment to their drivers. This will ensure that all EU employers are treated fairly and all have an equal requirement to comply.

7.3 Proposal 3: Introduce an offence for a driver who fails to carry evidence of their Driver CPC and a further offence of failing to produce evidence of their Driver CPC

What will this mean?

7.3.1 All bus, coach and lorry drivers who have an up to date Driver CPC will be issued with a driver qualification card (DQC) on application to the department. This will be the evidence that they have completed the necessary training. The card will show the expiry date of their Driver CPC, and will carry the same security features as the driving licence.

7.3.2 These offences means that all professional drivers will have to carry their DQC at all times whilst driving professionally and must produce it when required to do so by a constable or an enforcement officer.

What is the current situation?

7.3.3 Currently drivers who are stopped by enforcement authorities have seven days to produce their driving licence at a police station, and they do not have to carry this evidence with them. However this creates problems when foreign drivers decide to return home without having produced the documentation, or indeed are not able to return to the UK to produce it within the seven day limit.

Why are we proposing the changes?

7.3.4 The Driver CPC regulations will create additional costs for drivers, both due to the additional tests they will need to take, and the requirement to complete periodic training every five years. Since this is a European Directive, all member states will have the same requirement to introduce it simultaneously, in 2008 for bus and coach drivers and 2009 for lorry drivers. UK drivers will be subject to enforcement on foreign territory, and EU drivers should then be subject to the UK enforcement.

7.3.5 Without the requirement to carry evidence of a valid Driver CPC, European drivers would remain in the same situation as currently. By requiring all drivers to carry their CPC evidence, it will be possible to prosecute drivers at the roadside for this offence, and thus the regulations will be equally enforceable for UK drivers as for those from other EU member states. For UK drivers this

means they have to carry their DQC, but drivers from member states who do not issue such cards will have to carry their driving licence as this evidence.

7.3.6 This means UK firms should not be put at a competitive disadvantage due to the failure of their European neighbours of complying with the requirements.

7.3.7 The requirement to carry evidence of the CPC would follow the precedent set in the industry with the requirement for drivers of dangerous goods to carry evidence of their qualification at all times whilst driving.

How will the proposals be implemented?

7.3.8 An offence will be created where a driver failing to carry evidence of a valid CPC will be prosecutable with a maximum fine of up to level three on the standard scale.

7.3.9 An offence will be created where a driver failing to produce evidence of a valid CPC will be prosecutable with a maximum fine of up to level three on the standard scale.

7.4 Proposal 4: Introduce several offences relating to forgery

7.4.1 An offence to forge, alter or use such forged or altered CPC documentation.

7.4.2 An offence to lend forged or altered CPC documentation or allow it to be used by another person.

7.4.3 An offence to make or possess any document which closely resembles CPC documentation with intent to deceive.

What will this mean?

7.4.4 Persons who forge or alter CPC documentation, or that belonging to another person or have on their person any type of similar document that could be used to deceive will be guilty of an offence.

What is the current situation?

7.4.5 Currently it is an offence to produce a forged or false driving licence with the intent of deceiving. This ensures those drivers who comply with the legal requirements are not disadvantaged competitively by those that obtain a false piece of evidence.

Why are we proposing the change?

7.4.6 Given the changes for existing drivers and their requirement to complete 35 hours retraining every five years, it may be tempting for them to fail to comply. This offence will remove the temptation to obtain a false Driver CPC and to try to use this as evidence of entitlement to drive professionally.

How will the proposal be implemented?

7.4.7 Any driver found guilty of this offence would be liable to a fine of up to level 5 on the standard scale, and or up to two years imprisonment upon indictment.

7.5 Proposal 5: Introduce an offence for drivers making a false statement for the purposes of obtaining a DQC

What will this mean?

7.5.1 Any driver who makes a statement to DVLNI that they have completed the requirements for their Driver CPC without having done so in order to obtain a DQC, will be guilty of an offence.

What is the current situation?

7.5.2 Currently drivers who make a false statement to DVLNI for the issue of their driving licence are guilty of an offence.

Why are we proposing the change?

7.5.3 In order to ensure that all DQCs issued are issued to legally qualified professional drivers, it is necessary to create this offence. This will prevent the forgery of documents such as test pass certificates and periodic training certificates.

How will the proposal be implemented?

Those found guilty of this offence will be subject to a fine of up to level five on the standard scale and or up to three months imprisonment, or both upon summary conviction. On indictment they would be liable to imprisonment for up to two years or a fine, or both.

1 Purpose and Intent of the Proposals

- 1.1 This initial Regulatory Impact Assessment (RIA) considers the implications of introducing a package of measures to bring into effect requirements relating to EU Directive 2003/59/EC. This directive outlines new requirements for the initial testing and periodic training of professional lorry, coach and bus drivers throughout the EU. Such changes include an extra 10-minutes on road driving time as part of the practical tests for category C (lorry) and D (bus/coach) vehicles.
- 1.2 The purpose of this RIA is to identify the costs which individual candidates and their trainers will incur in meeting the new requirements and the benefits that are likely to be gained. The costs, which are indicative at this stage, will be developed in the light of responses made to the consultation exercise about the proposed changes.

Background

- 1.3 The overall purpose of the driving test is to check that a learner driver has reached a satisfactory level of competence before being granted a full driving licence for the appropriate category of vehicle and being permitted to drive unaccompanied. The test also helps set the learning agenda for trainees and the training agenda for instructors. The test for all categories of learner drivers is conducted in 4 main elements:
- a test of knowledge and understanding (the multiple choice part of the theory test);
 - a performance test (hazard perception);
 - a practical assessment of ability to perform specified manoeuvres.
 - a practical assessment of general on-road driving/riding.
- 1.4 The Government's Road Safety Strategy⁵ committed the DSA to contribute to improvements in road safety through establishing, developing and disseminating high standards and best practice in driving and riding on the road: before people start to drive, as they learn and after they pass their test. Each year over 3,000 people are killed on Britain's roads and 36,000 are seriously injured. In total, there are some 300,000 road casualties. This causes enormous human suffering and is a serious economic burden - the direct cost of road traffic collisions involving deaths or injuries is thought to be in the region of £3 billion a year in Great Britain. Whilst DVTA have no obligation under this Road Safety Strategy, we are committed to reducing road deaths in Northern Ireland, and for this reason wish to mirror the changes introduced by DSA contributing to these aims.

⁵ *Tomorrow's Roads – Safer for Everyone*. DETR March 2000. Product code 99ARSE0998

Objective

- 1.5 The administrative arrangements relating to the booking and taking of tests support the road safety objective of the driving test system, and prevent it being undermined by irregularities such as candidate impersonation. The arrangements also help the orderly delivery of services in a customer-focused and cost-effective manner.
- 1.6 The purpose of this package is to improve road safety by ensuring that only those persons who have demonstrated they have the required skills and knowledge are granted a full licence.

Business sectors affected by the proposals

- 1.7 The proposals principally affect individual candidates preparing to undertake theory tests, practical motorcycle and car plus trailer tests, and vocational tests. However, the proposals are wide-ranging and are of interest to all sectors of the driver/rider training industry as well as those with an interest in road safety:
 - road freight companies, and bus and coach operators;
 - Police, Fire and MoD establishments;
 - lorry and bus driving instructors;
 - unsuccessful candidates for B+E practical tests;

2 Safety Related Measures

2.1 Proposal 1: Increase the number of multiple-choice questions in the theory tests taken by learner lorry and bus drivers in stages

The proposal

- 2.1.1 We propose to increase the number of MCQs in the theory test taken by learner drivers of category C (lorry) and category D (coach or bus) [including sub-categories C1 and D1]:
 - 60 multiple-choice questions from 2 April 2007;
 - 100 multiple-choice questions from 1 April 2008.We also propose to increase the number of hazard perception clips to 19 from 1 April 2008.
- 2.1.2 We propose to increase proportionately the time allowed for completing the MCQ element of the test, the pass mark and the fee. This will result in the time allowed for the MCQ element to be extended to 70 minutes from 2 April 2007 and 115 minutes from 1 April 2008. The pass mark will be increased to 51 out of 60 and 85 out of 100 on those dates for the multiple choice questions. The time allocation for the hazard perception part of the test is likely to increase to 36 minutes from 29, and the pass mark is likely to be 69 out of 105, depending on the total number of hazards included in each clip.

Impetus for change

- 2.1.3 New EU rules will require professional bus, coach and lorry drivers to hold a Certificate of Professional Competence (CPC) in order to work as a professional driver in the European Union as well as a vocational driving licence. We have designed a modular package of theory and practical assessments that will allow a new driver to obtain a CPC Initial Qualification and a vocational driving licence in parallel, and we expect most professional drivers to take this approach.
- 2.1.4 The new assessments will ensure that all vocational licence holders have the essential knowledge and skills to drive such vehicles safely. The extra modules to obtain a CPC Initial Qualification will focus on the additional knowledge which is relevant to the professional driver operating in the 21st century. The enhanced MCQ element will be taken by all drivers of these vehicles. We are phasing in the larger number of MCQs to smooth the transition to the more rigorous test.

Public Sector savings/costs

- 2.1.5 We shall incur costs to develop, deliver and maintain the longer MCQ test, and the additional hazard perception clips. DVTA will need to recover these additional costs from the fees it charges to candidates for the general service.

Private Sector savings/costs

- 2.1.6 The fees for the theory test will be increased proportionately to the extended MCQ element - to £32.00 from 2 April 2007 and to £45.00 from 1 April 2008.

2.2 Proposal 2: Introduce an additional 10 minutes driving time to bus, coach and lorry tests from September 2008

The proposal

- 2.2.1 From 1 September 2008, we propose to add 10 minutes on-road driving time to category C and category D (including sub-categories C1 and D1) practical driving tests within the existing 90 minute test slot.

Impetus for change

- 2.2.2 We wish to maximise the value of the test slot and have reviewed the content of the test for the Driver CPC Directive. The extra 10-minutes on road driving time will help to make the category C and D practical driving tests more reflective of today's road conditions and help raise the standard of the drivers wishing to join the professional driving industry.
- 2.2.3 Extending the on-road driving time also enables us to ensure that we test the CPC competence of safe and fuel-efficient driving adequately during licence acquisition tests, and that drivers continue to be tested in a range of varying road and traffic conditions.

2.2.4 This extra driving time will apply to all category C and D tests conducted by DVTA examiners and by non-DVTA examiners.

Public Sector savings/costs

2.2.5 DVTA will incorporate training about the new tests in its initial training for new driving examiners and there will be training for existing staff. DVTA does not consider that this additional 10 minutes on-road driving time will significantly increase its costs. As the extra 10 minutes is being accommodated within the existing test slot, there should be little effect on the number of tests an examiner can conduct in a day, and therefore unit costs and test fees.

Private Sector savings/costs

2.2.6 MoD, some Fire and Police authorities, and certain bus companies are authorised to conduct vocational tests for their staff. It is critical to the public confidence that tests under these special arrangements are clearly undertaken to the national standard. Subject to any comments received in consultation, DVTA does not consider that this additional 10 minutes on-road driving time will significantly increase the costs to these organisations of delivering the practical tests.

2.2.7 The extra 10 minutes will allow for a more effective and efficient assessment of on-road driving competence in a rather wider range of road and traffic conditions. The competences being assessed should already be covered in an initial structured training programme, and therefore the change should not significantly add to training costs. Where additional training is required to meet the modern standards, we regard this as justified by the safety and other benefits associated with safe and skilled drivers.

2.2.8 Vocational drivers contribute towards some 40 million tonnes of petroleum consumed by British motorists each year and the environmental damage which results. Increased awareness of safe and fuel-efficient driving will contribute to a reduction of the environmental impact. Better driving means less fuel is used and the wear and tear on vehicles is also reduced resulting in reduced vehicle maintenance costs. It is expected that the private sector organisations will also benefit from savings in fuel and lower vehicle maintenance costs which will result from safer and more fuel efficient drivers.

2.3 Proposal 3: Introduce quality assurance arrangements for Approved Training Centres providing Periodic Training for professional drivers of buses, coaches and lorries

The proposal

2.3.1 We need to put in place regulatory arrangements to quality-assure the Periodic Training undertaken by professional drivers of buses, coaches and lorries.

Impetus for change

- 2.3.2 The EU CPC Directive will be implemented for professional bus and coach drivers from 10 September 2008 and for lorry drivers from 10 September 2009. New drivers (who will need an Initial Qualification) will have to undertake Periodic Training over the following five years to maintain their CPC status. Existing drivers (who will not need an Initial Qualification) will have to undertake Periodic Training to obtain their CPC status.
- 2.3.3 The Periodic Training requirement will oblige professional bus, coach and lorry drivers to undertake a minimum 35 hours of approved training every five years in periods of not less than seven hours duration in order to keep their occupation.
- 2.3.4 The Driver CPC Directive requires Member States to put in place regulatory arrangements to quality assure the training organisations, training centres, individual instructors and training courses for Periodic Training.
- 2.3.5 These proposals indicate the likely arrangements and fees for approving training centres and courses. The detailed arrangements are being developed in partnership with the road freight and passenger transport industries and other stakeholders as part of the implementation project for the new EU obligations.

Public Sector savings/costs

- 2.3.6 We shall need to recover the costs of implementing the quality assurance schemes for providers of training courses and course content, including the mid-term reviews.
- 2.3.7 The cost of assessing potential courses is likely to be in the region of £250.00.
- 2.3.8 The cost of a five-year registration for training providers is expected to be around £1,500. Such cost would be dependent on the approval criteria agreed.

Private Sector savings/costs

- 2.3.9 These fees will be paid by providers. The market for professional driver training services is, however, likely to expand as a result of this Directive and DVTA understands that a one-week training course typically retails for around £750. In that context, these fees are unlikely to be a significant extra burden on those gaining extra revenue offering the services.
- 2.3.10 Industry representatives have advised DVTA that large logistics and bus/coach companies, which have in-house training divisions, will seek their authorisation for Periodic Training purposes. This will be possible.

2.3.11 As indicated when we consulted on how we proposed to implement the new EU requirements, we envisage that the potential savings (particularly from improved fuel consumption) available to the companies affected by the new arrangements will substantially offset their investment in staff skills.

2.4 Proposal 4: Record CPC status by a Driver Qualification Card (DQC) and set a fee

The proposal

2.4.1 DVTA propose to record CPC status using a Driver Qualification Card (DQC). This would take place:

- For new drivers - on passing the relevant tests for Initial Qualification.
- For Acquired Rights drivers (those holding the appropriate licence at the date of introduction for their category of vehicle) - following 35 hours approved training during the five year period that such drivers are exempt from CPC.
- For both groups - on a five yearly cycle subsequently, linked to Periodic Training and renewal of CPC.

2.4.2 Where a fee was charged, we are proposing £25.00.

Impetus for change

2.4.3 The European legislation introducing the CPC requires that it should be recorded by either a code on the driving licence or a DQC. We are proposing using a DQC primarily for reasons for enforcement. Regulations can require a driver to carry a DQC when driving a relevant vehicle and produce this to a Police Officer of Traffic Examiner.

Public Sector savings/costs

2.4.4 A DQC is also the most financially beneficial of the two options. Were we to opt for putting a code on the driving licence for most drivers, this would not remove the need to develop a DQC. We would still need to issue a DQC to non-GB licence holders irrespective of what we decided to do for domestic licence holders. There would therefore be development costs of a DQC, and recovering the DQC development costs on low volumes would imply high unit costs and fees.

2.4.5 Adopting the DQC as the tangible evidence for all UK drivers will avoid the development costs arising from putting a code on the driving licence.

Private Sector savings/costs

2.4.6 The cost of the DQC will be paid - where applicable - by the individual driver. Savings arising from using a single means of recording CPC status will be passed on to drivers. We are planning to replicate the charging arrangements for driving licences. It is unlikely that we will charge a fee for a DQC issued to new drivers – drivers who acquire CPC by an initial test. For acquired rights

drivers and those taking periodic training, there will be a charge. Based on current assumptions we propose £25.00.

2.4.7 Adopting the DQC as the tangible evidence for all GB drivers avoids the costs of repeated licence exchanges to update CPC entitlements. It was initially hoped that it would be possible to align CPC issue and driving licence renewal as a single action. But detailed planning indicates that the five yearly renewal period for Periodic Training and CPC entitlement will not stay aligned with the licence renewal period.

2.5 Proposal 5: Increase the number of multiple-choice questions in the theory tests taken by car drivers and motorcycle riders

The proposal

2.5.1 We propose to increase the number of MCQs in the theory tests taken by learner car drivers and motorcycle riders from 35 to 50 questions. There will be a proportionate increase in the time allowed to complete the MCQ element of the test to 57 minutes. The pass mark will be 43 out of 50. We envisage making this change in respect of tests taken on or after 3 September 2007. The hazard perception element of the test will remain unchanged.

Impetus for change

2.5.2 The Government's road safety strategy: Tomorrow's roads safer for everyone committed DSA to "upgrade the test paper and keep the number of questions per test paper under review". Given the road safety benefits to this, DVTA plan to follow this commitment. Increasing the number of questions will create a more robust test with better content validity, which will require candidates to ensure they have the right level of knowledge and understanding.

2.5.3 Extra questions in a test will give the opportunity to give greater exposure to topics such as:

- unlicensed and uninsured driving;
- eco-driving and environmental issues;
- new motorway signage;
- first aid;
- health and driver licensing.

without being at the expense of the rest of the syllabus.

2.5.4 The Association of British Insurers advises that the costs of accidents involving uninsured drivers add an average £306 to the motor insurance premiums. Research indicates that there is poor understanding amongst drivers generally about costs and penalties of unlicensed and uninsured driving.

2.5.5 The British Red Cross (BRC) and St John Ambulance (StJA) advise that more than half of deaths caused by road accidents happen in the first few minutes

⁶ ABI leaflet: *Safer, Cheaper, Legal* The ABI campaign against uninsured driving – January 2004
www.abi.org.uk/Display/File/364/ABI_A4v6.pdf

after a crash, before the emergency services arrive⁷. Improving basic first aid knowledge and skills could mean the difference between life and death in such situations. Every theory test currently contains at least one question on first aid. Increasing the number of first aid questions in the theory test is a way of raising first-aid knowledge and skills.

- 2.5.6 More MCQs would offer the opportunity to address awareness on important health and driver licensing matters, such as:
- the links between health, fitness, impairment and safety when driving;
 - a driver's responsibilities concerning medical declarations, and the penalties for non-declaration and fraudulent declaration;
 - how to make medical declarations.

Public Sector savings/costs

- 2.5.7 We shall incur costs to develop, deliver and maintain the longer MCQ test. DVTA will need to recover these additional costs from the fees it charges to candidates for the general service.

Private Sector savings/costs

- 2.5.8 The fees for these theory tests will be increased proportionately to the extended MCQ element to £28.50.

3 Consultation

3.1 Public consultation

- 3.1.1 When conducting consultations we aim to consult as wide a range of stakeholders as possible. We will post the consultation paper on our website, and on the NI consultations website www.consultni.gov.uk.

3.2 Within Government

- 3.2.1 The Driving Standards Agency is releasing a similar document to consult on these changes in GB. The Department of the Environment are routinely consulted on all changes introduced by DVTA. The Department of Finance and Personnel will be consulted on any changes required to fees, as mentioned in this document.

4 Small firms impact test

- 4.1 A small business is defined as one with:

- Fewer than 50 employees
- No more than 25% of the business owned by another enterprise (which is not a small business)

⁷ *Are pre-hospital deaths from accidental injury preventable?* Hussain and Redmond, 1994

⁸ *Better Policy Making: A Guide to Regulatory Impact Assessments.* Cabinet Office January 2003

- Less than £4.44 million annual turnover
- Less than £3.18 million annual balance sheet total

4.2 Lorry, coach and bus driving instructors tend to work for large driving schools most of which are small businesses.

4.3 We therefore consider that the impact upon small businesses of any of the above options would not be disproportionate.

5 Competition assessment

5.1 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.

6 Social Exclusion Issue

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

7 Equality Impact Assessment

7.1 We have been unable to identify any negative impact on any group of people following implementation of the proposals based on the section 75 groups within Northern Ireland.

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

8 Environmental Issues

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

9 Application within the United Kingdom

9.1 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.

10 Enforcement, sanctions and monitoring

10.1 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.

ANNEX B

DVTA CONSULTATION PROPOSALS 2006

Please Note: DVTA 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)*
 * Please see below

Address:

Postcode:

Telephone number:

e-mail address:

*** Organisation Details:**

Organisation purpose: please tick the relevant box:

ADI	M/c trainer	LGV/PCV trainer	Driver/rider trainer representative organisation	Government Department/Local Authority RSO	Police/Fire MoD etc.	Others: *please specify below

*Others:

Organisation aims:

.....

Number of views represented by this response:

How were the views gathered:

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 comments if you have ticked the relevant box immediately below each proposal.**

If you need more space for your comments, please continue on a separate sheet. Clearly cross-reference your comments to the relevant proposal and securely attach the sheet to the remainder of your response.

Proposal 1: Increase the number of questions and test lengths for the theory tests for drivers of buses, coaches and lorries in stages

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Proposal 2: Introduce an additional 10 minutes driving time to bus, coach and lorry tests from September 2008

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Proposal 3: Introduce quality assurance arrangements for Approved Training Centres providing Periodic Training for Professional drivers of buses, coaches and lorries

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 4: Record CPC status by a Driver Qualification Card (DQC) and set a fee

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 5: Increase the number of questions in the theory tests taken by learner car drivers and motorcycle riders

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Offence 1: Create an offence for driving without a valid Driver CPC

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Offence 2: Create an offence for causing or permitting any driver to drive without a valid Driver CPC

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Offence 3: Introduce an offence for a driver who fails to carry evidence of their Driver CPC

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Offence 4: Introduce an offence for drivers trying to use a forged or false Driver CPC as evidence of holding a valid CPC

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

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Offence 5: Introduce an offence for drivers making a false statement for the purposes of obtaining a Driver Qualification Card

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Comments on longer-term arrangements to recover the costs of undertaking regular CRB checks

.....

Regulatory Impact Assessments – Do you consider that the estimated costs and savings identified in the initial RIA at Annex A are accurate?

Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree

.....

Equality Impact Assessment – Do you consider the EIA has correctly considered the likely effect of the proposals on specific groups?

Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree

.....

Do you feel that this consultation paper meets the consultation criteria at Annex D?

Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree

.....

ANNEX C CONSULTATION LIST

This is a list of some of the organisations this document has been sent to. It is not exhaustive, however if you feel a particular organisation should receive a copy please contact DVTA.

DOE Equality Consultees
NIPSA
House of Lords Library
House of Commons Library
Northern Ireland Assembly Library
MPs and MEPs
MLAs
Northern Ireland Party Leaders
Road Safety Organisations
Department of the Environment (NI)
Driving Standards Agency
Driver and Vehicle Licensing Northern Ireland

ANNEX D

CABINET OFFICE CODE OF PRACTICE ON CONSULTATION: CONSULTATION CRITERIA

The six consultation criteria are:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. 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

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