



MODERNISING ARRANGEMENTS FOR TAKING DRIVING TESTS



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MODERNISING THE ARRANGEMENTS FOR TAKING DRIVING TESTS

Introduction

1. This consultation paper seeks your views on a package of changes to modernise the administrative arrangements for booking and attending the theory and practical tests taken by learner drivers and riders.
2. 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.
3. The purpose of this package is to:
 - improve the service offered to the Agency's customers;
 - improve the cost-effectiveness of the Agency's activities and the operation of the relevant road traffic rules;
 - make compliance easier for those who are observing the rules, whilst ensuring effective arrangements are in place to avoid breaches or abuse.
4. These proposals are in line with the Government's commitment given in the *Modernising Government White Paper*¹ to deliver public services around the needs of citizens.

Summary of proposals

5. The proposals are explained in more detail in **Appendix A**. In summary, they would:
 - (i) introduce a three day rule that prevents candidates who failed their theory test from taking a further test until 3 days have elapsed;

¹ *Modernising Government*. Cabinet Office. 1999. The Stationery Office £9:00 <http://www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm>

- (ii) introduce a ten day rule that prevents candidates who failed their practical driving test from taking a further test until 10 days have elapsed;
- (iii) Count Saturday as a working day –
 - (a) for the purposes of the minimum wait before unsuccessful theory or practical test candidates may re-attempt the test;
 - (b) for the purposes of calculating the minimum period of notice for a candidate to cancel or re-arrange a theory or practical test without fee forfeiture;
- (iv) improve the photographic ID procedure at theory and practical tests by requiring candidates to present a Photocard driving licence;
- (v) enhance the safety requirements for vehicles used for car-plus-trailer, lorry and bus tests;
- (vi) allow more flexibility in the driving experience requirement for those accompanying learners driving lorries and buses (see the table in **Appendix B**);
- (vii) allow persons with a physical disability to supervise learners driving lorries or buses and vehicle-trailer combinations where this does not present any road safety risk.

Regulatory Impact Assessment

6. The Agency has prepared a draft regulatory impact assessment (RIA), which is at **Appendix C**. The RIA will be developed in the light of any comments received in response to this consultation paper.

Your invitation to comment

7. Please send written comments on any issues raised in this paper, including the draft RIA, to:

**Elaine Hutchinson
Driver & Vehicle Testing Agency
Balmoral Road
BELFAST
BT12 6QL**

Email: elaine.hutchinson@doeni.gov.uk

Comments to arrive no later than **30 October 2005**. If you prefer, please use the reply form at **Appendix D** for your reply. All responses will be acknowledged.

8. A copy of this paper has been sent to the organisations listed in **Appendix E**. Please advise us if you think that other organisations or individuals should be sent a copy. The text of the paper is also available on DVTA's website at www.doeni.gov.uk/dvta and the Government's UK online website at www.direct.gov.uk

9. If you are replying on behalf of an organisation, it would be helpful if you would indicate whom you are representing, 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.

10. This paper has been produced in accordance with the principles of the *Code of Practice on Written Consultations*², which are reproduced at **Appendix F**. If you consider that this paper does not comply with the criteria, please write setting out the areas where you feel the paper diverts from the criteria to:

Roger Holland
Driver & Vehicle Testing Agency
Balmoral Road
BELFAST
BT12 6QL
Email: roger.Holland@doeni.gov.uk

Freedom of Information Act 2000 – confidentiality of consultations

11. The Agency will publish 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 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

² *Code of Practice on Consultation*. Cabinet Office, 2004. This document can be viewed at: <http://www.cabinet-office.gov.uk/regulation/consultation/code.htm>

legal position about any information given by you in response to this consultation.

12. The Freedom of Information Act gives the public a right of access to any information held by a public authority, namely, DVTA 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.

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
- acceptance by the Agency of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner

For further information about confidentiality of responses please contact the Information Commissioner's Office (or see web site at: <http://www.informationcommissioner.gov.uk/>).

For further information about this particular consultation please contact DVTA.

Application within the United Kingdom

13. This consultation paper seeks views on amending arrangements that operate in Northern Ireland. Driving tests in Great Britain are subject to separate legislation, and are organised by the Driving Standards Agency (DSA). Any proposals to alter arrangements in Great Britain will be the subject of separate consultation there.

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PROPOSALS

(i) Introduce a three day rule that prevents candidates who fail the theory test from taking a further test until three days have elapsed

1. In GB candidates who have failed their theory test are prevented from taking a further test until three days have elapsed. It is intended that legislation be amended to bring Northern Ireland into line with the rest of the UK. This legislation is designed to encourage learners and their instructors to ensure that candidates are thoroughly prepared before first attempting the test, and provide unsuccessful candidates with the opportunity to take further tuition after failing rather than rushing for the next available test appointment.

2. Unsuccessful theory test candidates would have to wait a minimum of three clear working days before they can re-take the test. *Your views are invited on this.*

(ii) Introduce a ten day rule that prevents candidates who fail the practical driving test from taking a further test until ten days have elapsed

3. It is proposed to introduce a minimum waiting period of ten days before unsuccessful practical driving test candidates can re-take their test. A similar provision is already in place in GB.

4. This legislative change, which would bring Northern Ireland into line with the rest of the UK, would encourage learners and their instructors to ensure that candidates were thoroughly prepared before first attempting the test, and provide unsuccessful candidates with the opportunity to take further tuition after failing rather than rushing for the next available test appointment. *Your views are invited on this.*

(iii) Count Saturday as a working day -

(a) for the purposes of the minimum wait before unsuccessful theory or practical test candidates may re-attempt the test. (This proposal is linked to proposals (i) and (ii) of this document and would only be considered if they were introduced)

5. Currently, Saturday is not counted as a working day for the purposes of the driving test regulations. Many driver trainers work on Saturday. Treating Saturday as a non-working day can have the effect of prolonging the minimum wait before unsuccessful theory and practical test candidates may re-attempt the test, even though training is available on that day. This could be particularly relevant for the road freight and passenger transport sectors, both of which are reporting a need for the prompt availability of properly trained drivers.

6. It is therefore proposed to amend the relevant regulations so that Saturday is included in the definition of working day (except - as for any weekday - when Saturday is also a bank holiday or Christmas Day). This change would apply to both theory and practical tests. *Your views are invited on this.*

(b) for the purposes of calculating the minimum period of notice for a candidate to cancel or re-arrange a theory or practical test without fee forfeiture (This proposal is linked to proposals (i) and (ii) of this document and would only be considered if they were introduced)

7. This altered treatment of Saturdays as a working day could also be adopted for the purposes of calculating the minimum period of notice for a candidate to cancel a theory or practical test without fee forfeiture. This proposal would mean that persons cancelling appointments could give less notice. It would also mean that DVTA would have less time to find an alternative candidate to use that slot, which could adversely affect test utilisation and ultimately waiting times. *Your views are invited on this.*

(iv) Improve the photographic ID procedure at theory and practical tests by requiring candidates to present a Photocard driving licence

8. Since 1997, theory and practical test candidates have been required to produce photographic evidence of identity before a test proceeds. This enables those conducting the test to undertake a simple visual check that the person presenting for test is the licence-holder. Having in place effective means of deterring candidate impersonation is critical to the integrity of the driving test system.

9. Although the Northern Ireland driving licence contained a photograph prior to the 1997 changes, the GB driving licence did not, and therefore photographic identification had to be produced along with non-photocard driving licences. In determining what documents would constitute acceptable evidence of photographic identification, DVTA sought to strike a balance between the need for security and the types of documents with photo-ID that were readily available to the majority of candidates ie 17- 20 year-olds.

10. In practice, this involved specifying in regulations a list of documents, and giving examiners discretion to accept others. The list of documents being presented has grown, and the security concerning identity involved in obtaining some of them is questionable.

11. The environment in which this check operates has substantially altered. GB has been issuing Photocard driving licences since 1998, and is currently engaged in work to enhance security checks of the applicant's identity.

12. Candidates are already required to produce their driving licence plus the licence counterpart at the start of a theory or practical test in order to confirm their driving status. Having presentation of a Photocard driving licence serving both the photographic ID check and the driving status check would represent a simple and easily understood arrangement. Given that the Photocard driving licence is the only type of provisional driving licence that has been issued for over five years now, it is not considered to be over-burdensome to require test candidates to present a Photocard licence.

13. It is therefore now proposed to specify a Photocard driving licence as the document to be presented in order to provide photographic evidence of identity. *Your views are invited on this.*

14. There can be legitimate reasons why a candidate cannot present a driving licence at test - say, because it has been stolen. Currently, a candidate who is unable to produce a driving licence for whatever reason can apply to DVLNI for a letter of entitlement, and use that to confirm driver status on the day of a driving test. A letter of entitlement does not bear a photograph, so cannot serve for the photographic ID check. Candidates attending for test in such circumstances currently need to produce evidence of photo-identity from the alternatives defined in Schedule 5 to the Motor Vehicles (Driving Licences) Regulations (NI) 1996.

15. It is proposed that the use of a letter of entitlement to establish driver status supported by an alternative means of photo-identification would be phased out as part of this package. At that point, only candidates who were able to produce Photocard driving licences would be able to take their tests. In recognition of the difficulties that a candidate might face if their licence was stolen shortly before the date of test, DVTA would consider reasonable requests to delay the test without a loss of fee until the candidate had had the opportunity to obtain a replacement licence from Driver and Vehicle Licensing Northern Ireland (DVLNI). Such requests would be considered on their merits and would need to be supported by a valid crime number issued by the police. *Your views are invited on this.*

16. A candidate holding a GB driving licence who wished to take a driving test in Northern Ireland would be able to satisfy both the photographic ID requirement and the licence entitlement check by presenting the GB driving licence at the start of the test.

(v) Enhance the safety requirements for vehicles used for car-plus trailer, lorry and bus tests

17. DVTA has an obligation under the Health & Safety at Work (NI) Order 1978 and the Management of Health & Safety at Work Regulations (NI) 2000 to identify any hazards present, consider the extent, if any, of the risks involved and take reasonable steps to eliminate or control these, as well as a general duty of care towards its workforce.

18. Statutory responsibilities facing all employers are to be enhanced as a result of the adoption by the UK of the European Physical Agents (Vibration) Directive 2002³. This Directive must be transposed into UK law by the issue of regulations by 6 July 2005. Organisations will be required to take all reasonable steps to protect their workforce from the effects of Whole Body Vibration (WBV). It is likely the regulations will be subject to a phased introduction, and will apply to new vehicles two years from the date of introduction (i.e., 2007) and to existing vehicles by five years (i.e., 2010).

19. A number of standards regarding test vehicles used for lorry and bus tests, and tests involving vehicles towing trailers, which would be relatively cheap and simple to install where they were not already present, would reduce the risk of injury to driving examiners. The Driving Standards Agency (DSA) has recently completed a risk assessment for the LGV/PCV testing activity. This risk assessment is available on the DSA website.

(a) Mirrors

20. Examiners must make rearward observations during a test as part of their assessment of the candidate's driving. Observations are greatly assisted where the vehicle has externally-mounted nearside and offside mirrors suitable for the examiner's use.

21. Many training organisations for lorry and bus drivers already fit extra mirrors to help their driving instructors. Extra mirrors could cost around £250 per vehicle were extra stalks needed. They are relatively simple to fit. Current regulations do not require vehicles in which learners are presented for test to be fitted with external mirrors to provide examiners with nearside and offside rearward observation.

22. New European Union (EU) test vehicle standards introduced in the UK from autumn 2003 provide for box bodies for lorries and trailers. This increased the importance of vehicles having external mirrors to provide examiners with nearside and offside rearward observation.

23. It is therefore proposed that externally-mounted nearside and offside mirrors for use by an examiner should be incorporated into the minimum test vehicle specification for car-plus trailer (category B+E), lorry and bus categories C and C+E (including sub-categories C1 and C1+E) and

³ The European Physical Agents (Vibration) Directive 2002 – 2002/44/EC.

categories D and D+E (including sub-categories D1 and D1+E) driving tests. *Your views are invited on this.*

(b) Seatbelts

24. Currently, regulations provide that vehicles presented for car (category B) and car-plus-trailer (category B+E) tests must be fitted with a three-point seatbelt for use by the front seat passenger so that it can be used by the examiner conducting the test. There is no equivalent provision for vehicles presented for lorry or bus driving tests.

25. In approximately 45% of cases lorries used for driving tests already have seatbelts for the passenger seat that are used by the instructor when the vehicle is being used for training. Such belts may have either two or three anchor points. The availability of a fully-functional seatbelt for the examiner conducting a lorry driving test would help reduce the risk of ejection from the seat in the event of an accident or severe braking or steering.

26. It is therefore proposed to incorporate a two- or three-point seatbelt for use by the examiner, and for any person supervising that examiner, into the minimum test vehicle specification for lorry driving tests (categories C and C+E, including sub-categories C1 and C1+E). *Your views are invited on this.*

27. The situation with bus and coach driving tests (categories D and D+E, including sub-categories D1 and D1+E) is slightly different.

28. Northern Ireland legislation requires drivers and front seat occupants in any vehicle (cars, vans, buses, mini-buses, coaches and lorries included) to wear seatbelts where they are fitted. For other seats, belts must be fitted in all buses and coaches first used after 1 September 2002, and for older vehicles where children are carried on organised trips. Vehicles designed to carry standing passengers are not, however, required to be fitted with seatbelts.

29. Some bus training organisations use coaches as their training vehicle for category D or D+E tests. These vehicles will normally be fitted with seatbelts in the rear, and therefore have a seatbelt available for an examiner, and any person supervising that examiner, to use. Depending upon the vehicle, two- or three-point belts may be fitted.

30. The remaining organisations use urban buses (buses designed to carry standing passengers) for category D or D+E driving tests. In this sort of vehicle, the seating arrangement for the driver means that the examiner conducts the test positioned behind the driver using a passenger seat where there is no seatbelt. Whilst it would be desirable for an examiner conducting these types of test to have a seatbelt, that implies that seatbelts would need to be specially fitted.

31. New EU legislation⁴ concerning the professional training of lorry and bus drivers is likely to take effect for new bus drivers around summer 2008. This directive sets standards for the vehicles used for initial training in line with those for test vehicles.

32. It is proposed to make the availability of a seatbelt for an examiner conducting a test, and for any person supervising that examiner, part of the test vehicle specification. *Your views are invited on this.*

(c) Seat suspension

33. The seats used by examiners conducting large goods vehicle driving tests need to have adjustable suspension so that they offer a safe and comfortable ride. With modern lorries, this is usually the case. However, some of the older vehicles used for lorry driving tests have old-fashioned seating – either rigid seats with no adjustment other than forward or backward, or seats that are too springy to meet a modern standard.

34. The problem with poor seating should resolve itself as more modern vehicles are increasingly used for test as a consequence of the new EU standards for test vehicles. *Your views are invited on whether further action would be appropriate.*

(vi) Allow more flexibility in the driving experience requirement for those accompanying learners driving lorries and buses

35. Currently, a person accompanying a learner driving a large goods vehicle or a passenger-carrying vehicle must have held a full licence for three years for the category of vehicle for which the learner is seeking a full licence.

36. The purpose of this rule was to create circumstances in which an accompanying person was likely to have had a reasonable amount of

⁴ European Directive 2003/59/EC. *Initial Qualification and Periodic Training for LGV/PCV Drivers*

driving experience, and achieved an associated level of competence for driving that particular category of vehicle.

37. The introduction of the rule ended the previous situation where an accompanying person might have just obtained the full licence. But the rule does not currently give any recognition to the value of any experience gained driving another category of large vehicle.

38. It is proposed that up to two years of the experience requirement for a supervisor of a learner lorry driver might have been obtained by virtue of holding a full licence for driving a bus, and vice versa. The same principle could operate in respect of a supervisor of a learner driving a lorry-plus-trailer combination, and vice versa. The details are set out in the table in **Appendix B**. *Your views are invited on this.*

(vii) Allow persons with a physical disability to supervise learners driving lorries or buses and vehicle-trailer combinations where this does not present any road safety risk

39. Currently, the accompanying driver rule generally prevents physically disabled persons from acting as a supervising person for learners driving lorries, buses or vehicle-trailer combinations. This is because the rules in effect require a supervisor to hold a full licence in the category that the learner is seeking to obtain, and physically disabled persons frequently hold driving licences subject to restrictions concerning the vehicles they may drive related to their disability.

40. DVTA are currently seeking powers to enable physically disabled persons to act as a supervising person for learners driving cars, provided they were able in an emergency to take control of the steering and braking functions of the vehicle.

41. It is proposed that a similar provision should be introduced so that persons who held a licence subject to restrictions relating to their disability who otherwise satisfied the accompanying person rules would, providing they could take emergency control of the steering and braking functions, be able to act as a supervising person for learners driving the following categories:

- car-plus-trailer combinations (category B+E)
- medium-sized lorries (sub-category C1)
- medium-sized lorries-plus-trailer combinations (sub-category C1+E)
- large rigid lorries (category C)

- articulated lorries and lorry-plus-trailer combinations (category C+E)
- minibuses (sub-category D1)
- minibus-plus-trailer combinations (sub-category D1+E)
- buses and coaches (category D)
- bus-plus-trailer combinations (category D+E)

Your views are invited on this.

Appendix B

Driver - vehicle being driven by the provisional licence-holder	Accompanying person - minimum duration for the holding of a full licence with the relevant entitlement
Sub-Category C1	3 years for sub-Category C1, or 1 year for sub-Category C1 plus a further 2 years for Category D1.
Sub-Category C1+E	3 years for sub-Category C1+E, or 1 year for sub-Category C1+E plus a further 2 years for Category D1+E.
Category C	3 years for Category C, or 1 year for Category C plus a further 2 years for Category D.
Category C+E	3 years for Category C+E, or 1 year for Category C+E plus a further 2 years for Category D+E.
Sub-Category D1	3 years for sub-Category D1, or 1 year for sub-Category D1 plus a further 2 years for Category C1.
Sub-Category D1+E	3 years for sub-Category D1+E, or

	1 year for sub-Category D1+E plus a further 2 years for Category C1+E.
Category D	3 years for Category D, or 1 year for Category D plus a further 2 years for Category C.
Category D+E	3 years for Category D+E, or 1 year for Category D+E plus a further 2 years for Category C+E.

DRAFT REGULATORY IMPACT ASSESSMENT

PURPOSE AND INTENT OF THE PROPOSALS

1. This regulatory impact assessment (RIA) considers the implications of introducing a package of proposed changes to modernise and harmonise the arrangements for the booking and taking of theory and practical driving tests taken by learner drivers and motorcycle riders.

2. The purpose of this RIA is to identify the costs that individual candidates and their trainers will incur in meeting the new requirements and the benefits that are likely to be gained. The costings, which are indicative at this stage, will be developed in the light of responses made to the consultation exercise about the proposed changes.

Background

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 permitted to drive unaccompanied. The test also helps set the training agenda for learners. The test for all categories of learner drivers is conducted in 2 parts:

- The first part comprises a theoretical test of knowledge and understanding of the driving syllabus undertaken as a multiple-choice question test, followed by an assessment of hazard perception skills using video clips. This part is undertaken as a computer-based assessment.
- The second part comprises a practical test of skills and behaviour using a vehicle representative of the category of licence being sought.

Objective

4. 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.

5. Recent court cases in GB have shown that the driving test system is vulnerable to attack from those seeking to undertake driving licence and wider identity fraud. Such fraud undermines the road safety purpose of the driving licence system. Wider identity fraud risks undermining the integrity of other public administration, public safety, and the administration of justice more generally.

6. The purpose of this package is to:

- improve the service offered to the Agency's customers;
- improve the cost-effectiveness of the Agency's activities and the operations of the relevant road traffic rules;
- make compliance easier for those who are observing the rules, whilst ensuring effective arrangements are in place to avoid breaches or abuse.

Business sectors affected by the proposals

7. The proposals principally affect individual candidates preparing to undertake a theory and practical driving test. They therefore are also of interest to employers of drivers. The proposals also affect all sectors of the driver/rider training industry:

- training bodies that provide training courses to learner moped and motorcycle riders;
- car driving instructors;
- lorry and bus driving instructors.

THE PROPOSALS

(i) Introduce into legislation a three day rule that prevents candidates who fail the theory test from taking a further test until three days have elapsed

Existing situation

8. Currently candidates who have failed their theory test are prevented from taking a further test until three days have elapsed. This provision is currently in GB legislation, but it is still only policy in Northern Ireland. It is intended that Northern Ireland legislation be amended to require candidates who fail the theory test to wait three days before taking the test again.

Impetus for change

9. Candidates who fail the theory test have not demonstrated they have sufficient road safety knowledge. However, there is currently the potential that these candidates could retake the test immediately without taking any additional training and continue to take it until they pass. Placing a time restriction on candidates will encourage candidates to be thoroughly prepared before first attempting the test, and will provide unsuccessful candidates with the opportunity to take further tuition after failing rather than rushing for the next available test appointment.

10. This change will bring Northern Ireland in to line with the rest of the UK.

(ii) Introduce a ten day rule that prevents candidates who fail the practical driving test from taking a further test until 10 days have elapsed

11. It is proposed to introduce a minimum waiting period of 10 days before unsuccessful practical driving test candidates can re-take their test. A similar provision is already in place in GB.

Impetus for change

12. Candidates who fail the practical driving test can apply immediately for a new test. There is the potential for such candidates to get a new test on the same day as their failed test. Given that the pass rate in Northern Ireland is under 50% this would suggest that candidates may not be fully prepared for the test. Imposing a 10-day time delay on candidates who fail their test has the potential of ensuring that candidates are thoroughly prepared before first attempting the test, and provide unsuccessful candidates with the opportunity to take further tuition after failing rather than rushing for the next available test appointment.

13. This change will bring Northern Ireland into line with the rest of the UK.

(iii) Count Saturday as a working day -

(a) for the purposes of the minimum wait before unsuccessful theory or practical test candidates may re-attempt the test

Existing situation

14. Unsuccessful candidates for both theory and practical tests must wait a minimum number of clear working days before attempting another test. This rule is to discourage candidates from attempting the test before they are thoroughly prepared, and to give unsuccessful candidates a period for retraining before reattempting a test.

Impetus for change

15. The definition of a working day in the regulations has not been amended to reflect changes in practices in the driver training industry and in DVTA's service arrangements. In particular, the definition of a working day does not include a Saturday, though DVTA conduct both theory and practical tests on Saturdays.

16. If a minimum wait before unsuccessful theory or practical test candidates may re-attempt the test is introduced it is likely that concerns could be that Saturday is a working day in the driver training sector, and that DVTA should accept candidates who take an unsuccessful test on either a Thursday or Friday have adequate opportunity to seek additional

training on Saturday. Such candidates should therefore be able to undergo a further test on Tuesday or Wednesday.

Estimated Public and Private Sector Savings

17. Treating Saturday as a working day would benefit individual candidates and the training industry because it would allow candidates to reattempt their test earlier than otherwise. It could also have business benefits for DVTA, allowing better use of the weekly test schedules for practical lorry and bus driving tests. Currently, candidates who fail a test on a Friday or a Saturday cannot reattempt a test before Thursday or Friday the following week. Because of the way the training industry for those sectors is structured around weekly training courses, these days are likely to attract the greatest demand for practical tests anyway.

Estimated Public and Private Sector Costs

18. Altering the definition of working day would involve systems changes for the theory and practical test services, and therefore additional costs, but the Agency does not anticipate that these costs would be of a magnitude to affect test fee levels. DVTA has not identified any costs for individual candidates or the training industry that would arise from this change.

(b) for the purposes of calculating the minimum period of notice for a candidate to cancel or re-arrange a theory or practical test without fee forfeiture

Existing situation

19. Candidates are currently allowed to cancel or re-arrange a theory or practical test by giving not less than three clear working days notice before the day on which the appointment is made without losing the fee. Currently, Saturday is not defined as a working day.

Impetus for change

20. The impetus is set out in paragraphs 15 and 16 above.

Estimated Public and Private Sector Savings

21. Customers would benefit from, in effect, a reduced period within which they could cancel without fee forfeiture.

Estimated Public and Private Sector Costs

22. Altering the definition of working day would involve systems changes for the theory and practical test services, and therefore additional costs, but the Agency does not anticipate that these costs would be of a magnitude to affect test fee levels. DVTA has not identified any costs for individual candidates or the training industry that would arise from this change.

(iv) Make more rigorous, whilst simplifying, the photographic ID requirement at theory and practical tests by requiring candidates to present a Photocard driving licence

Existing situation

23. From 1 March 1997 all driving test candidates have been required to produce a driving licence containing photographic ID or photographic ID along with a non-photographic driving licence. Although the Northern Ireland licence included a photograph prior to 1997, GB Photocard driving licences were not introduced until autumn 1998. Since then candidates have been encouraged to use these documents to fulfil both purposes.

Impetus for change

24. DVTA is keen to reduce the opportunity for candidate impersonation at both theory and practical test and considers that the Photocard driving licence has an important role to play.

Estimated Public and Private Sector Savings

25. Any reduction in the number of candidates fraudulently obtaining a driving licence should have positive road safety benefits for all road users. Any reduction in identity fraud should bring benefits for the integrity of other public administration, public safety, and the administration of justice more generally.

Estimated Public and Private Sector Costs

26. Most candidates already hold a photo-licence – practically all theory test candidates and 99% of practical test candidates. Candidates who need to exchange an old style GB paper licence for a photo-licence will

have to pay a fee of £19 to DVLA/DVLNI. This seems proportionate to the improved simplicity of the check and the better security it offers.

27. In July 2004, DVLNI/DVLA introduced a new fee structure for driver and vehicle fees⁵. For those claiming a first full licence, the exchange will be free if they paid the new £38 fee for their provisional licence. If the new £38 fee has not been paid, applicants applying for their first full licence will have to pay an upgrade fee of £9. This £9 upgrade fee will be charged for two years before being phased out by DVLNI

28. DVTA would incur minor additional costs by agreeing to defer tests, without a loss of fee, for a candidate whose licence had been stolen and who was able to provide evidence in the form of a crime number issued by the police. This proposal would generate minor costs for DVTA in promoting public awareness of the change.

(v) Enhance the safety requirements for vehicles used for car-plus-trailer, lorry and bus tests

Existing situation

29. There are already rules in place concerning the specification for vehicles that may be used for practical driving tests. These rules generally focus on ensuring the test vehicle is reasonably representative of the type of vehicle that the fully qualified driver will use, rather than the mirrors/seatbelts/seats for examiners now proposed.

Impetus for change

30. DVTA has a duty of care to its examiner staff under health and safety legislation. During the financial year 2002/03, six DSA examiners sustained injury whilst conducting PCV tests and four whilst conducting LGV tests in vehicles that did not have seatbelts available for examiners to use. Although there have not been any similar recorded incidents in Northern Ireland, DVTA is keen to put procedures in place to remove/reduce any risk to examiners.

⁵ DVLA Summary of Responses to the Consultation on Fee Proposals - Driving Licences and Vehicle Registration. October 2003. The document can be viewed on: www.dvla.gov.uk

Estimated Public and Private Sector Savings

31. Improved health and safety for driving examiners should lead to reduced sick absence. This would reduce costs for the testing service, and lead to improved service levels. These changes should also produce benefits to trainers, who spend more time in the vehicle than examiners.

Estimated Public and Private Sector Costs

32. The costs of the higher standards are considered proportionate to the potential benefits, particularly as many test vehicles already satisfy the proposed requirements, and the costs for those that do not would be spread over the life of the training vehicle – typically five years for lorries and buses.

33. Regarding the proposals to introduce enhanced seat, seatbelt and external rear view mirror requirements for use by the examiner conducting category C, C+E, D and D+E tests (including sub-categories), many vehicles used by the training industry already have three point seatbelts fitted. A GB survey of 1384 LGV tests conducted in February 2003 found that 45% (625) of vehicles presented were already fitted with a suitable seatbelt for the examiner. Of 229 PCV tests conducted, 52% (119) vehicles had a suitable seatbelt for use by the examiner.

34. Lorries that do not have seatbelts fitted are likely to have in place the anchor points with which to attach seatbelt restraints. The cost of supplying a seatbelt is likely to be in the region of £150 to £250 (+VAT and fitting) per seatbelt depending on the type of vehicle. The cost of fitting seatbelts for use by the examiner, and any person supervising the examiner, whilst conducting driving tests in buses and coaches is less clear because of the construction of vehicles, the type of seating, and the availability of suitable anchorage points for seatbelts.

35. The same survey found that in 62% (856) of LGV tests, the standard fitted mirrors did not afford the examiner good all-round vehicle observation. 31% (71) of PCV tests were conducted in vehicles that did not give the examiner good all-round observation. The cost of supplying and fitting external mirrors for use by the examiner is estimated to be in the region of £250+VAT per vehicle.

36. Higher vehicle specifications for lorries, buses and vehicle-trailer combinations for test purposes were announced in the European Directive that came into effect on 11 October 2000. For vehicles first registered up to and including 30 September 2003, the training industry has until 30 June 2007 to upgrade their vehicle fleet. All new vehicles first registered from 30 September 2003 must meet the new standards now. These vehicles will all have adjustable front seats and three point seatbelts fitted as standard. The remaining vehicles will need to be upgraded by the end of the transitional period.

37. In the last two years DVTA has, on average, conducted very few category B+E tests. Many of these candidates presenting for test do so in their own vehicles that are already required to have seatbelts available for use by the front seat passenger. There would, however, be an additional cost in supplying and fitting additional external rear view mirrors for use by the examiner. This provision is estimated to cost £50 per vehicle to buy and fit. It might, however, be possible to arrange to hire easily detachable mirrors for the duration of the test.

(vi) allow more flexibility in the driving experience requirement for those accompanying learners driving lorries and buses (see the table in Appendix B)

Existing situation

38. Currently, a person accompanying a learner driving a LGV or PCV must have held a licence for three years in the same category of vehicle for which the learner is seeking a full licence.

Impetus for change

39. Companies engaged in training lorry and bus drivers have suggested that this is unnecessarily burdensome, and have asked if experience driving one category of large vehicle could count towards the experience requirement for another category of large vehicle.

Estimated Public and Private Sector Savings

40. The proposed change could enable commercial training companies, and the training divisions of road operators, to make broader use of their staff with driver training experience.

Estimated Public and Private Sector Costs

41. DVTA has not identified any unfavourable cost implications for trainers or DVTA. Provided the experience requirements were sensibly formulated, it would appear that this relaxation could be allowed without affecting road safety.

(vii) allow persons with a physical disability to supervise learners driving lorries or buses and vehicle-trailer combinations where this does not present any road safety risk

Existing situation

42. Currently, the supervising driver rule often prevents physically disabled persons from being supervising persons for learners driving lorries, buses or vehicle-trailer combinations. This is because, under the supervising driver rule, the supervisor is required to hold a full licence in the same class as the licence being sought. A physically disabled person may hold a driving licence restricted to vehicles with suitable adaptations.

43. The supervising driver rule is to be changed for cars – to create a special provision in the relevant regulations that means physically disabled persons can hold a restricted car driving licence and still be a supervising driver, provided they can take control of the steering and braking functions of the vehicle in an emergency.

Impetus for change

44. To comply with the Disability Discrimination Act 1995, DVTA has been reviewing whether there are any unnecessary restrictions with the operation of the supervising driver rule as it relates to driving large vehicles and vehicle combinations that prevent persons with disabilities from fulfilling their potential and gaining employment, provided that rules needed to protect road safety are maintained.

Estimated Public and Private Sector Savings

45. In practical terms, the characteristics of a driver's position in a lorry or bus are often substantially different from those in a car. This would make intervention to take control of the steering or braking functions of the vehicle in an emergency situation very difficult – particularly in PCVs

where the driver sits alone and is often surrounded by security screens. DVTA would, however, welcome comments on the extent to which a supervising driver rule for large vehicles and vehicle trailer combinations similar to that for cars would generate savings or otherwise be welcomed.

Estimated Public and Private Sector Costs

46. DVTA has not identified any costs for trainers, learners or examining authorities.

Small Firms Impact Test

53. A small business is defined⁶ as one with:

- fewer than 50 employees;
- 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.

54. Once qualified, the majority of car driving instructors and motorcycle trainers operate as self-employed, one-person businesses. Lorry and bus driving instructors tend to work for large vehicle driving schools, most of which are small businesses. The Agency does not consider that the introduction of these changes will adversely impact on these small businesses, individual instructors or those seeking to enter the driving instruction industry. This assumption will be fully tested by this consultation process.

Competition Assessment

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

Social Exclusion Issue

56. DVTA does not believe that any social exclusion issues are likely to arise from these proposals.

⁶ *Better Policy Making: A Guide to Regulatory Impact Assessment*. Cabinet Office January 2003

Environmental Issues

57. Similarly, DVTA does not consider that the proposals would have any significant environmental impact either directly or indirectly.

Application within the United Kingdom

58. This RIA considers the implications of the new arrangements in Northern Ireland. Driving tests in GB are subject to separate legislation, and are organised by the Driving Standards Agency. The regulatory impact of meeting new standards there will be considered separately.

Views are welcomed on any of the issues or costings in this draft RIA.

Appendix D

**MODERNISING THE ARRANGEMENTS FOR BOOKING AND TAKING
DRIVING TESTS**

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).....

Address:.....

.....

.....Postcode:

Telephone number:

Email address:

Proposal 2 (Appendix A paragraphs 3 - 4 refers)

The proposal is to introduce a ten day rule that prevents candidates who fail the practical driving test from taking a further test until ten days have elapsed

Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 3 (Appendix A paragraphs 5 - 7 refers)

The proposal is to count Saturday as a working day for the purposes of the minimum wait before unsuccessful theory and practical test candidates may re-attempt the test. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 4 (Appendix A paragraphs 8 - 13 refers)

The proposal is to improve the photographic ID procedure at theory and practical tests by requiring candidates to present a photocard driving licence. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 4 (Appendix A paragraphs 14 - 15 refers)

The proposal is to phase out the use of the 'letter of entitlement' as evidence of entitlement to drive for theory and practical tests. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 5 (Appendix A paragraphs 20 - 23 refers)

The proposal is to require vehicles presenting for car-plus trailer, lorry and bus tests to be fitted with externally-mounted nearside and offside mirrors for use by the examiner. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 5 (Appendix A paragraphs 24 - 26 refers)

The proposal is to require vehicles presenting for lorry tests to be fitted with a two or three-point seatbelt for use by the examiner and, where a third seat is available, the person supervising the examiner. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 5 (Appendix A paragraphs 27 - 32 refers)

The proposal is to require vehicles presenting for bus tests to be fitted with a two or three-point seatbelt for use by the examiner and any person supervising the examiner. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 5 (Appendix A paragraphs 33 – 34 refers)

Do you agree that the problem of poor seating in large goods vehicles presenting for test should resolve itself as more modern vehicles are increasingly used for test as a consequence of the new EU standards for test vehicles – or is further action appropriate?

Yes, I consider the problems of poor seating will be overcome as more modern vehicles are used for test purposes

No, I consider further action is appropriate

Please explain your reasons:

Proposal 6 (Appendix A paragraphs 35 - 38 refers)

*The proposal is to allow more flexibility in the driving experience requirement for those accompanying learners driving lorries and buses (see the table in **Appendix B**). Do you agree?*

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

Proposal 7 (Appendix A paragraphs 39 – 42 refers)

The proposal is to allow persons with a physical disability to supervise learners driving lorries or buses and vehicle-trailer combinations where this does not present any road safety risk. Do you agree?

Yes, I agree with the proposal

No, I do not agree with this proposal

Please explain your reasons:

General Comments

Please use this section if you wish to make any general comments about the proposals contained in this Consultation Paper

Are there any additional measures which you would wish to see introduced to further modernise the arrangements for taking driving tests? Please give details

Are you able to provide an estimate of the costs referred to in the draft regulatory impact assessment (Appendix C)?

Do you have any other comments about the draft regulatory impact assessment (Appendix C)?

Is there anything you particularly liked or disliked about this consultation paper?

Do you feel that this consultation paper meets the consultation criteria at Appendix F?

Yes/No* * please delete as appropriate

If you answered **No** to this question please give details:

Disclosure of responses:

The contents of individual responses may be included in a summary of responses which DVTA will compile and publish. They may also be posted on the DVTA website. Please make it clear if you do not wish this to happen with regard to your response.

I am/am not* content for my response to be included in any summary which DVTA will compile and publish.

I am/am not* content for my response to be made available including, posting on the DVTA website, to anyone requesting copies of individual responses.

Signed:.....

Date:.....**2005**

* please delete as appropriate

CONSULTATION LIST

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

Appendix F

**CABINET OFFICE CODE OF PRACTICE ON WRITTEN
CONSULTATION: CONSULTATION CRITERIA**

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.cabinetoffice.gov.uk/regulation/consultation/code.htm

DVTA
June 2005