



**RESPONSE TO  
THE DRIVER AND VEHICLE LICENSING AGENCY'S  
CONSULTATION PAPER**

**“ENABLING DISQUALIFIED HOLDERS OF EUROPEAN  
COMMUNITY/EUROPEAN ECONOMIC AREA (“COMMUNITY”)  
DRIVING LICENCES TO REGAIN ENTITLEMENT TO DRIVE IN THE  
UK”**

**22 October 2015**

## **INTRODUCTION**

This is the response of the Royal Society for the Prevention of Accidents (RoSPA) to the Driver and vehicle Licensing Agency's consultation paper, "Enabling disqualified holders of European Community/European Economic Area ("Community") driving licences to regain entitlement to drive in the UK".

Our response has been prepared following consultation with RoSPA's National Road Safety Committee.

RoSPA thanks the DVLA for the opportunity to comment on the proposals.

## **INTRODUCTION**

Section 36 of the Road Traffic Offenders Act 1988 enables courts to order that drivers who have been disqualified for certain serious driving offences to take either an extended driving test or a test of competence to drive other than an extended driving test before being able to regain a full driving licence.

Generally, it is an offence to obtain a licence or to drive while they are disqualified. However individuals who are disqualified under section 36 of the Road Traffic Offenders Act 1988 can apply for a provisional licence, and once granted, may drive subject to the normal rules for provisional licence holders (i.e. display L plates and be under the supervision of someone who is 21 years or older and has a valid driving licence, which they have held for at least three years). This enables those individuals to prepare for, and take, a driving test in order to regain their full driving licence.

However, provisional driving licences can only be granted to individuals who are resident in Great Britain and who surrender their EC/EEA licence. Therefore, a person with an EC licence who is who is not resident in the UK, and has been disqualified under Section 36 of the Road Traffic Offenders Act 1988, is unable to lawfully take a driving test at the end of their period of disqualification because they cannot apply for a provisional licence and cannot drive in the UK using their disqualified EC/EEA licence.

This only affects a very small number of drivers, but the DVLA believe that the changes proposed are necessary to ensure that those drivers are able to take an appropriate driving test in the UK in order to regain their driving entitlement at the end of their disqualification period.

Therefore, the DVLA intend to amend road traffic law to enable holders of EC/EEA licences who have been disqualified from driving under Section 36 of the RTOA until they have passed an appropriate test to:

- a) drive in Great Britain subject to the same conditions as a provisional licence holder, (by amending Section 37 of the RTOA)

and

- b) take a driving test in Great Britain using their EC/EEA licence (by amending Regulation 38(10) of the Motor Vehicles (Driving Licences Regulations) 1999).

The proposed change would apply only to Great Britain. Driver licensing is a devolved matter in Northern Ireland so any changes to legislation will need to be taken forward by the Driver and Vehicle Agency in Northern Ireland.

### **Consultation Question**

**Do you agree that we should make changes to the law to allow Community licence holders who have been disqualified until they have passed an extended driving test in the UK to take a test using their Community licence? If you disagree, please explain why.**

### **RoSPA Response**

RoSPA agrees with the proposal to enable holders of EC/EEA licences who have been disqualified from driving under Section 36 of the RTOA to apply for a provisional driving licence and drive under the same conditions as a provisional licence holder and to take a driving test in Great Britain using their EC/EEA licence.

It does not make sense to disqualify a person from driving until they have passed an extended driving test, but then to prevent that person from being able to take the test, or take driver training to bring them up to pass standard, because they cannot apply for a provisional driving licence. In fact, it may even be counter-productive by encouraging such drivers to drive unlicensed, and therefore, uninsured.

Drivers in this situation need to be able to improve their driving, and to be able to demonstrate that they have reached the required standard.

However, it is important that these changes do not allow the offenders affected to partially get around their driving dis-qualification by driving as a learner during their disqualification period. They should only be allowed to apply for a provisional driving licence or take a driving test with their EC/EEA licence once they have completed the disqualification period set by the court.

We understand that when courts disqualify EC/EEA drivers under Section 36 of the Road Traffic Offenders Act 1988, they set a disqualification period, after which the offender must pass an extended test before re-gaining a full driving licence. However, we also understand that there may be times when a time period is not be set by the court. If this is the case, we would be concerned that the offenders affected might be able to partially get around their dis-qualification by driving as a learner until they pass an extended test.

RoSPA thanks the DVLA for the opportunity to comment on the proposals. We have no objection to our response being reproduced or attributed.

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