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13<sup>th</sup> March 2024

Dear Iain,

### **The Motor Vehicles (Driving Licences) (Amendment) Regulations 2024**

I am writing to make you aware of a minor, technical amendment that I intend to make by secondary legislation to close an unintended gap in driving licence recognition in GB (NI are considering equivalent arrangements in NI).

Following EU Exit, most British drivers have been able to use their UK driving licence in the European Economic Area (EEA) as a visitor or resident. Some EEA countries require a UK licence to be exchanged for a locally issued licence if the holder becomes resident, alternatively the driver would need to pass a local driving test.

In the past, if such an individual returned to live in Great Britain (GB), the EEA-issued licence would have been recognised until it expired as it would have fallen within the definition of a 'Community licence' under the Road Traffic Act 1988 (the 1988 Act), which sets out the treatment of such licences. An unintended consequence of EU Exit means that the existing legislative provisions do not apply if the driver was issued with a GB or Northern Ireland (NI) driving licence on or after 1 January 2021, the date of EU exit.

This means that a GB (or NI) licence holder who obtained their licence on or after 1 January 2021, who becomes resident in the EEA and exchanges their licence (as required by many countries), and then returns to GB, can only use that licence to drive cars or motorbikes for up to 12 months in GB and cannot drive any other type of vehicle (e.g. lorries and buses). This is different from other EEA licences, which are usually recognised in GB until they expire. The Driver Vehicle and Licensing Agency (DVLA) will exchange EEA licences as required.

I am not aware of any cases where this has been raised as an issue and I expect that currently, only a very small number of people would be likely to find themselves in this position. This is because they would need to have passed their first driving test in GB (or NI), then lived in an EEA country and

exchanged their licence, and subsequently returned as a resident to GB, all since 1 January 2021. To be impacted, vocational drivers would also need to have undertaken the training for and obtained further entitlements in addition to their first full licence in the last three years.

However, the group of people affected by the current gap will increase in size over time and therefore I am making this regulation to close the gap and ensure that all EEA licences issued in exchange for a GB or NI licence have the same recognition rights in GB as Community licences first issued in the EEA.

The proposed statutory instrument will therefore grant recognition in GB to people who hold an EEA driving licence which was issued in exchange for a licence issued in GB or NI. This will ensure that such individuals will be able to rely on their EEA licence for as long as it is valid. The new regulation will also ensure that all provisions in GB law which normally apply to a Community licence will also be applied to EEA licences held by this group of people.

Consideration was given to amending the definition of Community licence within the 1988 Act. This could have been achieved by an Act of Parliament or a Legislative Reform Order made under the Legislative and Regulatory Reform Act 2006. However, amending the 1999 Regulations is considered to be both a more proportionate and swifter means of achieving the policy outcome.

This matter is devolved to Northern Ireland. The GB regulations will extend to people who obtained their first driving licence in NI and who subsequently move to GB with an EEA licence. Department for Transport officials have been in touch with their counterparts in NI who are considering equivalent arrangements in NI.

I hope this letter provides clarity on why the Government is bringing forward this legislative change at this time and reassures the Committee that by acting now we are closing the gap before it becomes an issue for those who fall within this group of "returning drivers".

Best wishes,



**GUY OPPERMAN MP**

**MINISTER FOR ROADS AND LOCAL TRANSPORT**