



An executive agency of the
Department for
Transport



A CONSULTATION PAPER

DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME

IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS



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INVESTOR IN PEOPLE

29 April 2009

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DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME - IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS

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Glossary

Item	Definition
'acquired rights' drivers	Drivers who held the appropriate licence for lorries and buses before the implementation date for the Driver CPC
Category C	Large Goods Vehicle,
Category C1	Medium-size goods vehicle
Category D	Passenger Carrying Vehicle
Category D1	Minibus
CPC	Certificate of Professional Competence
CPC Regulations	The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended]
DfT	Department for Transport
DoE	Department of Environment Northern Ireland
Directive 2003/59/EC	Driver CPC Directive.
Directive 91/439/EEC	First Driving Licence Directive [as amended]
DQC	Driver Qualification Card
Driving Licences Regulations	Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended]
DSA	Driving Standards Agency
DVLA	Driver and Vehicle Licensing Agency
DVA	Driver Vehicle Agency
Initial qualification	Qualification required to obtain CPC
LGV	Large Goods Vehicle
Module 1 test	First theory element of initial qualification (also licence acquisition theory test)
Module 2 test	Second theory element of initial qualification
Module 3 test	First practical element of initial qualification (also licence acquisition practical test)
Module 4 test	Second practical element of initial qualification
MTV	Minimum Test Vehicle specification for use on CPC test
PCV	Passenger Carrying Vehicle

DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME - IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS

1 INTRODUCTION

1.1 The Driver Certificate of Professional Competence (CPC) is being introduced in the United Kingdom as a result of Directive 2003/59/EC, which introduced a requirement across the EU for professional bus, coach and lorry drivers to hold a CPC in addition to their vocational driving licence.

1.2 New professional drivers need to acquire an initial qualification, through detailed tests. The Driving Standards Agency's (DSA) earlier consultation paper(s)¹ sought consultees' views on the essential elements required to implement the legislation. The implementing Regulations which support the delivery of tests specific to CPC are silent on some of the business rules applying to those tests. This paper proposes to establish the legal framework for the administrative arrangements.

1.3 The following table sets out the main proposals on which we are seeking your views.

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¹ Certificate of Professional Competence (CPC) for Professional Lorry and Bus Drivers – DSA November 2005 and Driver Certificate of Professional Competence – Further Implementation Arrangements - DSA August 2007

3 EXECUTIVE SUMMARY

3.1 The proposals in this consultation paper relate to business rules which apply to CPC theory and practical tests.

3.2 Subject to consultation, we propose to introduce legislation to underpin the business rules with effect from 10 September 2009 i.e. the date on which the CPC will be introduced for lorry drivers. The CPC for bus and coach drivers was introduced on 10 September 2008.

4 IMPACT ASSESSMENTS

4.1 We have prepared initial Impact Assessments (IAs), at **Annex A - F**. The IAs will be developed in the light of comments received in response to this consultation paper.

5 CONSULTATION QUESTIONS

Proposal No. 1 – Clarify the CPC Minimum Test Vehicle (MTV) requirements

Q1 Do you agree with the proposal to clarify the MTV requirements by specifying them in regulations?

Proposal No. 2 – Introduce a three clear working day wait following an unsuccessful CPC test

Q2 Do you agree with the proposal to introduce in regulations a wait of not less than three clear working days before being able to re-take a CPC theory or practical test following a failed attempt?

Proposal No. 3 – Introduce a minimum cancellation period of three clear working days

Q3 Do you agree with the proposal to introduce in regulations a cancellation period of a minimum of three clear working days for CPC theory and practical tests for the purpose of fee refunds?

Proposal No. 4 – Introduce a right for examiners to refuse to conduct theory and practical CPC test in certain circumstances and for the fee to be forfeited

Q4 Do you agree with the proposal to specify in regulations the examiner's right to refuse to conduct the CPC theory and practical tests in certain circumstances, (eg where the MTV requirements are not met), with resultant forfeiture of fee?

Proposal No. 5 – Introduce a Trainer Booking Facility for CPC tests

Q5 Do you agree with the proposal to introduce in regulations a Trainer Booking Facility for CPC theory and practical tests?

Proposal No. 6 – Introduce a requirement to pass a Module 2 test before booking a Module 4 test

Q6 Do you agree with the proposal that a Module 2 test (CPC theory test) must be passed before a Module 4 test (CPC practical test) can be booked?

Proposal No.7 – Introduce a requirement for 'acquired rights' drivers to exchange their old style (paper) driving licence for a photocard licence before completing their periodic training

Q7 Do you agree with the proposal to require the exchange of old style driving licences to facilitate the issuing of DQCs?

General comments

Do you have any general comments about the proposals in this paper?

Initial Impact Assessment

If you think any of the estimated costs referred to in the Initial Impact Assessments are incorrect please supply alternatives.

Initial Impact Assessment

Do you have further comments about the Initial Impact Assessments?

Consultation criteria

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

Consultation Paper

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

6 HOW TO RESPOND

6.1 Please tell us what you think of the options to make improvements to the CPC administrative arrangements by completing the Reply Form at: <http://www.dsa.gov.uk/Consultation.asp?id=SXF97F-A78318C9&cat=619>

6.2 If you have difficulties downloading the consultation paper or Reply Form please e-mail us at:

- For Great Britain - consultations@dsa.gsi.gov.uk or contact DSA by telephone (0115) 936 6093, or by minicom (0115) 936 6660, and we will send you a hard copy.
- For Northern Ireland - karen.stewart@doeni.gov.uk or contact Driver Vehicle Agency (DVA) by telephone 028 9054 1804, or by minicom 028 7034 1351, and we will send you a hard copy.

6.3 If you are unable, or do not wish to respond electronically, please reply by post, using the hard copy response form, to:

- For Great Britain - DSA Policy Team, The Axis Building, 112 Upper Parliament Street, Nottingham, NG1 6LP.
- For Northern Ireland - DVA Policy Team, Driver and Vehicle Agency, Balmoral Road, Belfast, BT12 6QL.

6.4 The Consultation period will last for 12 weeks from 29 April 2009 to 23 July 2009, in accordance with the Government's guidelines².

6.5 Responses must arrive no later than 23 July 2009 although earlier receipt would help us. **Please note that we are unable to consider any comments received anonymously and only those responses received using the Reply Form will be accepted.** We will acknowledge every response.

6.6 If you are replying on behalf of an organisation, it would be helpful if you could tell us who you are representing, the nature of the organisation, how many individuals' views are included within the response and what steps you have taken to gather those views.

² *Code of Practice on Consultation*. Issued by the Department for Business Enterprise and Regulatory Reform

7 WHAT HAPPENS NEXT

7.1 We shall use the responses received to this consultation exercise to inform Ministers of the views of stakeholders. A report based on the responses will be produced and posted on the DSA website: www.dsa.gov.uk and on the DVA website www.dvani.gov.uk. We will contact everyone who sends us comments to tell them when the *Response to Consultation* Report is available.

8 THE CONSULTATION CRITERIA

8.1 We have produced this consultation paper in accordance with the principles of the *Code of Practice on Consultations* – the criteria are reproduced at **Annex G**. 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:

- For Great Britain - Graham Law, Consultation Co-ordinator, Driving Standards Agency, The Axis Building, 112 Parliament Street, Nottingham, NG1 6LP.
- Tel: (0115) 936 6090; fax (0115) 936 6573; e-mail: graham.law@dsa.gsi.gov.uk
- For Northern Ireland - Brian Morrison, Driver and Vehicle Agency, Balmoral Road, Belfast, BT12 6QL.
- Tel: (028) 9054 7936; e-mail: brian.morrison@doeni.gov.uk

8.2 A full version of the Code of Practice is available on the Better Regulation Executive web-site at: <http://bre.berr.gov.uk/regulation/documents/consultation/pdf/code.pdf>

9 DISCLOSURE OF INFORMATION

9.1 The Driving Standards Agency (DSA) is an executive agency of the Department for Transport (DfT) (the data controller). The Driver and Vehicle Agency (DVA) is an executive agency of the Department of the Environment (DoE) in Northern Ireland. Your personal data will be processed by DSA for the purpose of administering this consultation only.

9.2 DVA share use of our CPC Management System e.g. training carried out in NI is recorded on the DSA system. Interfaces between existing driver/testing NI systems and the DSA system have been established and data for NI drivers is held on our database. DVA have also built an interface with DVLA systems for the purpose of issuing Driver Qualification Cards (DQCs).

Freedom of Information – Publication of Responses

9.3 In line with our policy on openness, it is our intention to make available the responses we receive. They will be published on the DSA and DVA websites – www.dsa.gov.uk and www.dvani.gov.uk - at the end of the consultation period, unless you specifically ask us not to do so. You should also be aware that we might have to disclose your response if asked to do so as part of a request for information made 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 e-mail responses will not be regarded as a confidentiality request. If third parties ask for hard copies of responses, we will make a reasonable charge for processing and copying.

9.4 Personal data is not disclosed to, or shared with, any third parties other than in accordance with the Data Protection Act 1998. For further information, please see our privacy notice on our website – www.dsa.gov.uk. Details of the DfT's / DSA's registration with the Information Commissioner can be viewed on the Data Protection Public Register on the Commissioner's website – www.ico.gov.uk. DfT's registration number is Z7122992. DoE's registration number is Z582270.

10 APPLICATION WITHIN THE UNITED KINGDOM

10.1 The proposals in this consultation paper extend to Great Britain and Northern Ireland.

11 PROPOSALS EXPLAINED

Background

11.1 Directive 2003/59/EC (“the CPC Directive”) was transposed into UK legislation by the *Vehicle Drivers (Certificates of Professional Competence) Regulations 2007*³ [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition were also made by way of amendments to the *Motor Vehicles (Driving Licences) Regulations 1999*⁴ [as amended] (the “Driving Licence Regulations”) and the *Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542* [as amended]⁵

11.2 The CPC Directive specifies the following implementation dates:

- 10th September 2008 for bus and coach drivers.
- 10th September 2009 for lorry drivers.

11.3 New professional drivers need to obtain an initial CPC qualification, through detailed tests. The UK has introduced these in a modular format:

- Module 1 test – current licence acquisition theory test (in the Driving Licence Regulations).
- Module 2 test – CPC theory test – comprises case studies (in the CPC Regulations).
- Module 3 test – current licence acquisition practical test (in the Driving Licence Regulations).
- Module 4 test – CPC practical test (in the CPC Regulations).

11.4 The proposals are:

Proposal No. 1 – Clarify the Minimum Test Vehicle (MTV) requirements

What will this mean?

11.5 The CPC Regulations will be amended to specify (and thereby clarify) the Minimum Test Vehicles (MTVs) that can be used on the Module 4 CPC practical test. We propose that the following will be sufficient for the skills appropriate to CPC to be demonstrated properly by the candidate in the Module 4 test.

- PCV - a vehicle that meets the MTV requirements for either a category D or sub-category D1 licence acquisition practical test at the candidate’s choice.
- LGV - a vehicle that meets the MTV requirements for either a category C or sub-category C1 licence acquisition practical test at the candidate’s choice.

What is an MTV?

11.5 The MTV is the minimum specification of the vehicle which can be used during the practical test.

11.6 In the case of a CPC practical test we propose that the MTV requirements for each category of test should mirror those for the practical licence acquisition test. Adopting these specifications will enable trainers to maximise the use of their existing fleet of vehicles and remove any need for them to purchase or hire additional vehicles. It is therefore the most cost effective option.

11.7 Details of the current MTV for licence acquisition tests for each category are set out in **Annex H**.

³ SI 605/2007

⁴ SI 2864/1999

⁵ SR(NI) 1996/542

What is the current situation?

11.8 The CPC Regulations refer back to the requirements in the CPC Directive⁶. But the current arrangement can potentially lead to confusion about the size and weight of vehicle to be used on test. The CPC Directive states that:

“The vehicle used for the practical test must meet at least the requirements for test vehicles as defined in Directive 91/439/EEC”.

Why are we proposing this change?

11.9 To clarify the correct MTV that can be taken on test.

How will the proposal be implemented?

11.10 We plan to clarify the position by including in the CPC Regulations the MTV specifications for vehicles which may be presented for the CPC practical test. We will also seek to introduce regulations requiring CPC test candidates to attend for test in a vehicle which meets the MTV for the category of test being taken, which is reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test.

11.11 Candidates who attend for test with a vehicle which does not meet the MTV specifications or any other specified requirements will not be able to take the test and will forfeit their fee. **See also Proposal No.4**

Do you agree with the proposal to specify the MTV requirements in the CPC regulations?

Proposal No. 2 – Introduce a three clear working day wait following an unsuccessful CPC test

What will this mean?

11.12 We propose to introduce a requirement into the CPC Regulations that a driver who has unsuccessfully attempted a CPC test (either Module 2 or Module 4), must wait at least three clear working days before he can re-take the test.

What is the current situation?

11.13 The CPC Regulations do not currently require an unsuccessful CPC test candidate to wait before re-taking a CPC test, though it is our administrative practice to impose this requirement. The Driving Licence Regulations⁷ impose a three clear working day wait following a failed vocational theory or practical test.

Why are we proposing this change?

11.14 The aim of this proposal is to prevent unprepared learner drivers from repeatedly taking tests in the hope of passing without taking additional training or practice. Such action:

- incurs extra cost for the driver.
- potentially blocks up the booking system, preventing other, better prepared, candidates from taking tests and leading to increased waiting times.

⁶ Article 3(1)(a)(ii) refers to Annex 2.2, which refers to test vehicles in Directive 91/439/EEC.

⁷ In GB - Regulation 29 for Module 1 tests, Regulation 34 for Module 3 tests. (NI previously consulted on and will seek to amend legislation)

11.15 The proposed change would:

- encourage unsuccessful candidates to take extra training or practice to address identified deficiencies. Even if a driver decides to simply “keep up to standard”, he will take extra lessons, thereby increasing competence.
- prevent poorly prepared CPC test candidates spending considerable sums of money on tests which they have little chance of passing.
- put CPC tests on the same footing as licence acquisition driving tests including relevant exemptions eg for Ministry of Defence personnel.

11.16 Specifying a minimum wait in regulations is seen as providing a more robust and transparent basis on which appointments for retest can be refused until three clear working days have elapsed after failing such a test

11.17 There will be no additional cost to DSA of adopting a three clear working day minimum wait. This minimum waiting period is currently an administrative arrangement and the costs are already absorbed within the implementation and overall running costs for these tests.

How will the proposal be implemented?

11.18 For tests failed on or after 10 September 2009, we plan to introduce a minimum three clear working day wait before candidates may take a further test of that category

Do you agree with the proposal to introduce in regulations a wait of not less than three clear working days before being able to re-take a CPC theory or practical test following a failed attempt?

Proposal No. 3 – Introduce a minimum cancellation period of three clear working days

What will this mean?

11.19 We propose to introduce a requirement into the CPC Regulations to formalise the current administrative arrangement requiring a CPC test candidate to give at least three clear working days notice of cancellation of a CPC theory or practical test. Candidates who do not give that notice forfeit the fee paid.

What is the current situation?

11.20 The CPC Regulations do not specify a minimum period of notice for cancellation of a test without forfeiting the fee paid. This contrasts with the Driving Licence Regulations⁸, which specify that a period of three clear working days notice of cancellation must be given in advance of licence acquisition tests otherwise the test fee is forfeited.

11.21 Currently there is no express entitlement under the CPC Regulations to have the fee refunded when a candidate cancels a CPC test no matter how much notice they give. The introduction of this three day period in which they will “lose” their fee if they cancel their test will also provide an implied entitlement for candidates to receive a refund when giving more notice of cancellation.

Why are we proposing this change?

11.22 Where a candidate cancels a test at very short notice, it is not feasible to reallocate the test appointment slot. Such failed bookings block the system for other candidates and, in the absence of the fee being forfeited, the associated costs would have to be met by other candidates, through higher test fees.

11.23 The proposal will discourage short-notice test cancellations by inadequately prepared candidates and encourage them to plan more effectively for their tests. It will replicate the benefits which such a provision delivers in the Driving Licences Regulations and ensure fair and equitable treatment of all test candidates.

⁸ Regulation 36 (NI Regulation 25)

How will the proposal be implemented?

11.24 We plan to introduce the cancellation period for tests cancelled on or after 10 September 2009. This would apply to all CPC theory tests, whether delivered by DSA, DVA or delegated examiners employed by 'other bodies' such as fire and police authorities and some bus companies.

11.25 The three clear working day cancellation period will only apply to CPC practical tests delivered by DSA or DVA. CPC Module 4 (practical tests) delivered by delegated examiners do not require a minimum cancellation period as DSA/DVA do not incur costs as a result of late cancellation.

11.26 Where a candidate is unable to give three clear working days notice of cancellation of their test for medical reasons we intend to adopt the same administrative arrangements that apply to candidates for other types of driving test. Under that arrangement we will consider a request for the fee to be repaid or the test rebooked without payment of a further fee. Every case would be considered on its own merits and would, as a minimum, need to be properly supported by a letter or medical certificate from a doctor.

11.27 Where DSA cancels a licence acquisition test (eg because of examiner sickness) it is re-booked without payment of an additional fee and we also consider refunding certain reasonable expenses in line with our Customer Service standards⁹¹⁰. We will ensure similar arrangements will continue for CPC tests.

Do you agree with the proposal to introduce in regulations a cancellation period of a minimum of three clear working days for CPC theory and practical tests for the purpose of fee refunds?

Proposal No. 4 – Introduce a right for examiners to refuse to conduct theory or practical CPC tests in certain circumstances and for the fee to be forfeited

What will this mean?

11.28 We plan to provide in the CPC regulations that, where requirements are not met and a CPC theory or practical test cannot go ahead, for example because the candidate cannot produce the correct documentation¹¹ or fails to provide a suitable vehicle [see also Proposal No.1], the examiner has an explicit right to refuse to allow the test to proceed. In such circumstances the candidate would forfeit the fee paid.

What is the current situation?

11.29 Conditions necessary for practical tests (Modules 3 and 4) to proceed are specified in both the Driving Licences Regulations and the CPC Regulations. The CPC Regulations are, however, silent on the right of the examiner to refuse to conduct the test if those conditions are not met and, as a consequence, for the fee to be forfeited.

Why are we proposing this change?

11.30 While it is implicit in the CPC regulations that in circumstances where the test does not proceed because the candidate has failed to provide the correct documentation or a suitable vehicle, the fee for the test is forfeit, this is not stated explicitly. We believe that by introducing a specific requirement in the regulations, it will provide greater transparency for candidates by specifying the consequences of failing to meet the requirements to allow a test to proceed.

11.31 We also believe that defining the consequences in regulation will demonstrate our commitment to the user pays principle in that the costs of the aborted test are met by the individual candidate concerned and do not fall on other test candidates through higher fees.

⁹ DSA leaflet: Customer Service – A guide to our service standards and your opportunity to tell us what you think.

¹⁰ DVA leaflet: compensation Procedures

¹¹ Regulation 5A of the CPC Regulations[SI 2007/605 (as amended)]

How will the proposal be implemented?

11.32 We plan to introduce the provision in respect of tests taken on or after 10 September 2009.

Do you agree with the proposal to specify in regulations the examiner's right to refuse to conduct the CPC theory and practical tests in certain circumstances, with resultant forfeiture of fee?

Proposal No. 5 – Introduce a Trainer Booking Facility for CPC tests

What will this mean?

11.33 We plan to include provision in the CPC Regulations for a Trainer Booking Facility (TBF), for lorry and bus training organisations to book CPC theory or practical tests.

What is a Trainer Booking Facility?

11.34 A TBF is currently provided for in the Driving Licence Regulations¹². This facility is available to motorcycle and large vehicle driver trainers in respect of theory and practical licence acquisition tests. The TBF enables qualifying training organisations to book and pay for test slots up to 10 weeks in advance of the test date, without having to provide candidate or vehicle details at the time of booking. These details are later confirmed to DSA one clear working day before the date of the test.

11.35 Under the TBF arrangements, participating organisations will forfeit the fee if, for example, they fail to:

- provide the relevant period of notice of cancellation.
- provide candidate or vehicle details by the specified time.
- attend for the test.
- provide a vehicle which meets the MTV specification.

or if the candidate does not have the correct identification documentation.

What is the current situation?

11.36 The CPC regulations do not currently provide for DSA to operate a TBF for CPC tests.

Why are we proposing this change?

11.37 The TBF for licence acquisition tests is extremely popular with trainers. It is also well used. Experience shows that this facility allows trainers to manage their business in the most effective manner, enabling them to put forward candidates for test when they consider they have achieved the appropriate level of competence. It also maximises use of DSA and DVA resources by minimising the likelihood of short notice cancellations.

How will the proposal be implemented?

11.38 We plan to introduce the TBF for CPC theory and practical tests from 10 September 2009.

¹² Regulation 28 – theory tests, regulation 33 – practical tests (GB only)

11.39 We propose that the TBF would mirror the schemes for vocational and motorcycle trainers specified in the Driving Licences Regulations. Three key points would be:

- trainers can reserve and pay for test slots up to 10 weeks in advance of the date of test.
- trainers must notify DSA of the vehicle and candidate details at least one clear working day in advance of the test date.
- trainers must give at least three clear working days notice of the need to cancel a test or the fee will be forfeited.

Do you agree with the proposal to introduce a Trainer Booking Facility for CPC tests?

Proposal No. 6 – Introduce a requirement to pass a Module 2 test before booking a Module 4 test

What will this mean?

11.40 We propose to amend the CPC Regulations to introduce a requirement that a candidate must pass a Module 2 test before being able to book a Module 4 test.

What is the current situation?

11.41 The CPC Regulations require a Module 2 test to be passed before an individual can take a Module 4¹³ test.

Why are we proposing this change?

11.42 DSA's IT-based booking system can only check that a Module 4 candidate is eligible to take the test (ie has passed the Module 2 test and that the Module 4 test will be taken within 24 months of passing the relevant Module 1 test) if the test booking is **made** after the Module 2 test has been passed.

11.43 We therefore propose to change the requirements in the regulations to prevent candidates from booking their Module 4 test until they have passed the Module 2. This will benefit candidates in avoiding lost fees (ie booking tests they subsequently can't take).

11.44 The majority of tests are booked under the TBF and candidate details are often not provided until 1.5 days before test deadline so there is limited impact on candidates. We aim to achieve consistency with other test requirements.

How will the proposal be implemented?

11.45 We plan to introduce the new requirements for Module 4 bookings taken on or after 10 September 2009.

Do you agree with the proposal that a Module 2 test must be passed before a Module 4 test can be booked?

Proposal No 7 – Introduce a requirement for 'acquired rights' drivers to exchange their old style (paper) driving licence for a photocard licence before completing their periodic training

What will this mean?

11.46 We propose that professional vocational drivers holding an old style GB (paper) driving licence will be required to exchange it for a photocard licence, before they are issued with their Driver Qualification Card (DQC). The DQC would then be issued without payment of the specified fee.

¹³ Regulation 5(5A)

What is the current situation?

11.47 A DQC is issued to drivers with photocard driving licences who have successfully completed their CPC training without the need for a separate application or payment of a fee. Many drivers will already hold a photocard licence. Drivers who do not hold a photocard driving licence must submit an application for a DQC and pay the appropriate fee (£25).

Why are we proposing this change?

11.48 This will streamline the administrative arrangements and make the procedure for the candidate more straightforward.

11.49 There will also be a cost saving for candidates. A photocard licence¹⁴ costs £20. A DQC costs £25.00. The saving on the first application would therefore be £5. But, over a ten-year period, a driver with a paper licence would need to obtain two DQCs, at a cost of £50. Adopting this proposal would save the driver £30 over the ten-year life of the photocard licence.

How will the proposal be implemented?

11.50 Subject to the legal provision being available, we will introduce a requirement for acquired rights drivers who require a DQC and hold an old style paper licence to upgrade to a photocard licence before qualifying for their DQC. We cannot, at the present time, specify the date for the introduction of this requirement.

Do you agree with the proposal to introduce a requirement 'acquired rights' drivers to exchange their old style (paper) driving licence for a photocard licence before completing their periodic training?

¹⁴ Current prices are given – these are subject to consultation by DVLA

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS**

INITIAL IMPACT ASSESSMENT ¹⁵

Proposal No.2 - Introduce a three clear working day wait following an unsuccessful CPC test

¹⁵ An Initial Impact Assessment is not required for Proposal No.1 – Clarify the CPC Minimum Test Vehicle requirements.

Summary: Intervention & Options		
Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme Proposal No.2 Introduce a three clear working day wait following an unsuccessful CPC test	
Stage: Initial	Version: 1	Date: 8 April 2009
Related Publications: The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

There is no provision in the regulations supporting Certificate of Professional Competence (CPC) tests for a delay between an individual failing a test and re-taking it. This leads to a situation where an unprepared driver could take the test repeatedly in the hope of passing it, without taking additional practice. This:

- Encourages unprepared candidates.
- Incurs extra, nugatory, cost for the driver.
- Potentially blocks up the booking system, preventing other candidates taking tests.

What are the policy objectives and the intended effects?

To put in place a legislative mechanism to discourage unprepared candidates. This will encourage candidates to take additional practice, thereby improving their competence as drivers. It will avoid wasted expenditure on tests that they are unlikely to pass. Personal effort will be directed towards practice, by which the driver is more likely to achieve success.

The booking system will be more likely to accommodate demand and not become blocked by repeated attempts to pass without improving competence.

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

1. To make no change.
2. To introduce a three clear working day wait – this is a reasonable period in which practice can be obtained.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This proposal will be reviewed as soon as sufficient data is available.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 2	Description: Introduce a three clear working day wait following an unsuccessful CPC test
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' There are no one-off costs arising from the proposal. We have calculated the average annual cost as lost income during the three days that a potential driver would be required to wait before starting work. The calculation is based on 50% of drivers failing a delegated Module 4 test and 25% of drivers failing a DSA Module 4 test.			
	One-off (Transition)		Yrs		
	£ n/a				
	Average Annual Cost (excluding one-off)				
	£ 531,643	Total Cost (PV)	£ 2,582,274		
Other key non-monetised costs by 'main affected groups' None. The cost of a re-test and practice are not new.					

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups' There are no one-off benefits. The average annual benefit is the saving of the cost of one re-test for 50% of unsuccessful candidates immediately after the first test.			
	One-off		Yrs		
	£ n/a				
	Average Annual Benefit (excluding one-off)				
	£507,084		£2,462,987		
Other key non-monetised benefits by 'main affected groups' There will be a road safety benefit. Someone who has passed a licence acquisition test will be able to drive the relevant vehicle non-professionally. By introducing a three working day wait, we are ensuring that he does not drive in a professional capacity until he is fully prepared to do so.					

Key Assumptions/Sensitivities/Risks In all cases, costs for 2009/10 are used. The cost of adopting a 3 working day minimum wait for unsuccessful customers is already absorbed in the development cost for the introduction of Module 2 and Module 4.

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £- 250,415	NET BENEFIT (NPV Best estimate) £- 119,287
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	September 2009			
Which organisation(s) will enforce the policy?	n/a			
What is the total annual cost of enforcement for these organisations?	£ na			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ na			
What is the value of changes in greenhouse gas emissions?	£ na			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)
Increase of £	Decrease of £	Net Impact	£

Key: Annual costs and benefits: (Net) Present Value

Introduction

1.1 This Impact Assessment considers proposals to introduce a three clear working day wait between unsuccessful Module 2 and 4 tests taken to obtain the Driver Certificate of Professional Competence (CPC).

1.2 CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional bus, lorry and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended] (the “Driving Licences Regulations”) and to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 The GB Driving Licence Regulations contain a provision for a three clear working day wait following unsuccessful licence acquisition tests. These are at:

- Regulation 29 for Module 1 tests
- Regulation 34 for Module 3 tests

2.2 Candidates are not permitted to take another test for three clear working days after being unsuccessful at these tests. There is no similar regulatory provision for CPC tests.

Reasons for the change

3.1 We plan to introduce a three clear working day wait between unsuccessful CPC tests. The intention is to replicate the benefits which such a provision delivers in the Driving Licence Regulations:

- An enforced delay encourages drivers to take extra practice. Even if a driver decides to simply “keep up to standard”, he will take extra lessons, thereby increasing competence
- In encouraging extra practice, it improves the likelihood that a driver will pass the next test. This avoids the situation where he spends large amounts of money on tests which he has little chance of passing
- Repeated booking potentially blocks up the booking system, preventing other, better prepared, candidates from taking tests
- CPC tests would come into line with similar (licence acquisition) tests
- It would avoid certain candidates seeking to make multiple bookings to attempt to obtain knowledge of different test combinations
- Repeated re-bookings can put pressure on the booking system
- Immediate re-tests could put pressure on targets for test availability. To meet demands this would require additional resources creating headcount problems

- There will be no additional cost of adopting a three clear working day minimum wait – this is absorbed within the implementation and overall running costs for these tests. The booking system is already capable of imposing a three day wait without incurring additional IT costs
- There is no reason to make the wait longer. There is sufficient time for the candidate to practice during the three clear working days proposed

Costs and benefits

Benefits of less time and money wasted on tests failed

4.1 We anticipate that some 50% of unsuccessful candidates will pass on second attempt. The expected volumes – based on known failure rates – are at **Annex 1**. The following is the cost of one retest for each candidate who is unsuccessful. This is avoided by the three day wait, which encourages additional practice.

	Unsuccessful tests per annum	Candidates unsuccessful (50%) on second attempt	Cost of re-test	Benefit to candidates from saved fee
Module 2 DSA	3900	1950	£30	£58,500.00
Module 2 Delegated	1905	953	£30	£28,575.00
Module 2 DVA	941	470	£30	£14,113.88
Module 4 DSA	7480	3740	£55	£205,700.00
Module 4 Delegated	1904	952	£41	£39,032.00
Module 4 DVA	656	328	£55	£18,051.00
Totals	16130	8065		£363,971.88

4.2 DSA does not lose in revenue terms. The test slots freed up by the candidates who are taking extra training will be freed up for better prepared candidates.

4.3 There is also a time saving for unsuccessful candidates. A Module 2 test lasts an hour and a half. A Module 4 test lasts half an hour. There will also be travelling time of about an hour for tests conducted by DSA. If these are applied to half unsuccessful tests, the time saving is **14,058 hours**. The value, at £10.18 per hour, is **£143,112.54**.

	Unsuccessful tests per annum	Candidates unsuccessful (50%) on second attempt	Length (hrs)	Travel time (hrs)	Time (hrs)	Time - 50% of candid's	£ per hour	Total
Module 2 DSA	3900	1950	1.5	1	2.5	4875	£10.18	£49,627.50
Module 2 Delegated	1905	953	1.5	0	1.5	1429	£10.18	£14,544.68
Module 2 DVA	941	470	1.5	1	2.5	1176	£10.18	£11,973.27
Module 4 DSA	7480	3740	0.5	1	1.5	5610	£10.18	£57,109.80
Module 4 Delegated	1904	952	0.5	0	0.5	476	£10.18	£4,845.68
Module 4 DVA	656	328	0.5	1	1.5	492	£10.18	£5,011.61
Totals	16130	8065				14058	£8.42	£143,112.54

Benefits of those able/ready to take the test having to wait less time

4.3 There are in total some 15,189 unsuccessful tests each year. If half of these – 7594 - waited before re-booking, it would make this number of test slots available for other candidates. This would be beneficial to those candidates who had prepared thoroughly for the test.

Costs of lost income/work when they are busy training or waiting for a test.

4.4 We estimate a cost of some **£531,643** in 2009/10 to industry as a result of income which would be lost through candidates' inability to take a re-test immediately. We have assumed, for the purposes of this IA, that candidates will take Module 4 after Module 2 and will therefore be fully qualified only after passing a Module 4 test.

4.5 The calculation assumes that all those unsuccessful at a Module 4 delegated test, and 25% of those unsuccessful at a Module 4 DSA test, will have a job to go to – and that 50% of these would pass a re-test. It calculates lost pay at £10 per hour, based on a nine hour day, over the three days each candidate would be required to wait.

Loss of earnings	
Module 4 - unsuccessful DSA tests	7480
Module 4 - 25% of unsuccessful DSA tests (assumed candidate has a job to go to)	1870
Module 4 - unsuccessful delegated tests	1904
Module 4 - unsuccessful DVA tests	656
Module 4 - 25% of unsuccessful DVA tests (assumed candidate has a job to go to)	164
All - unsuccessful where assumed that a candidate has a job to go to	3938
Candidates successful (50%) on second attempt	1969
£ per hour loss of earnings	£10.00
Daily hours would have worked	9
Total £ daily cost	£177,214.50
3 day cost	£531,643.50

Overall Estimates

5.1 The costs are made up of the potential loss of earnings arising from the need to wait three days before a test can be taken. This is made up of 50% of candidates passing on the second test. This, however, assumes that all of these candidates will have a job to go to.

5.2 The benefits are made up of less time and money wasted on unsuccessful tests.

5.3 However, the overriding factor is the non-monetary benefit of better prepared candidates.

Cost against benefit

6.1 If each of the costs and benefits are offset against each other, the cost in 2009/10 is **-£24,559**. It is considered that this small cost is negligible compared with the benefit in educational and driving standards terms of better prepared candidates.

Cost against benefit	
Cost – inability to take a test	£531,643.50
Total cost	£531,643.50
Benefit – saving of fee	£363,971.88
Benefit - time saving	£143,112.54
Total benefit	£507,084.41
Balance	-£24,559.09

Equality, Environmental and Social (Health) Impact

7.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All candidates would be treated the same

Competition Assessment

8.1 The proposal will have a positive impact on competition. The three day wait is likely to stimulate demand for training – from all those unsuccessful at test. This will, however, be likely to feed through to increased income for trainers only in respect of DSA tests. Those taking delegated tests will be likely to receive training from their employer, and are not likely to seek the further tuition from a commercial organisation.

8.2 This will also be a cost for candidates training – so costs and benefits cancel each other out. They are not therefore included in the overall table.

Impact on training	
Unsuccessful Module 2 tests per annum - DSA	3900
Unsuccessful Module 4 tests per annum - DSA	7480
Unsuccessful Module 2 tests per annum - DVA	941
Unsuccessful Module 4 tests per annum - DVA	656
Total	12977
Cost of one day training	£200.00
Cost of training	£2,595,400.00

Small Firms Impact Test

9.1 A small business is defined ¹⁶ 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

9.2 Most drivers are employed by large companies. However, some providing training, applying for tests and employing drivers are small businesses. The three day wait will have specific impacts, depending on the business. Those requiring drivers quickly will be affected by the inability to immediately re-take a test. Those providing training will have additional demand.

Legal Aid

10.1 We have identified no impact on legal aid as a result of this proposal.

Sustainable Development

11.1 We have identified no effect on sustainable development.

Carbon Assessment

12.1 We have identified no impact on carbon emissions.

Other Environment

13.1 Fewer unsuccessful practical tests will reduce pollution.

Health Impact Assessment

14.1 Inability to retake a test immediately could lead to loss of earnings in the short term and resultant stress on drivers. But there are greater benefits from candidates being properly prepared for tests. This avoids the temptation of constant re-bookings without success, which is more stressful in the long term.

Race Equality

15.1 We have been unable to identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

16.1 This will have no impact on disability issues.

Gender Equality

17.1 This will have no effect on gender issues..

Human Rights

18.1 This will have no effect on human rights issues.

Rural Proofing

19.1 Most professional drivers live in built up areas. This will have no effect on rural proofing issues.

¹⁶ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

Annexes

Annex 1

Test volumes

Estimated volumes for DSA tests in 2009/10 are as follows:

DSA Module 2 tests	
Annual volumes – all categories	15,000
Failure rate	26%
Unsuccessful annually	3900

DSA Module 4 tests	
Annual volumes – all categories	17,000
Failure rate	44%
Unsuccessful annually	7480

Estimated volumes for delegated examiner tests are as follows:

Delegated Module 2 tests	
Annual volumes - PCV tests	11,100
Annual volumes - LGV tests	1,600
Total	12,700
Failure rate	15%
Unsuccessful annually	1905

Delegated Examiner Module 4 tests	
Annual volumes -PCV tests	9,600
Annual Volumes - LGV tests	1,600
Total	11,200
Failure rate	17%
Unsuccessful annually	1904

Estimated volumes for DVA tests are as follows:

DVA Module 2 tests	
Annual volumes - PCV tests	691
Annual volumes - LGV tests	2,345
Unsuccessful - PCV tests (Failure rate 24%)	162
Unsuccessful - LGV tests (Failure rate 33%)	779
Unsuccessful annually	941

DVA Module 4 tests	
Annual volumes – PCV tests	733
LGV tests	3,643
Total	4,376
Failure rate	15%
Unsuccessful annually	656

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS**

INITIAL IMPACT ASSESSMENT

Proposal No. 3 – Introduce a minimum cancellation period of three clear working days.

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme Proposal No.3 Introduce a minimum cancellation period of 3 clear working days	
Stage: Initial	Version: 3	Date: 8 April 2009
Related Publications:		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

There is no provision in the regulations supporting Certificate of Professional Competence (CPC) tests for a minimum three clear working day cancellation period. Without such an arrangement, where a candidate cancels a test at very short notice without good cause (eg illness), it is not possible to reallocate the test slot. The cost of providing the examiner would have to be met other candidates, which is inequitable.

This contrasts with licence acquisition tests where there is a three working day cancellation period.

What are the policy objectives and the intended effects?

To provide sufficient time to re-sell a CPC test that has been cancelled at short notice by the candidate thereby avoiding examiner under-utilisation and higher costs for candidates in general.

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

1. To make no change – discounted.
2. To introduce a three clear working day cancellation period – this is a reasonable period for a candidate to notify us.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This proposal will be reviewed as soon as sufficient data is available.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 3	Description: Introduce a minimum cancellation period of 3 clear working days
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COSTS	ANNUAL COSTS	Description and scale of key monetised costs by 'main affected groups' There will be no costs for DSA as a result of the proposal. There will be a cost for candidates who cancel within 3 days and lose the fee – also included as a benefit for those who would pay for unused slots in higher fees.			
	One-off (Transition) Yrs				
	£ Nil				
	Average Annual Cost (excluding one-off)				
	£ 545,845	Total Cost (PV)	£2,651,255		
Other key non-monetised costs by 'main affected groups'					

BENEFITS	ANNUAL BENEFITS	Description and scale of key monetised benefits by 'main affected groups'. There will be benefit for candidates in general who would otherwise pay for cancelled tests in higher test fees – also included as a cost for those losing the fee. In addition there is a saving for tests where examiner is available and no test booked.			
	One-off Yrs				
	£ Nil				
	Average Annual Benefit (excluding one-off)				
	£ 586,345	Total Benefit (PV)	£ 2,457,540		
Other key non-monetised benefits by 'main affected groups' There will be a saving in test slots unused, which will benefit appointment availability. This will help reduce waiting times which will be beneficial to candidates.					

Key Assumptions/Sensitivities/Risks The costs of adopting a 3 day cancellation period is already absorbed in administrative systems.

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £ -216,386-177,043	NET BENEFIT (NPV Best estimate) £ -196,715
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What is the geographic coverage of the policy/option?	UK			
On what date will the policy be implemented?	September 2009			
Which organisation(s) will enforce the policy?	n/a			
What is the total annual cost of enforcement for these organisations?	£ na			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ na			
What is the value of changes in greenhouse gas emissions?	£ na			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)
Increase of	£ 0	Decrease of	£ 0
Net Impact			£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 This Impact Assessment considers proposals to introduce a minimum three clear working day cancellation period for Driver Certificate of Professional Competence (CPC) tests.

1.2 CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional bus, lorry and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended] (the “Driving Licences Regulations”).

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 The Driving Licence Regulations contain provisions whereby the fee is lost if a test is cancelled less than three clear working days before it was due to be taken. These provisions are at Regulation 36. However, the fee is not lost in certain circumstances (eg where candidates produce a doctor’s certificate confirming they were unfit to take the test).

2.2 There is no similar regulatory provision for CPC tests.

Reasons for the change

3.1 We plan to introduce a three clear working day cancellation period to facilitate effective examiner utilisation by discouraging short-notice test cancellations by candidates (other than in certain specific circumstances). The effect will be to ensure that the cost of lost test slots is kept to a minimum. It will also replicate the benefits which such a provision delivers in the Driving Licence Regulations:

- An enforced cancellation period will mean that, in general, a driver cancelling within three clear working days will still have to pay for the test. If this does not happen the fee is lost and the cost is effectively passed on to candidates in general. It represents a balance between the interests of those who would prefer maximum flexibility to rearrange their test appointments at short notice, and higher test fees in general
- It will remove the existing anomaly between licence acquisition and CPC tests in this area
- It will encourage drivers to plan more effectively for their test. A booking that is not ultimately taken up blocks the booking system for other drivers. This will be especially beneficial to those booking tests under the trainer booking facility, on which we will also be consulting – which allows trainers to book a test slot without having to provide candidate details until nearer the date of the test

Benefits and costs

Benefits

4.1 Statistics are not available as to the volumes of practical tests that are cancelled less than three working days before the test was due to take place. Around 24,000 licence acquisition lorry and bus practical tests a year are cancelled within six days - 25% of the tests booked. By applying this percentage to the forecast volumes for Module 2 and 4 tests, we estimate that there will be some 10,250 Module 2 and 12,750 Module 4 tests cancelled within six days. We further estimate that half of these will be cancelled within the 3 working days preceding the date of the test. Not reimbursing candidates in these circumstances results in retained income for DSA of some **£545,845** (**£165,135** for Module 2 and **£380,710** for Module 4) to offset the cost of providing the unused test slots which would otherwise have to be recovered from candidates in general via higher fees. This sum is also a cost – to those candidates who lose the fee and it is therefore included below.

4.2 We also anticipate savings to the public sector from around 3,000 vocational test slots where the examiner was available without a test booked – this equates to some **£40,500**. This is based on a 45 minute test slot and an examiner hourly rate of £18.

4.3 We expect that these tests will be used as a result of the proposal. The figures are as follows:

Benefit from tests saved

Expect 2010/11	Tests
Module 2 (business plan)	41,000
Module 4 (business plan)	51,000
Module 2 - NI	3,036
Module 4 - NI	4,376
Cancelled within 6 days - Module 2	11,009
Cancelled within 6 days - Module 4	13,844
Cancelled within 3 days - Module 2	5,505
Cost Module 2	£30.00
Cancelled within 3 days - Module 4	6,922
Cost Module 4	£55.00
Total cost Module 2	£165,135.00
Total cost Module 4	£380,710.00
TOTAL	£545,845.00

Benefit where no test booked

No test booked	3000
Length of test (hours)	0.75
£ per examiner hour	£18
Total	£40,500.00

4.4 There would also be benefits were large numbers of other slots available to others. Tests cancelled earlier will be used by others where there is demand. Whilst we do not expect that they can be re-booked in significant numbers within three days there may be scope for some candidates to obtain tests.

Costs

4.5 There will be no costs in developing the system. The current administrative systems are fully compliant with allowing a three working day cancellation period.

4.6 But the **£545,845** saving to the majority of candidates (under “Benefits” above) will also be a cost to those candidates cancelling – it is therefore included in addition here.

Equality, Environmental and Social (Health) Impact

5.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All candidates would be treated the same and there would be the same rules for all tests.

Competition Assessment

6.1 The proposal will have a positive impact on competition. If the situation where unwanted slots are booked is avoided, this increases opportunities for others.

Small Firms Impact Test

7.1 A small business is defined¹⁷ 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

7.2 Most organisations providing training, applying for tests and employing drivers are small businesses. The cancellation period will benefit them as more slots will be available.

Legal Aid

8.1 We have identified no impact on legal aid as a result of this proposal.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

Health Impact Assessment

12.1 We have identified no impact on health.

Race Equality

13.1 We have been unable to identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 This will have no impact on disability issues.

Gender Equality

15.1 This will have no effect on gender issues.

Human Rights

16.1 This will have no effect on human rights issues.

¹⁷ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Rural Proofing

17.1 This will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS**

INITIAL IMPACT ASSESSMENT

Proposal No.4 - Introduce a right for examiners to refuse to conduct theory and practical CPC test in certain circumstances and for the fee to be forfeited

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme Proposal No.4 Introduce a right for examiners to refuse to conduct CPC tests in certain circumstances	
Stage: Initial	Version: 1	Date: 8 April 2009
Related Publications:		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 have no explicit provision for an examiner to refuse to conduct a CPC test, and the fee to be forfeit, where the candidate has not fulfilled the requirements at test. This contrasts with the arrangements for licence acquisition tests, under Motor Vehicles (Driving Licences) Regulations 1999 and the Motor Vehicles (Driving Licences) Regulation (Northern Ireland) 1996.

What are the policy objectives and the intended effects?

To put in place a provision for the examiner to refuse to conduct the CPC test, and the fee to be forfeit, where the requirements at test have not been fulfilled. This will allow equality between the licence acquisition tests and CPC tests. Examples include inadequate ID, presentation of the incorrect vehicle for test and inappropriate theory test certificate

What policy options have been considered? Please justify any preferred option.

To make no change – discounted.

To change CPC regulations to put in place fee forfeit.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This proposal will be reviewed as soon as sufficient data is available.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: Proposal No.4	Description: Introduce a right for examiners to refuse to conduct CPC tests in certain circumstances
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1. COSTS	1. ANNUAL COSTS	1. Description and scale of key monetised costs by 'main affected groups' This is the cost of fees lost by those candidates attending test without the proper licence, ID or vehicle.	
	2. One-off (Transition)		2. Y
	3. £ Nil		3.
	4. Average Annual Cost (excluding one-off)		
	5. £ 131,002		4.
		1. Total Cost (PV)	1. £ 108,912
6. Other key non-monetised costs by 'main affected groups' There are no non-monetised costs.			
7.			

1. BENEFITS	1. ANNUAL BENEFITS	1. Description and scale of key monetised benefits by 'main affected groups' This the saving for the majority of test candidates who would otherwise pay for tests that did not proceed through fee increases. It is also the saving in lost time for examiners.	
	2. One-off		2. Y
	3. £ Nil		3.
	4. Average Annual Benefit (excluding one-off)		
	5. £ 153,425		4.
		1. Total Benefit (PV)	1. £ 636,297
6. Other key non-monetised benefits by 'main affected groups' This will discourage spurious test bookings where the candidate does not have the necessary items to allow the test to proceed.			

Key Assumptions/Sensitivities/Risks A provision for fee forfeit underpins the operation of the testing system to ensure candidates attend who are ready for test. Demand for tests taking place remains constant over the appraisal period.

Price Base Year 2008	Time Period Years 5	Net Benefit Range (NPV) £ 474,646 - £580,123	NET BENEFIT (NPV Best estimate) £ 527,385
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What is the geographic coverage of the policy/option?	UK-wide			
On what date will the policy be implemented?	September 2009			
Which organisation(s) will enforce the policy?	DSA/DVA			
What is the total annual cost of enforcement for these organisations?	£ Nil			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£ N/A			
What is the value of changes in greenhouse gas emissions?	£ N/A			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)		(Increase - Decrease)	
Increase of	£ Nil	Decrease of	£ Nil
		Net Impact	£ Nil

1. Key: 1. Annual costs and benefits: Constant Prices 1. (Net) Present

Evidence Base (for summary sheets)

Introduction

1.1 CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional bus, lorry and coach drivers to hold a CPC in addition to their vocational driving licence.

1.2 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.3 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended] (the “Driving Licences Regulations”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.4 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 There is no explicit provision in regulations for CPC tests for the fee to be forfeit if the test cannot proceed where the responsibility is with the candidate. This contrasts with licence acquisition tests, where the fee can be forfeit. The provision is in section 39 of The Motor Vehicles (Driving Licences) Regulations 1999 made under section 91 of the Road Traffic Act 1988 and in Regulation 26 of the Motor Vehicles (Driving Licences) Regulation (Northern Ireland) 1996.

Reasons for Change

3.1 To ensure the cost for test refusal is borne by those responsible for the refusal rather than within the overall test fees, paid by all candidates.

3.2 To provide equality with licence acquisition tests for vocational professional drivers. Requirements at test are specified in the CPC Regulations. This proposal is simply to underpin these with a business rule specifying loss of fee. Additionally, there would be no need for IT system developments to allow differing fee forfeiture rules for candidates.

3.3 Circumstances include:

- Inappropriate licence
- Inappropriate identification
- Incorrect vehicle

Benefits and Costs

Benefit

4.1 There will be a saving to the generality of CPC candidates. In licence acquisition tests, there is a 3% rate of candidates attending unprepared and we expect that this will apply to CPC tests. We assume the incident rate would be twice as high if candidates were eligible for a refund. Introducing this policy would bring CPC tests in line with other tests. On business plan estimates of test volumes in 2010/11, we expect the saving for most candidates would be some **£131,002** from a reduction in the costs of refunds being paid.

Expect 2010/11	Tests
Module 2 GB	41,000
Module 4 GB	51,000
Module 2 NI	3,036
Module 4 NI	4,376
% fee forfeit	3%
Module 2 fee forfeit	1,321
Cost Module 2	£30.00
Module 4 - fee forfeit	1,661
Cost Module 4	£55.00
Total cost Module 2	£39,632.40
Total cost Module 4	£91,370.40
TOTAL	£131,002.80

4.2 There would also be a saving in examiner time for Module 4 tests. This is based on a three quarter of an hour test and examiner salary cost of £18 per hour. These benefits arise from a reduced number of people attending the test and being refused compared to the situation where fees are refunded. These savings are ultimately used to reduce future test costs.

Tests	1661
Length of test (hours)	0.75
£ per examiner hour	£18
Total	£22,423.50

Cost

4.3 The **£131,002**, whilst being a saving for most candidates, is also a cost for those paying. It is therefore also included as a cost.

Summary of benefits and costs

4.4 The benefits are £131,002 saving for all candidates and £22,423 saving of examiner time – some £153,425. The costs are the £131,002 also paid by those losing the fee. The balance therefore is a net benefit of some **£22,423** for the year 2010/11.

Equality, Environmental and Social (Health) Impact

5.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All candidates would be treated the same and there would be the same rules for all tests.

Competition Assessment

6.1 The proposal will have no adverse impact on competition.

Small Firms Impact Test

7.1 A small business is defined ¹⁸ 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

7.2 The proposal will benefit trainers properly preparing candidates for attending at tests.

¹⁸ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Legal Aid

8.1 We have identified no impact on legal aid as a result of this proposal.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

Health Impact Assessment

12.1 We have identified no other effect on the environment.

Race Equality

13.1 We have been unable to identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 This will have no impact on disability issues.

Gender Equality

15.1 This will have no effect on gender issues.

Human Rights

16.1 This will have no effect on human rights issues.

Rural Proofing

17.1 This will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS**

INITIAL IMPACT ASSESSMENT

Proposal No.5 - Introduce a Trainer Booking Facility for CPC tests

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC scheme Proposal No.5 Introduce a Trainer Booking Facility for CPC tests	
Stage: Initial	Version: 1	Date: 8 April 2009
Related Publications:		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

There is no provision in the regulations supporting Certificate for Professional Competence (CPC) tests for trainer organisations to use the existing trainer booker facility available for licence acquisition tests for CPC tests.

Training within the vocational industry relies heavily on the trainer booker facility offered by DSA. Trainer bookers can book and pay for test slots up to 10 weeks in advance, name candidates the day before test and cancel at late notice without penalty. If this system is not incorporated into Module 2 and 4 bookings then there will be an extreme negative impact on the industry.

What are the policy objectives and the intended effects?

To allow training organisations equal opportunity to book CPC tests in a similar fashion to current licence acquisition tests.

What policy options have been considered? Please justify any preferred option.

To make no change – discounted. We need to take action to encourage practice.

To adopt the same practice as regulation 28 of The Motor Vehicles (Driving Licence) Regulations 1999 to allow training organisations the ability to book all tests relating to CPC tests in the same fashion as licence acquisition tests

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This proposal will be reviewed as soon as sufficient data is available.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: Proposal No.5	Description: Introduce a Trainer Booking Facility for CPC tests
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COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There are no costs. Organisations already operate the trainer booking system.	
	One-off (Transition)	Yrs		
	£ Nil			
	Average Annual Cost (excluding one-off)			
	£ Nil		Total Cost (PV)	£ Nil
Other key non-monetised costs by 'main affected groups' There are no costs.				

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Benefits are saving from tests otherwise cancelled between third and first day and unproductive time	
	One-off	Yrs		
	£ Nil	5		
	Average Annual Benefit (excluding one-off)			
	£ 327,507	5	Total Benefit (PV)	£ 1,590,753
Other key non-monetised benefits by 'main affected groups' Will allow trainers to plan test appointments ahead and put forward candidate details when they know an individual is at test standard. This allows training organisations the flexibility they require to carry out the training and testing of their customers in the most proficient manner.				

Key Assumptions/Sensitivities/Risks Trainers already operate trainer booking. Any change will be problematic.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £1,431,677 - £1,749,828	NET BENEFIT (NPV Best estimate) £ 1,590,753
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What is the geographic coverage of the policy/option?			UK		
On what date will the policy be implemented?			September 2009		
Which organisation(s) will enforce the policy?			n/a		
What is the total annual cost of enforcement for these organisations?			£ na		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			No		
What is the value of the proposed offsetting measure per year?			£ na		
What is the value of changes in greenhouse gas emissions?			£ na		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)		
Increase of	£ 0	Decrease of	£ 0	Net Impact	£ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 Training within the vocational industry relies heavily on the trainer booker facility offered by DSA. Trainer bookers can book and pay for test slots up to 10 weeks in advance, name candidates the day before test and cancel at late notice without penalty. There are currently around 1000 vocational trainer bookers registered and demand for vocational test slots can be extremely competitive. This impact assessment considers proposals to allow the existing procedures for trainers to book to be incorporated for the CPC tests.

1.2 CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional bus, lorry and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended] (the “Driving Licences Regulations”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 The Motor Vehicles (Driving Licences) Regulations contain a provision for Applications for instructors are covered in regulations 28 and 33.

2.2. There is no such provision in regulations for CPC tests.

Reasons for Change

3.1 The method of training within the vocational industry relies heavily on the trainer booker facility offered by DSA. Trainer bookers can book and pay for all licence acquisition test slots up to 10 weeks in advance, name candidates and cancel tests at late notice without penalty. There are currently around 1000 vocational trainer bookers registered and demand for vocational test slots can be extremely competitive.

3.2 This covers all tests introduced as part of the introduction of the Certificate of Professional competence for lorry, bus and coach drivers.

3.3 The vast majority of tests are booked via trainer bookers, who deal exclusively with customers who wish to acquire a licence to drive professionally. As such the provisions consulted upon and arranged with the training industry for licence acquisition tests need to be provided for CPC tests.

Costs and Benefits

4.1 The systems are already in place to provide training organisations with the ability to book CPC tests by trainer booking – so there are no costs.

4.2 The main benefit to DSA is all vocational tests will continue to be administered in a way that suits current booking systems and the industry. To change this arrangement would result in protest from the industry. This would be likely to involve approaches to Ministers.

4.3 There are important non-quantifiable benefits to customers. This allows them to plan test appointments ahead and put forward candidate details when they know an individual is at test standard. This allows training organisations the flexibility they require to carry out the training and testing of their customers in the most proficient manner.

4.4 Training organisations and delegated examiners currently book over 90% of all vocational tests. Not utilising trainer booking for CPC tests would force booking in advance, with a named candidate. Cancellation would be three days before the test, compared with a trainer being allowed to provide candidate details the day before the test. There is therefore a potential two day period, between the third and last day, during which a trainer may cancel a test booked for an unprepared candidate. Figures are not available for tests cancelled between three and one days before the test. But, if 25% of the 90% of tests booked by trainers were cancelled within six days, and a third of these were cancelled between three days and one day, there would be 3,303 Module 2 and 4153 Module 4 tests where the fee was forfeit. This equates to **£327,507** in 2010/11. Prices are at current rates.

Expect 2010/11	Tests
Module 2 (GB)	41,000
Booked by trainers (90%)	36,900
Module 4 (GB)	51,000
Booked by trainers (90%)	45,900
Module 2 (NI)	3,036
Booked by trainers (90%)	2,732
Module 4 (NI)	4,376
Booked by trainers (90%)	3,938
Cancelled within 6 days - Module 2	9,908
Cancelled within 2 days - Module 2	3,303
Cancelled within 6 days - Module 4	12,460
Cancelled within 2 days - Module 4	4,153
Cost Module 2	£30.00
Cost Module 4	£55.00
Total cost Module 2	£99,081.00
Total cost Module 4	£228,426.00
TOTAL	£327,507.00

4.5 There are no costs.

Equality, Environmental and Social (Health) Impact

5.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All training organisations would be treated the same and there would be the same rules for all tests.

Competition Assessment

6.1 The proposal will have no adverse impact on competition.

Small Firms Impact Test

7.1 A small business is defined ¹⁹ as one with:

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

¹⁹ 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

7.2 This will be of particular benefit to business, who are organised to use a trainer booking facility.

Legal Aid

8.1 We have identified no impact on legal aid as a result of this proposal.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

Health Impact Assessment

12.1 We have identified no other effect on the environment.

Race Equality

13.1 We have been unable to identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 This will have no impact on disability issues.

Gender Equality

15.1 This will have no effect on gender issues.

Human Rights

16.1 This will have no effect on human rights issues.

Rural Proofing

17.1 This will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS**

INITIAL IMPACT ASSESSMENT

Proposal No.6 - Introduce a requirement to pass a Module 2 test before booking a Module 4 test

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme Proposal No. 6 Introduce a requirement to pass Module 2 before booking a Module 4 test	
Stage: Initial	Version:1	Date: 8 April 2009
Related Publications:		

Available to view or download at: <http://www.dsa.gov.uk>

Contact for enquiries: Rick Annable

Telephone: 0115 936 6099

What is the problem under consideration? Why is government intervention necessary?

The terminology in the regulations supporting Certificate of Professional Competence (CPC) practical tests needs to be tightened. This currently states that "...a person must pass the theoretical test... (Module2) ...before taking the practical test...(Module 4)...". This theoretically allows a candidate to book a Module 4 test before passing Module 2. If the candidate failed Module 2, and there were three days or less before the Module 4 test, the fee would be lost. Forecasts suggest over 6,700 candidates per year will fail part two and could potentially be in this position. Unnecessarily booked tests also prevent other, better qualified candidates, making use of the test appointments.

What are the policy objectives and the intended effects?

To change the terminology to say that "...a person must pass the theoretical test... (Module2) ...before booking the practical test...(Module 4)...". It has never been intended that candidates could book a Module 4 test unless they were in a position to take it. This simple amendment to text would avoid such a possibility. This avoids potential loss of fee and unnecessary booking of test appointments. It is also in line with current licence acquisition regulations, IT systems and customer expectation.

What policy options have been considered? Please justify any preferred option.

To make no change – discounted.

To change CPC regulations to require a Module 2 to be passed before Module 4 is booked.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This proposal will be reviewed as soon as sufficient data is available.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: 6

Description: Introduce a requirement to pass Module 2 before booking a Module 4 test

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There are no costs from this proposal.
	One-off (Transition)	Yrs	
	£ Nil		
	Average Annual Cost (excluding one-off)		
	£ Nil		Total Cost (PV) £ 0
Other key non-monetised costs by 'main affected groups' There are no non-monetised costs.			

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' Annual benefits are test cancellations and unproductive time. One off saving is IT changes. Annual benefits are at 2009 prices and are for five years.
	One-off	Yrs	
	£ 100,000	5	
	Average Annual Benefit (excluding one-off)		
	£ 46,063	5	Total Benefit (PV) £ 223,735
Other key non-monetised benefits by 'main affected groups' In line with public expectation – no need to change procedures.			

Key Assumptions/Sensitivities/Risks Simple change of terminology. Will not have major impact on procedure.

Price Base Year	Time Period Years	Net Benefit Range (NPV) £201,361 - £246,108	NET BENEFIT (NPV Best estimate) £ 223,735
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What is the geographic coverage of the policy/option?			UK		
On what date will the policy be implemented?			September 2009		
Which organisation(s) will enforce the policy?			n/a		
What is the total annual cost of enforcement for these organisations?			£ na		
Does enforcement comply with Hampton principles?			Yes		
Will implementation go beyond minimum EU requirements?			No		
What is the value of the proposed offsetting measure per year?			£ na		
What is the value of changes in greenhouse gas emissions?			£ na		
Will the proposal have a significant impact on competition?			No		
Annual cost (£-£) per organisation (excluding one-off)		Micro	Small	Medium	Large
Are any of these organisations exempt?		No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)	
Increase of	£ 0	Decrease of	£ 0	Net Impact £ 0

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional bus, lorry and coach drivers to hold a CPC in addition to their vocational driving licence.

1.2 The Directive specifies the following implementation dates:

- September 2008 for bus and coach drivers
- September 2009 for lorry drivers

1.3 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended] (the “Driving Licences Regulations”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.4 New professional drivers need to take an initial qualification, comprising detailed tests. The UK has introduced these in a modular format:

- Module 1 – current licence acquisition theory test (in the Driving Licences Regulations)
- Module 2 – CPC theory test – comprises case studies (in the CPC Regulations)
- Module 3 – current licence acquisition practical test (in the Driving Licences Regulations)
- Module 4 – CPC practical test (in the CPC Regulations)

Existing Law

2.1 Regulation 5(5A) of The CPC Regulations states "A person must pass the theoretical test referred to in the end of the table at the end of this regulation [this gives fees for tests] before taking the practical test referred to there and must pass the practical test not more than 24 months after passing the theoretical test”.

2.2 Regulation 40A(2) of the Driving Licence Regulations states “Where a test is required to be conducted in three parts, a person taking the test-

(a). must pass the large goods vehicle test of driving theory and the large vehicle test of hazard perception before he takes the practical test;

(b). shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 33(4) [this covers trainer booking] for a practical test in respect of a motor vehicle of a class included in category C or D until he has been furnished with-

- (i). a valid large vehicle theory test pass certificate in respect of that category; or
- (ii). a certificate corresponding to such a certificate furnished under the law of Northern Ireland”

2.3 So there is provision in the Driving Licence Regulations for a Module 3 to be booked after Module 1 has been passed. We want to replicate this for Modules 2 and 4.

Reasons for Change

3.1 The reasons for requiring an individual to pass Module 2 before booking Module 4 are as follows:

- To ensure trainee has completed the full theoretical part of the test – and therefore has the necessary theoretical knowledge - before being able to commence the practical test process
- To provide equality with licence acquisition tests for vocational professional drivers
- To prevent candidates booking tests without certainty that they will be taken
- To prevent candidates losing fees where Module 2 tests are failed within 3 days before Module 4
- To ensure CPC arrangements are in line with current systems

Costs and Benefits

4.1 It is estimated some 6,700 candidates each year will fail Module 2. If all of these were subject to cancellation within three days, at £55 per test, the cost would be some **£368,500**.

4.2 Of course, not all will do so. Statistics are not available as to the volumes of practical tests that are cancelled less than three working days before the test was due to take place. But around 25% of licence acquisition lorry and bus practical tests a year are cancelled within six days. By applying this percentage to the forecast volumes of tests failed per annum, we estimate that there will be some 1250 tests cancelled within six days. We further estimate that half of these will be cancelled within the 3 working days preceding the date of the test – 625 tests. With a test fee of £55, we estimate a saving of **£46,063**.

Tests failed per annum	6700
Cancelled within 6 days	1675
Cancelled within 3 days	837.5
Cost of tests	£55
Cost of tests cancelled within 3 days	£46,063

4.3 Public expectation is also in line with the rule proposed. It mirrors that which applies to licence acquisition tests and the public and industry expect that it also applies to CPC tests.

4.4 There are no costs to the public sector. Conversely, the system currently in place is set up to require a Module 2 to be passed before a test can be booked. If we were not to amend the regulations as suggested, the system would have to be changed at cost. Recent IT changes indicate that the cost would be likely to be around £100,000.

Costs and benefits - summary

4.5 The overall annual benefit is the **£46,063** saving from tests cancelled within three days.

4.6 The one off benefit is the **£100,000** which would otherwise be needed for IT changes.

4.7 There are no costs.

Equality, Environmental and Social (Health) Impact

5.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All candidates would be treated the same and there would be the same rules for all tests.

Competition Assessment

6.1 The proposal will have no adverse impact on competition.

Small Firms Impact Test

7.1 A small business is defined²⁰ 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;

7.2 Most drivers are employed by large companies. However, some providing training, applying for tests and employing drivers are small businesses.

7.3 There will be no impact on small businesses. They already operate in line with this procedure.

²⁰ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Legal Aid

8.1 We have identified no impact on legal aid as a result of this proposal.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other effect on the environment.

Health Impact Assessment

12.1 We have identified no other effect on the environment.

Race Equality

13.1 We have been unable to identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 This will have no impact on disability issues.

Gender Equality

15.1 This will have no effect on gender issues.

Human Rights

16.1 This will have no effect on human rights issues.

Rural Proofing

17.1 This will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
IMPROVEMENTS TO ADMINISTRATIVE ARRANGEMENTS**

INITIAL IMPACT ASSESSMENT

Proposal No.7 - Introduce a requirement for 'acquired rights' drivers to exchange their old style (paper) driving licence for a photocard licence before completing their periodic training

Summary: Intervention & Options

Department /Agency: Driving Standards Agency	Title: Driver CPC Scheme Proposal No. 7 Introduce a requirement for 'acquired rights' drivers to exchange their old style (paper) licence for a photocard licence before completing their periodic training	
Stage: Initial	Version: 1	Date: 8 April 2009
Related Publications:		

Available to view or download at: <http://www.dsa.gov.uk>

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What is the problem under consideration? Why is government intervention necessary?

Processes have been implemented to enable the issue of Driver Qualification Cards (DQCs) to UK drivers who qualify for the Driver Certificate of Professional Competence (CPC) via periodic training. These processes deliver an efficient and automated service for holders of UK photocard driving licences. Current Regulations include the provision for an alternative application process for a minority of professional drivers holding paper licences. But such drivers are diminishing and such a process would be administratively expensive and would not offer such drivers any net advantage.

What are the policy objectives and the intended effects?

To streamline the administrative process for DQC issue to all GB drivers and thereby remove the need to develop and run administratively expensive processes for a diminishing population of paper licence holders. To ensure regulations correctly reflect the streamlined process.

What policy options have been considered? Please justify any preferred option.

Two options have been considered:

- 1) To make no change to current regulations – this would require a paper licence DQC application process to be developed, at a high capital cost in relation to relatively low transactional volumes.
- 2) To amend regulations such that GB paper driving licence holders must exchange to a photocard for the purposes of DQC issue – this is the recommended approach because of the reduced administration costs.

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects?

This proposal will be reviewed as soon as sufficient data is available.

Ministerial Sign-off For SELECT STAGE Impact Assessments:

I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.

Signed by the responsible Minister:

.....Date:

Summary: Analysis & Evidence

Policy Option: Proposal No.7

Description: Introduce a requirement for 'acquired rights' drivers to exchange their old style (paper) licence for a photocard licence before completing their periodic training

COSTS	ANNUAL COSTS		Description and scale of key monetised costs by 'main affected groups' There will be no costs. Systems are in place for automatic issue of DQC. Manual system would incur costs.	
	One-off (Transition)	Yrs		
	£ Nil			
	Average Annual Cost (excluding one-off)			
	£ Nil		Total Cost (PV)	£ Nil
Other key non-monetised costs by 'main affected groups'				

BENEFITS	ANNUAL BENEFITS		Description and scale of key monetised benefits by 'main affected groups' One off savings are not being required to develop systems for manual issue of DQCs. Ongoing benefits are saving for individuals in terms of lower cost of photocard compared with manual DQC, and less effort being required in completing the applications.	
	One-off	Yrs		
	£ 2.7m	5		
	Average Annual Benefit (excluding one-off)			
	£ 303,600	5	Total Benefit (PV)	£ 7,373,165
Other key non-monetised benefits by 'main affected groups'				

Key Assumptions/Sensitivities/Risks

Price Base Year 2009	Time Period Years 5	Net Benefit Range (NPV) £ 6,569,490 – 8,110,481	NET BENEFIT (NPV Best estimate) £ 7,373,165
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What is the geographic coverage of the policy/option?	UK-wide			
On what date will the policy be implemented?	asap			
Which organisation(s) will enforce the policy?	DSA and DVA			
What is the total annual cost of enforcement for these organisations?	£			
Does enforcement comply with Hampton principles?	Yes			
Will implementation go beyond minimum EU requirements?	No			
What is the value of the proposed offsetting measure per year?	£			
What is the value of changes in greenhouse gas emissions?	£ n/a			
Will the proposal have a significant impact on competition?	No			
Annual cost (£-£) per organisation (excluding one-off)	Micro	Small	Medium	Large
Are any of these organisations exempt?	No	No	N/A	N/A

Impact on Admin Burdens Baseline (2005 Prices)			(Increase - Decrease)		
Increase of	£ Nil	Decrease of	£ 203,600	Net Impact	£ 203,600

Key: Annual costs and benefits: Constant Prices (Net) Present Value

Evidence Base (for summary sheets)

Introduction

1.1 This Impact Assessment considers introducing the requirement for holders of GB paper driving licences to upgrade to photocard licences, for the purpose of obtaining a Driver Qualification Card (DQC) when the driver has qualified for the Driver Certificate of Professional Competence (CPC).

1.2 CPC has been introduced as a result of Directive 2003/59/EC (“the Directive”). This Directive introduced a requirement across the EU for professional bus, lorry and coach drivers to hold a CPC in addition to their vocational driving licence.

1.3 The Directive was implemented for bus and coach drivers in September 2008; and will be implemented for lorry drivers from September 2009.

1.4 The Directive was transposed into UK legislation by The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 SI No. 605 [as amended] (the “CPC Regulations”). Relevant provisions relating to driving tests for vocational licence acquisition are made by way of amendments to the Motor Vehicles (Driving Licences) Regulations 1999 SI 2864 [as amended] (the “Driving Licences Regulations”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 SR 542 [as amended].

1.5 Under the Directive, existing professional drivers are exempt from CPC for the first five years, and may drive professionally (via ‘acquired rights’), until September 2013 or September 2014 (bus and lorry drivers respectively). Such drivers are required to undertake 35 hours of periodic training during this period and then obtain a DQC certifying that they hold a CPC. They will need to repeat this training every five years to retain the CPC.

1.6 When a driver with a GB photocard licence completes 35 hours periodic training, DVLA will automatically issue the DQC, on behalf of DSA, using the photograph and signature already held on DVLA's database.

1.7 Regulations also make provision for drivers holding GB paper licences to make a manual application at a fee of £25 – but such a process has not been developed.

1.8 The proposal is that drivers must exchange the paper licence for a photocard licence before the DQC is issued. Drivers may find it beneficial to exchange before embarking on periodic training as this will assist in identification checks by Training Organisations.

Existing Law

2.1 Drivers are required to carry evidence of CPC qualification whilst working professionally. The DQC is intended to be used to provide such evidence. Drivers with acquired rights until September 2013 (bus) or September 2014 (lorry) will be required to physically carry a DQC after these dates.

2.2 This proposal will require suitable primary legislation to support the mandatory exchange of old style (paper) licences.

Reasons for the change

3.1 It is planned to amend the regulations to require holders of GB paper licences to upgrade to a GB photocard licence (via the standard DVLA licence exchange process) in order to be issued with a DQC on completion of their periodic training. The existing provision which anticipated an application process allowing GB paper licence holders to apply for a DQC is to be removed. This only applies to GB – Northern Ireland has mandatory photocard licences.

- 3.2 The benefits which such a provision delivers are as follows:
- Streamlines administration by bringing all GB professional drivers under a single, common process as regards DQC issue. Eliminates the need to develop a new type of transaction
 - Avoids the high capital investment in developing a separate manual DQC application process including a separate process to update DVLA driver records
 - Avoids the high ongoing administrative burden on DSA and DVLA – which would have to be passed on to customers - in terms of running a separate manual DQC application process for GB paper licence holders
 - Supports Governmental Transformational objectives via:
 - Enabling all qualifying GB drivers to be issued with DQCs via an automated process, without any need for driver application/intervention.
 - Supports the 'tell us once' principle via the reuse of personal data on the DVLA driver database (photo, signature, name, address etc.)
 - All professional drivers (holding GB paper licences) who wish to qualify for Driver CPC will be channelled into a lower cost option (to the driver) i.e. the DVLA exchange fee stands at £20.00 as opposed to the DQC application fee of £25-00
 - Supports DVLA strategic objectives of reducing volumes of paper licences in circulation

Costs and Benefits

Costs

4.1 There are no costs from the plans. Systems have been developed and are in place for the issue of DQCs automatically.

Benefits to Government

4.2 If DSA was to provide DQCs on application for drivers who do not hold a GB photocard licence, system development costs would be incurred. Such a system has been estimated previously as costing around £1.5m. This expenditure would not be needed if the system was not required.

4.3 By directing all GB paper licence holders into the process available for photocard holders, this would eliminate the ongoing administrative overheads at both DSA and DVLA that would otherwise be engaged in manually DQC processing applications. We estimate that these would be £12 per driver, of which there are some 100,000 with paper licences – reducing costs by some £1.2m.

Benefits to individuals

4.4 Under current regulations, drivers holding a GB paper licence, who wish to qualify for CPC, are faced with two routes (upgrade to photocard or manual application to DSA). Both routes require similar details to be submitted to DfT (e.g. photograph and signature) and both involve a fee. The upgrade to photocard, however, currently presents the lower cost option (£20.00) vs. £25.00 for a DQC. Once a driver has a photocard licence, all subsequent DQCs will be received automatically following each successive qualification, without the need for the driver to apply.

4.5 Over five years, each driver currently holding a paper licence would save £5.00. With 100,000 drivers the overall saving would be some £500,000. Over ten years, this saving would increase. At five yearly licence renewals, a photocard licence would remove the need for a second application for a DQC. This would save an additional £25. So the saving would be £30.00 per driver – which would be £3m.

4.6 There is also a saving from time completing the manual application. We estimate it would take each driver an hour to complete this. 100,000 drivers at £10.18 per hour would lead to a saving of £1,018,000 over five years.

Summary of benefits

4.7 Benefits to Government are:

- a saving of £1.5m in development of a manual process
 - a saving of £1.2m in administration of an issue system
- Total £2.7m.

4.8 Benefits to individuals are:

- a saving of £500,000 over five years in the lower cost of a photocard licence compared with a DQC
- £3m over ten years in the lower cost of a photocard licence compared with a DQC and the fact that this would remove the need for a second DQC
- a saving of £1,018,000 in time taken to complete the application
- the average annual benefit is arrived at by $£500,000 \text{ plus } £1,018,000 = £1,518,000/5 = £303,600$
- the impact on admin burdens is arrived at by $£1,018,000/5 = £203,600$

Equality, Environmental and Social (Health) Impact

5.1 The proposal would not have any adverse impact on the grounds of equality and fairness. All GB candidates would be treated in the same way.

Competition Assessment

6.1 The proposal will have no impact on competition.

Small Firms Impact Test

7.1 We have identified no impact on legal aid as a result of this proposal.

Legal Aid

8.1 We have identified no impact on legal aid as a result of this proposal.

Sustainable Development

9.1 We have identified no effect on sustainable development.

Carbon Assessment

10.1 We have identified no impact on carbon emissions.

Other Environment

11.1 We have identified no other environmental impacts.

Health Impact Assessment

11.2 We have identified no health related impact.

Race Equality

13.1 We have been unable to identify any disproportionate impact as a result of race, religious beliefs, ethnicity, colour nationality and ethnic origin.

Disability Equality

14.1 This will have no impact on disability issues.

Gender Equality

15.1 This will have no effect on gender issues.

Human Rights

16.1 This will have no effect on human rights issues.

Rural Proofing

17.1 Most professional drivers live in built up areas. This will have no effect on rural proofing issues.

Specific Impact Tests: Checklist

Type of testing undertaken	<i>Results in Evidence Base?</i>	<i>Results annexed?</i>
Competition Assessment	No	No
Small Firms Impact Test	No	No
Legal Aid	No	No
Sustainable Development	No	No
Carbon Assessment	No	No
Other Environment	No	No
Health Impact Assessment	No	No
Race Equality	No	No
Disability Equality	No	No
Gender Equality	No	No
Human Rights	No	No
Rural Proofing	No	No

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
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BETTER REGULATION EXECUTIVE: CODE OF PRACTICE ON CONSULTATION

The Seven Consultation Criteria

1. **When to consult:** Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. **Duration of consultation exercises:** Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. **Clarity of scope and impact:** Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. **Accessibility of consultation exercises:** Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. **The burden of consultation:** Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. **Responsiveness of consultation exercises:** Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. **Capacity to consult:** Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Further information about the Code of Practice is available at the Department for Business Enterprise and Regulatory Reform website:

<http://bre.berr.gov.uk/regulation/consultation/code/index.asp>

**DRIVER CERTIFICATE OF PROFESSIONAL COMPETENCE SCHEME -
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MINIMUM TEST VEHICLE SPECIFICATION

Category of Vehicle	MTV specification for licence acquisition tests
Category C1	Any vehicle in sub-category C1 having a maximum authorised mass of at least 4,000 kilograms, a length of at least 5 metres, and capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the vehicle shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab.
Category C	Any vehicle in category C, other than an articulated goods vehicle, having a maximum authorised mass of at least 12,000 kilograms, a length of at least 8 metres and a width of at least 2.4 metres, which is capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the vehicle shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab.
Category D1	Any vehicle in sub-category D1 having a maximum authorised mass of at least 4,000 kilograms, a length of at least 5 metres, which is capable of an unassisted speed of 80 kilometres per hour on the level.
Category D	Any vehicle in category D having a length of at least 10 metres, a width of at least 2.4 metres, and capable of an unassisted speed of 80 kilometres per hour on the level.