

2021 No. 537

ROAD TRAFFIC

The Driving Licences (Exchangeable Licences) Order 2021

Made - - - -

28th April 2021

Coming into force - -

20th May 2021

The Secretary of State makes the following Order in exercise of the powers conferred by section 108(2)(b), (2A) and (2B) of the Road Traffic Act 1988(a).

The Secretary of State is satisfied that satisfactory provision is made by the laws of the countries and territories designated in this Order for the granting of licences authorising the driving of motor vehicles of a description specified in this Order.

The Secretary of State has consulted with representative organisations in accordance with section 108(3) of the Road Traffic Act 1998.

Citation, commencement and extent

1.—(1) This Order may be cited as the Driving Licences (Exchangeable Licences) Order 2021 and comes into force on 20th May 2021.

(2) This Order extends to England and Wales and Scotland.

Interpretation

2.—(1) In this Order—

“the Act” means the Road Traffic Act 1988;

“driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under section 89(3)(b) and (4)(c) of the Act as part of the test of competence to drive;

“vehicle with automatic transmission” means a vehicle in which the person driving the vehicle is either—

- (a) not provided with any means whereby that person may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
- (b) provided with such means but they do not include a clutch pedal or lever which they may operate manually.

(a) 1988 c. 52; section 108(2) - (2B) was substituted by S.I. 1998/1917.

(b) Section 89(3) was amended by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 63 and the Road Safety Act 2006 (c.49), section 36(1) and (2)(a), (b) and (c).

(c) Section 89(4) was amended by the Road Safety Act 2006, section 36(1) and (3)(a), (b), (c) and (d), the Immigration Act 2014, Chapter 3, Schedule 9, paragraph 63(c), and S.I. 1996/1974.

(2) A reference to a licensing category or a licensing sub-category is a reference to the category or sub-category (as the case may be) identified by the same letter or combination of letters or the same letter and number in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1999(a).

Designation of the Cayman Islands

3.—(1) Subject to paragraph (3), the Cayman Islands is designated under section 108(2)(b) of the Act as respects licences of the description specified in paragraph (2).

(2) The licences specified for the purposes of paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category AM, B, B+E, F, K or P, or licensing sub-category A1 or B1, and
- (b) have been granted by the licensing authority in the Cayman Islands—
 - (i) to a person who has passed a driving test in the Cayman Islands in respect of each class of vehicle authorised by that person's licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a), or
 - (ii) in exchange for a licence granted in—
 - (aa) the United Kingdom to a person who has passed a driving test in the United Kingdom in respect of each licensing category or sub-category referred to in paragraph (2)(a) authorised by that licence, or
 - (bb) an EEA State, the Republic of North Macedonia, Taiwan, Ukraine, or the United Arab Emirates, or a country or territory named in the Schedule, to a person who has passed a driving test in such a State, country or territory, as the case may be, in respect of each class of vehicle authorised by that licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a).

(3) A licence of a description specified in paragraph (2) shall be exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test, whether in the Cayman Islands, or in a State, country or territory named in paragraph 2(b)(ii), in a vehicle with automatic transmission, notwithstanding that the licence authorises the driving in the Cayman Islands of vehicles with manual transmission.

Designation of the Republic of North Macedonia

4.—(1) Subject to paragraph (3), the Republic of North Macedonia is designated under section 108(2)(b) of the Act as respects licences of the description specified in paragraph (2).

(2) The licences specified for the purposes of paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B+E, F, K or P, or licensing sub-category B1, and
- (b) have been granted by the licensing authority in the Republic of North Macedonia—
 - (i) to a person who has passed a driving test in the Republic of North Macedonia in respect of each class of vehicle authorised by that person's licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a), or
 - (ii) in exchange for a licence granted in—
 - (aa) the United Kingdom to a person who has passed a driving test in the United Kingdom in respect of each licensing category or sub-category referred to in paragraph (2)(a) authorised by that licence, or

(a) S.I. 1999/2864; Schedule 2 was amended by S.I. 2012/977, S.I. 2014/613 and S.I. 2020/663.

- (bb) an EEA State, the Cayman Islands, Taiwan, Ukraine, or the United Arab Emirates, or a country or territory named in the Schedule, to a person who has passed a driving test in such a State, country or territory, as the case may be, in respect of each class of vehicle authorised by that licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a).

(3) A licence of a description specified in paragraph (2) shall be exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test, whether in the Republic of North Macedonia, or in a State, country or territory named in paragraph 2(b)(ii), in a vehicle with automatic transmission, notwithstanding that the licence authorises the driving in the Republic of North Macedonia of vehicles with manual transmission.

Designation of Taiwan

5.—(1) Subject to paragraph (3), Taiwan is designated under section 108(2)(b) of the Act as respects licences of the description specified in paragraph (2).

(2) The licences specified for the purposes of paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B+E, F, K or P, or licensing sub-category B1, and
- (b) have been granted by the licensing authority in Taiwan—
 - (i) to a person who has passed a driving test in Taiwan in respect of each class of vehicle authorised by that person's licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a), or
 - (ii) in exchange for a licence granted in—
 - (aa) the United Kingdom to a person who has passed a driving test in the United Kingdom in respect of each licensing category or sub-category referred to in paragraph (2)(a) authorised by that licence, or
 - (bb) an EEA State, the Cayman Islands, the Republic of North Macedonia, Ukraine, or the United Arab Emirates, or a country or territory named in the Schedule, to a person who has passed a driving test in such a State, country or territory, as the case may be, in respect of each class of vehicle authorised by that licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a).

(3) A licence of a description specified in paragraph (2) shall be exchangeable only in so far as it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test, whether in Taiwan, or in a State, country or territory named in paragraph 2(b)(ii), in a vehicle with automatic transmission, notwithstanding that the licence authorises the driving in Taiwan of vehicles with manual transmission.

Designation of Ukraine

6.—(1) Subject to paragraph (3), Ukraine is designated under section 108(2)(b) of the Act as respects licences of the description specified in paragraph (2).

(2) The licences specified for the purposes of paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B+E, F, K or P, or licensing sub-category B1, and
- (b) have been granted by the licensing authority in Ukraine—
 - (i) to a person who has passed a driving test in Ukraine in respect of each class of vehicle authorised by that person's licence corresponding to a class included in one or more licensing categories or sub-categories referred to in paragraph (2)(a), or
 - (ii) in exchange for a licence granted in—

SCHEDULE

Articles 3, 4, 5, 6 and 7

Other Countries and Territories from which a licence may have been exchanged

Andorra

Australia

Barbados

British Virgin Islands

The provinces and territories of Canada

The Falkland Islands

The Faroe Islands

Gibraltar

Guernsey

Hong Kong

Isle of Man

Japan

Jersey

Republic of Korea

The principality of Monaco

New Zealand

Singapore

South Africa

Switzerland

Zimbabwe

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the Cayman Islands, the Republic of North Macedonia, Taiwan, Ukraine, and the United Arab Emirates, under section 108(2)(b) of the Road Traffic Act 1988, as making satisfactory provision for the issue of certain classes of driving licences. This enables a person holding one of these licences to exchange it for a corresponding British licence.

The licences affected in the cases of the Cayman Islands and the United Arab Emirates are those authorising the driving of mopeds, light motorcycles, motor cars and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without a trailer), tractors, pedestrian controlled vehicles and mowing machines. The licences affected in the cases of the Republic of North Macedonia, Taiwan, and Ukraine are those authorising the driving of motor cars and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without a trailer), tractors, pedestrian controlled vehicles and mowing machines.

The Order also provides that a licence may not be exchanged for a British licence authorising the driving of vehicles with manual transmission unless the holder took a driving test on a vehicle with manual transmission. If the test was taken in a vehicle with automatic transmission, it will be exchangeable only so far as the licence authorises the driving of vehicles with automatic transmission.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.

An Explanatory Memorandum is available alongside this instrument on www.legislation.gov.uk.

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