



A CONSULTATION PAPER

SERVICE IMPROVEMENTS, SAFETY RELATED MEASURES & GENERAL FEE INCREASES

An executive agency of the

Department for
Transport



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SERVICE IMPROVEMENTS, SAFETY RELATED MEASURES & GENERAL FEE INCREASES

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Glossary

Abbreviation	Definition
ADI	Approved Driving Instructor (car)
ATB	Approved Training Body
CPC	Driver Certificate of Professional Competence
CRB	Criminal Records Bureau
DS	Disclosure Scotland
DSA	Driving Standards Agency
DVLA	Driver Vehicle Licensing Agency
IHTT	“in house” theory tests
HPT	Hazard Perception Test
LGV	Large goods vehicle ¹
MCQ	multiple choice questions
PCV	Passenger-carrying vehicle ²
RIA	Regulatory Impact Assessment
TBF	Trainer Booking Facility

¹ Unless otherwise stated, categories C1, C, C1+E and C+E

² Unless otherwise stated, categories D1, D, D1+E and D+E

Introduction

1.1. We are proposing a number of changes to the way we conduct our business to deliver a better service and improve the quality of the assessments we offer, and ensure that the costs of the services we provide are recovered in a fair and efficient manner. We expect to introduce many of the proposals from 2 April 2007.

1.2. The proposals may be grouped into the following three key areas:

- service improvements
- safety related measures
- general fee increases

1.3. As already announced in our Business Plan 2006/07³, where our statutory services remain unchanged we propose to freeze the fees we charge at current levels, except for practical tests for learner riders and the practical tests in the qualifying exam for Approved Driving Instructors (ADIs).

1.4. Where we propose to add questions to theory tests taken by different categories of learner driver, we propose to increase the fees proportionately.

1.5. We shall keep our fee levels under review between now and implementation to ensure we keep them as low as possible in light of our costs and efficiency programmes.

1.6. The following table sets out the main proposals on which we seek views.

³ DSA Business Plan 2006/07. www.DSA.gov.uk

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Executive Summary

- 2.1. The proposals in this Paper build on the package of measures which were implemented in 2005 and 2006⁴ to modernise the administrative arrangements for booking and taking driving tests.
- 2.2. We seek views on a proposal for freight logistics companies to have delegated authority to conduct large goods vehicle driving tests for their drivers, similar to that which already exists for some bus companies. There will also be changes to the way in which delegated examiners conducting bus and coach tests are trained.
- 2.3. We propose to reduce from ten to three working days the minimum wait following an unsuccessful practical test in respect of category B+E tests (car or van towing a large trailer).
- 2.4. We propose to introduce improved arrangements to recover our costs relating to the special arrangements under which some organisations⁵ are allowed to undertake “in house” theory tests for their staff.
- 2.5. We propose to introduce criminal history checks as part of the “fit and proper” considerations for driving instructors using the Criminal Records Bureau/Disclosure Scotland. As an interim measure, we propose to recover our costs by increasing the fee charged for the theory test taken as part of the qualifying examination by £25.00 from £50.00 to £75.00. We would also welcome your views on the optimum way - in the longer term - of recovering the Agency’s costs of undertaking this service.
- 2.6. As previously announced⁶, we plan to improve the safety benefits from the theory tests taken by learner drivers of buses, coaches and lorries by increasing the number of questions in the test in two stages from 2 April 2007 and 1 April 2008 (with consequential and proportional increases in the fees).
- 2.7. We propose to improve the safety benefits from the practical tests taken by learner drivers of buses, coaches and lorries by including an extra ten-minutes driving on-road. This can be incorporated into the existing test period without any increase in fees.
- 2.8. To ensure the validity and integrity of the practical test for learner car and van drivers, we propose to introduce restrictions concerning the type of vehicle which may be used for the test, in particular panel vans and soft-top convertibles.
- 2.9. When the new edition of *The Highway Code* is published, we propose to set a price of £2.50 and use some of the income to support a publicity campaign to increase the use of the *Code* - particularly by the more experienced driver.
- 2.10. We seek views on a proposal to improve the safety benefits from the theory tests taken by learner car drivers and motorcyclists by increasing the number of questions in the test (with consequential increases in the fees) from 3 September 2007.
- 2.11. We seek views on quality assurance arrangements (including the arrangements for recovering the costs of supervision) for the Approved Training Centres authorised to provide

⁴ Modernising the Arrangements for Taking Driving Tests – A Response to Consultation DSA March 2005. www.dsa.gov.uk

⁵ Ministry of Defence, some Fire and Police authorities, and certain bus companies.

⁶ *Report on Consultation: Certificates of Professional Competence for Professional Lorry and Bus Drivers*. DSA March 2006. www.dsa.gov.uk

Periodic Training for the purposes of the Certificate of Professional Competence⁷ and the courses they will deliver.

2.12 We propose to use Driver Qualification Cards (DQCs) as tangible evidence of CPC status for all drivers obtaining that status in Great Britain (GB). This will support effective enforcement of the Driver CPC scheme and avoid unnecessary cost and complexity. The costs of issuing DQCs will be recovered by a £25 fee, similar to the fee for obtaining a driving licence.

2.13. We propose to improve the anti-fraud security around the driving test by placing a requirement on driving test candidates to surrender their driving licences to the theory test invigilator or practical test examiner if a licence fails a security check.

2.14. We propose to increase the following fees:

- practical motorcycle and moped riding tests;
- practical tests taken as part of the ADI qualification process;
- practical qualification tests taken for non-statutory registration schemes;
- tests taken by potential drivers of Taxi and Private Hire vehicles;
- charges for Pass Plus products in order that revenue covers costs.

Regulatory Impact Assessment

3.1. We have prepared initial Regulatory Impact Assessments (RIA), which are at *Annex A1* (proposals 1-18 excluding proposal 7) and *Annex A2* (proposal 7 only). The RIAs will be developed in the light of any comments received in response to this Consultation Paper.

Your invitation to comment

4.1. Please send any written comments on any issues raised in this Paper and the RIA by using the questionnaire at *Annex B* by e-mail to:

- policy@dsa.gsi.gov.uk or by post to:
- Rick Annable, DSA Policy Unit, Stanley House, 56 Talbot Street, Nottingham, NG1 5GU.

4.2. We are offering three months for comment in accordance with Cabinet Office guidelines. We should be grateful if responses could arrive no later than **11 January 2007** although earlier receipt would help us. We will acknowledge every response.

4.3. We have written to those organisations and persons listed at *Annex C* to notify them of this Paper. That list is not exhaustive. It is representative of the types of organisations to which we have sent the paper. Please tell us if you think that we should tell other organisations or individuals about this Paper. The Paper is also posted on our website at: www.dsa.gov.uk

4.4. 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.

⁷ to be introduced to implement EU Directive 2003/59 – providing for the Initial Qualification and the Periodic Training of drivers of certain road vehicles for the carriage of goods or passengers.

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

4.6. We have produced this Paper in accordance with the principles of the *Code of Practice on Consultations*⁸, which are reproduced at *Annex D*. 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:

- Graham Law, Consultation Co-ordinator, Driving Standards Agency, Stanley House, 56 Talbot Street, Nottingham, NG1 5GU.
- Tel: (0115) 901 5912, fax: (0115) 901 5910, e-mail: graham.law@dsa.gsi.gov.uk

Disclosure of information

5.1. In line with our policy on openness, it is our intention to make available the responses we receive. We will publish them on our website 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.

Application within the United Kingdom

6.1. The Secretary of State for Transport has responsibility for driver training and testing in Great Britain. Driver training and testing are matters reserved to Westminster as regards Scotland and Wales. Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Assembly under the Northern Ireland Act 1998. Arrangements in Northern Ireland will be subject to separate consultation.

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⁸ Modernising Government - Code of Practice on Consultation - Cabinet Office September 2005. www.cabinet-office.gov.uk

Service improvement proposals explained

Proposal 1: Investigate allowing road freight companies to undertake lorry driving tests for their staff

What will this mean?

7.1. We are seeking views whether road freight companies should, subject to satisfying certain conditions and criteria, be authorised to conduct LGV driving tests (both theory and practical) for their staff.

What are the conditions and criteria?

7.2. The arrangements would be similar to those applying to certain bus companies who currently have delegated authority to conduct PCV driving tests for their staff:

- a requirement to separate responsibility for training from testing to avoid any potential conflict of interest;
- theory tests are delivered electronically and freight logistics companies with delegated authority would need to link with our theory test supplier, Pearson Vue. This would involve those companies having suitable and secure hardware and technology links and premises in which to undertake the tests;
- practical tests would be conducted by suitably trained company staff, and once appointed each examiner is subject to the standards supervision arrangements undertaken by the Agency's quality control team;
- adequate security arrangements for theory test items and test documentation.

What is the current situation?

7.3. Currently, no road freight companies are authorised to conduct lorry driving tests. However, some commercial bus and coach companies are granted delegated authority to conduct PCV driving tests (theory and practical).

Why are we proposing this change?

7.4. DSA has been approached by road freight interests enquiring about the extension of delegated authority to logistics companies who need to employ significant numbers of new drivers. The latter suggest that delegated authority would suit their business needs by enabling them to operate more flexible vocational driver testing arrangements. They could arrange tests for their employees at times to fit in with their "in-house" training programmes, and re-tests for unsuccessful candidates could be arranged more easily – subject to the minimum wait of three clear working days.

7.5. In 2006/07 DSA expects to undertake some 97,000 practical lorry driving tests – 62% increase on 2002/03. *Skills for Logistics*, the Sector Skills Council for the logistics industry, has suggested that delegated status might suit the business needs of the largest 20 logistics companies, and these employ around 40% of professional lorry drivers.

7.6. The Agency has no evidence to suggest that bus and coach drivers who obtained their licence by passing a test conducted by a non-DSA delegated examiner are more likely to be involved in a road traffic accident. So we consider that the appointment of delegated

examiners for freight logistics companies should not, subject to suitable safeguards, present a risk to road safety.

How would this fit with the new Driver Certificate of Professional Competence?

7.7. We indicated during consultation on the introduction of the Driver Certificate of Professional Competence (CPC)⁹ that we would offer drivers the opportunity to take their LGV licence acquisition tests and CPC tests as an integrated process using a modular package of theoretical and practical assessments. If freight logistics companies are permitted to conduct licence acquisition tests it would be a logical extension to allow them to deliver CPC test modules.

7.8. Companies with delegated authority would be better able to adjust to any fluctuations in demand for vocational tests which may occur in advance of the introduction of the Driver CPC.

When would any changes be introduced?

7.9. If Ministers were to decide to implement this proposal, we would expect the first companies to be authorised from 2 April 2007 onwards.

Who would be affected by this proposal?

7.10. Logistics companies who chose to take part in the scheme. DSA would, as with bus companies, be willing to consider offering delegated status to a company for practical testing regardless of whether the company sought delegated authority for theory testing.

Are there any costs?

7.11. A road freight company considering applying for authority to undertake LGV tests would need to take account of:

- employment costs for the delegated examiner;
- delegated examiner training - each examiner will have to successfully complete a DSA six-week training course at Cardington;
- the requirement of collation and submission of test statistics to DSA;
- provision of suitable premises and secure IT equipment, including links to the theory test provider;
- adequate security arrangements for theory test items and test documentation - e.g. pass certificates;
- recovery of DSA's implementation and supervision costs.

7.12. We currently seek to recover our costs for introducing and maintaining delegated examiner arrangements via a charge for the pass certificates which are supplied to the participating companies – currently £14.00 for each theory test pass certificate and £15.00 for each practical test pass certificate. These charges would operate until the fee levels were amended or cost-recovery arrangements were reformed – Proposal 3 below refers.

7.13. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 2.1. – 2.11. of the RIA at *Annex A1*.

⁹ *Certificates of Professional Competence for professional lorry and bus drivers - proposed arrangements for implementing the EU requirements for Initial Qualification and Periodic Training*. DSA November 2005. www.dsa.gov.uk

Proposal 2: Reduce the minimum wait following unsuccessful practical tests for cars and vans towing trailers

What will this mean?

8.1. We propose to reduce to three-clear working days the compulsory minimum wait for a candidate who fails a practical test for drivers of a car, or small van, towing a trailer¹⁰ before being allowed to re-take the test.

What is the current situation?

8.2. Unsuccessful candidates for a category B+E practical test¹¹ have to wait ten clear working days before they may re-attempt the test. This is in line with the minimum wait imposed on unsuccessful candidates for category B practical tests. The minimum wait was introduced during the late 1990s to encourage such candidates to take further training before re-taking the test.

Why are we proposing this change?

8.3. A number of driver training organisations have told us that a ten day minimum wait for this group of drivers serves no road safety purpose but causes difficulties for the scheduling of training with adverse implications for drivers and employers. They suggest that three days is sufficient for the remedial training necessary for the unsuccessful candidate to reach test standard, and that training providers can arrange this training quickly. There is therefore no need to impose further administrative delay on those who may need the licence for work purposes (such as towing plant). They argue that the minimum period for B+E tests should be aligned with the three days set for vocational bus, coach and lorry practical driving tests rather than the ten days set for car practical driving tests – where the training process tends to be slower.

8.4. The ten day wait was introduced at a time when waiting times for practical tests were generally longer than now. Also, many test bookings were made by post. Therefore few candidates would have been able to rebook more quickly, even if that had been permissible.

8.5. Waiting times for practical tests have reduced. Also, advances in booking technology, particularly by those who use the Trainer Booking Facility (TBF), means that we are now able to accommodate a reduced waiting period for category B+E tests. Some 4,200 category B+E tests were taken in 2005/06, of which nearly 60% were booked by LGV/PCV trainers as part of the TBF. The pass rate for candidates taking B+E tests is 53.5%. So perhaps some 2,000 candidates annually could benefit from the reduced minimum wait.

8.6. We believe that the minimum wait between tests can be reduced to three clear working days without any adverse effect on road safety. We do not think that the reduction in the minimum wait will affect the availability of practical test appointments for buses, coaches or lorries – which are delivered by the same examiners that conduct B+E tests.

¹⁰ Category B+E

¹¹ There is no separate theory test for Category B+E candidates. The theoretical syllabus is adequately covered within the theory test taken by Category B candidates. A person must pass a Category B test (theory and practical) before attempting a Category B+E driving test.

How will the proposal be implemented?

8.7. Subject to any issues that may emerge as a result of consultation, we would change our booking system to amend the minimum wait for category B+E tests but it is unlikely this could be done before April 2007.

Are there any costs?

8.8. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 3.1 – 3.8. of the RIA at *Annex A1*.

Proposal 3: Introduce fairer cost-recovery arrangements for “in-house” theory tests

What will this mean?

9.1. We propose that the basis of the cost-recovery arrangements for “in house” theory tests (IHTTs) should be the number of tests taken under the delegated authority.

What is the current situation?

9.2. Section 89 of the Road Traffic Act 1988 provides for cost-recovery arrangements based on the supply of test result certificates.

9.3. The current arrangement involves us making a charge per theory test pass certificate supplied to those organisations which have been authorised to conduct theory tests for their staff. The fee is currently £14.00 per certificate.

Why are we proposing this change?

9.4. The current arrangement dates from 1996, when the theory test was introduced. It was a pen-and-paper operation and many of the administrative processes involved dispatch and processing of paper. The theory test operation is now an integrated computer-based system, operating in real-time. Building and operating a system to accommodate “in-house” theory tests introduces extra complexity and costs to the overall system. Availability of the “in-house” facility has been maintained as a special customer service. The service should be operated and financed on the basis that users meet the extra costs rather than they fall on the general fee-payer. Recovering the full cost of the service implies a fee per test currently supplied of £14.00.

9.5. We incur costs for each theory test delivered to organisations authorised to undertake in-house tests. Although they also give rise to costs, we do not charge for the service where a candidate does not pass or take the test. In 2005/06, some 36,000 theory tests were supplied to in-house users, but there were only 27,000 passes. We believe that the proposed new cost-recovery arrangement would be fairer and more efficient - reflecting better the “user pays” principle.

9.6. The current paper-based charging system is wasteful and the delay between the receipt of the fee for supply of the certificate and the delivery of the successful test makes the financial reconciliation over-complicated.

How will the proposal be implemented?

9.7. The Road Safety Bill, currently being considered by Parliament, provides for the introduction of more flexible cost-recovery arrangements. Subject to Parliamentary approval, we intend to move to an arrangement for charging for every theory test supplied though this would not be before 2 April 2007. DSA will engage with the affected organisations about the administrative details. In the absence of new legislation, the existing charging arrangements will continue. [Paragraphs 11.8. and 15.6. below refer.]

9.8. We propose that the revised cost-recovery arrangements should also apply to theory tests taken under arrangements for delegated examiners employed by freight logistics companies – should Proposal 1 be implemented.

Are there any costs?

9.9. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 4.1. - 4.8. of the RIA at *Annex A1*.

Proposal 4: Conduct criminal history checks for ADIs, and recover associated costs via the fee for the theory test taken as part of the ADI qualification process.

What will this mean?

10.1. The proposal is to introduce arrangements for validating character checks using the Criminal Records Bureau (CRB), and its Scottish equivalent, Disclosure Scotland (DS), and to meet the costs by increasing the fee for the theory test taken as part of the ADI qualification process by £25.00 with effect from 2 April 2007. The new theory test fee would be £75.00

Why are you proposing this change?

10.2. We have previously advised¹² Ministers' intention that applicants to join or remain on the ADI register, or to obtain a Trainee Licence, should supply a certificate from the Central Register of Criminal Convictions when that scheme became operational. We also undertook to discuss this issue further with the national ADI associations nearer the time.

10.3. The criminal records scheme has evolved considerably since that announcement. We remain committed to the principle that the conduct checks that are already part of the registration arrangements for professional driving instructors should be underpinned by the integrity offered by undertaking initial and regular CRB/DS checks. We believe these checks will help maintain public confidence and support in the ADI scheme, similar to the checks which DSA makes with DVLA concerning motoring offences. Our dialogue with the national ADI associations indicates that there is industry support for such checks.

10.4. We will engage with the national ADI associations about the timing of CRB/DS checks. The intention is that checks should support the self-declarations that are being validated - early in the initial registration process for new applicants and then aligned to the four-yearly re-registration cycle.

10.5. Undertaking these checks will introduce new costs. We propose that, under the existing arrangements, the simplest and fairest way of recovering these is at the earliest fee-

¹² DSA letter: *Improving the Administration of the ADI Register* issued 28 September 1998

charging point currently available in the registration process - the fee for the theory test taken as part of the qualifying exam.

How will the proposal be implemented?

10.6. Subject to detailed arrangements to be put in place with the CRB/DS, DSA intends to start these checks from early 2007. We propose to charge the higher fee for theory tests taken as part of the ADI qualification exam for tests booked on or after 2 April 2007.

Are there any costs?

10.7. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 5.1. – 5.7. of the RIA at *Annex A1*.

Are there any longer term proposals?

10.8. The Road Safety Bill will, subject to its approval by Parliament, provide for more flexible cost-recovery powers allowing the Secretary of State to introduce, by regulation, different arrangements for charging fees in connection with the administration of the ADI scheme. One possibility would be the introduction of an administration fee, payable at the start of the qualification process, part of which could be used to meet the costs of the initial CRB check on those wishing to join the registration scheme.

10.9. We should welcome views on the principle of introducing such an initial application fee, which is the occasion when processing costs start to be created. Recovering administrative costs at this point could avoid them having to be put on test fees or registration fees. Once we have received initial views we will formulate proposals for discussion with the ADI Associations.

Safety related measures explained

Proposal 5: Increase in stages the number of questions in the multiple-choice element of theory tests taken by learner lorry and bus drivers

What will this mean?

11.1. We propose to increase the number of multiple-choice questions (MCQ) in the theory test taken by learner drivers of category C (lorry) and category D (bus and coach) [including sub categories C1 and D1] to:

- 60 multiple-choice questions from 2 April 2007;
- 100 multiple-choice questions from 1 April 2008.

What is the current situation?

11.2. The MCQ element of the theory test taken by learner drivers of lorries and buses currently has 35 multiple-choice questions, with a pass-mark of 30. Candidates are allowed up to 40 minutes for the MCQ element. The test also contains a moving image hazard perception test, which takes about 20 minutes. Both parts of the test have to be passed at the same time, and the current fee is £21.50.

Why are we proposing this change?

11.3. Under EU legislation¹³, all new professional drivers of buses and coaches (from September 2008) and lorries (from September 2009) will have to pass an initial CPC test as well as hold the appropriate vocational driving licence.

11.4. UK is implementing these higher standards in a way that maximises their potential for road safety and other benefits whilst avoiding unnecessary process, delays and cost.

11.5. We shall adopt a modular assessment arrangement that will offer drivers an integrated process for obtaining an Initial CPC Qualification in parallel with a vocational driving licence. We are working in partnership with *Skills for Logistics* and *GoSkills*, the Sector Skills Councils for the road freight and passenger transport industries respectively, to ensure that the assessments address the syllabus for the vocational licence and the syllabus for the CPC in an effective and efficient manner, and take into account the profile of the test taker.

11.6. Non-professional drivers of buses, coaches and lorries will not have to hold a CPC. We are designing the test modules to ensure that under the new arrangements all vocational licence holders demonstrate that they have the essential knowledge and skills to drive these vehicles safely. The extra modules to obtain a CPC Initial Qualification will focus on the additional knowledge which is relevant to the professional driver operating in the 21st century.

How will the proposal be implemented?

11.7. As previously announced¹⁴, we propose to phase in the extra MCQs during the period before the introduction of the Initial Qualification to smooth the transition to CPC implementation. This will help mitigate the risk of a drop in pass-rates affecting the flow of new drivers into the road freight and passenger-transport sectors when the CPC is introduced, or a test demand bow-wave around implementation.

11.8. We propose that the time allowed for completing the MCQ part of the theory test, the pass mark, and the theory test fee should increase proportionately in line with the number of questions. If implemented:

- the maximum permissible time for the MCQ element of the theory test would be 70 minutes from 2 April 2007 and 115 minutes from 1 April 2008;
- the additional time allowed for persons with reading difficulties would also be increased;
- the pass marks for the MCQ part of the theory test would be set at 51 out of 60 and 85 out of 100 – about the same ratio as present;
- the fee for the theory test would be increased to £32.00 for tests taken from 2 April 2007 and £45.00 from 1 April 2008. [The charge for theory test pass certificates supplied to organisations with delegated authority to test their staff would be increased from £14.00 to £21.00 on 2 April 2007 and £29.00 on 1 April 2008 – subject to Proposal 3 above.]

Are there any costs?

11.9. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are explained further in paragraphs 6.1. – 6.6. of the RIA at *Annex A1*.

¹³ see footnote 7.

¹⁴ See footnote 6.

Proposal 6: Introduce an additional ten minutes driving time to bus, coach and lorry tests from September 2008

What will this mean?

12.1. We propose to add ten minutes on-road driving time to category C (lorry) and category D (bus and coach) [including C1 and D1] driving tests within the existing 90 minute test slot. The practical tests for drivers taking large vehicle-plus-trailer tests - category C+E and D+E, including C1+E and D1+E - will not be affected.

What is the current situation?

12.2. Each vocational driving test slot is 90 minutes long. Ten minutes are allocated for undertaking the uncoupling/re-coupling exercise which is part of the vehicle plus trailer tests [categories C1+E, C+E, D1+E and D+E]. These ten minutes are unused for category C and D tests where there is no trailer. DSA currently delivers about 75,000 category C and D (including C1 and D1) practical tests annually.

Why are we proposing this change?

12.3. We have reviewed the content of the practical test to maximise the road safety value we can obtain from the test slot. We can add ten minutes on-road driving time to the tests for categories C1, C, D1 and D within the existing 90 minute test slot as these tests do not include an uncoupling/re-coupling exercise. Adding these ten minutes will help ensure the best use of time in the various test modules so we can cover the syllabi for licence acquisition and CPC Initial Qualification in an effective and efficient way.

12.4. Extending the on-road driving time of the licence acquisition test for lorry and bus drivers will help raise the standard of driving of all new drivers of such vehicles by broadening the range of road and traffic conditions that can be included in a test.

12.5. The extra on-road driving time will apply to tests conducted by DSA examiners and under delegated examiner arrangements.

How will the proposal be implemented?

12.6. All category C and D (including sub-categories) practical tests for driving licence acquisition conducted from 1 September 2008 will include the additional ten minutes on-road driving time.

Are there any costs?

12.7. This change can be made without significantly affecting the unit cost of providing the tests, so no increase in the fee for a vocational test is proposed. Further information is contained in paragraphs 7.1. - 7.9. of the RIA at *Annex A1*.

Proposal 7: Restrict the use of panel vans and soft-top convertibles as types of vehicles which may be used for practical car driving tests

What will this mean?

13.1. We propose to restrict the use of soft-top convertible cars and panel sided vans for practical driving tests taken by learner car drivers.

What is the current situation?

13.2. Some soft-top convertible cars and all panel-sided vans are generally unsuitable for car driving tests. They present an unacceptable risk because they provide the examiner with only restricted vision.

Why are we proposing this change?

13.3. Over the last few years, car manufacturers have been producing more convertible variants of popular, smaller, cars. We have not until now kept records of the number of convertible cars used on test, but anecdotal evidence, coupled with their increased availability, indicates that more convertibles are being used. There has also been an increase in the range of smaller panel-sided vans offered by manufacturers, although few candidates choose to take their category B practical test using a van.

13.4. We have had increasing concerns about the lack of vision afforded by soft-top convertibles and panel-sided vans used for category B practical tests. The major difficulty arises when the candidate is entering a major road from a minor road at an angle of less than 90 degrees. In these situations the driving examiner has a severely restricted view of traffic approaching from the right.

13.5. It is extremely difficult for the driving examiner to make an accurate assessment of the candidate's driving ability in these situations as he cannot see how the candidate is interacting with other road users. As examples:

- a candidate could emerge from some types of acutely-angled junction into the path of another vehicle and cause a crash, without the examiner having the opportunity to take avoiding action;
- a candidate could emerge from this type of junction into the path of another vehicle and cause it to brake sharply, without the examiner being aware of this.

13.6. These sorts of errors on the part of the candidate are classed as serious or dangerous faults and result in a candidate being unsuccessful. An examiner cannot assess a test accurately if he is unable to observe the environment in which the candidate is performing. Therefore conducting the test in a vehicle with unsuitable vision characteristics creates risks that an examiner might pass a candidate who ought to have failed, thereby compromising the integrity of the driving test and allowing an unsafe driver to obtain a full driving licence.

How will the proposal be implemented?

13.7. Amendments will be made to the driving test regulations which will require the vehicle supplied for the driving test to have a large enough field of vision for the examiner to conduct the test, with supplementary guidance published about those vehicles not acceptable for the test. We will publicise the change in the Agency's newsletter, *Despatch*, on our website, and through the ADI Associations.

Are there any costs?

13.8. If an ADI or individual did not own another vehicle that could be used for test, he would have to make alternative arrangements. Alternative arrangements could involve using a car belonging to a friend or colleague or hiring one (subject to it having appropriate insurance cover), replacing their current vehicle or purchasing the services of an ADI with a suitable vehicle. Estimated costs of introducing this proposal, the numbers likely to be affected and the potential benefits/disadvantages are further explained in paragraphs 6.1. - 7.15. of the RIA at *Annex A2*.

13.9. Taking action now prevents this issue from escalating. This proposal will have no impact for the vast majority of ADIs and individuals who present vehicles for car driving tests each year.

Proposal 8: Increase the price of The Highway Code and promote its use amongst the general public.

What will this mean?

14.1. We propose to increase the price of new edition of *The Highway Code* to £2.50 and to use some of the income to fund a publicity campaign to increase sales to experienced road users as well as learner drivers. We shall then freeze the price of the *Code* for three years.

What is the current situation?

14.2. The price of the *Code* was set at £1.99 in September 2005, the first increase for six years.

Why are we proposing this change?

14.3. As well as the costs of printing, distribution and marketing, income from sales of the *Code* contribute to the costs of maintaining its content. We are currently undertaking a major review of the *Code* with interested parties. The period of public consultation on the contents of a revised edition of the *Code* finished on 12 May 2006 and we are currently considering consultees' responses.

14.4. We propose to use some of the income from sales of the *Code* to finance a publicity campaign to increase sales of the *Code* which will contribute towards the wider road safety learning and educational agenda.

14.5. As well as encouraging more learner drivers to study the *Code* when learning to drive, the publicity campaign will seek to increase use by others through:

- public relations (PR) activity for target audiences throughout the year, covering different aspects of road safety and the importance of reading an up-to-date copy. E.g. a press

release about child restraints to new parents and parents of young children who may not be aware of the new legislation;

- national press advertising to supplement the PR campaign reminding readers to buy an up-to-date copy of the *Code* to ensure they are aware of the latest rules;
- advertising to target drivers on the road as part of their job;
- increased quantity of point-of-sale activity (counter packs, posters) in relevant outlets: bookshops, garage forecourts, post offices and supermarkets to encourage cross-selling and convenience buying;
- promotion to fleet drivers and those who drive as part of their job in trade press - corporate responsibility, fleet driver training, use of mobile phones whilst driving;
- online marketing – “pay per click” advertising on search engines, banner advertising and links on relevant websites including road safety and fleet driver websites;
- working with partners such as the British Horse Society, RoSPA, cycling and motorcycling groups and other relevant road safety organizations and interested bodies.

How will the proposal be implemented?

14.6. The outcome of public consultation will contribute to the content of a revised edition of the *Code*. We expect to publish the new edition in spring 2007 at a shelf price of £2.50 per copy. The *Code* will continue to be included within our electronic products.

Are there any costs?

14.7. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 9.1. - 9.4. of the RIA at *Annex A1*.

Proposal 9: Increase the number of questions in the theory tests taken by learner car drivers and motorcycle riders

What will this mean?

15.1. We propose to increase the number of MCQs in the theory tests taken by learner car drivers and motorcycle riders from 35 to 50 questions, offering the opportunity to give greater exposure to topics such as:

- unlicensed and uninsured driving;
- eco-driving and environmental issues;
- new motorway signage;
- first aid;
- health and driver licensing.

What is the current situation?

15.2. The MCQ element of the theory test taken by learner drivers and riders currently has 35 questions, with a pass-mark of 30. Candidates are allowed 40 minutes. The test also contains a moving image hazard perception test, which takes about 20 minutes overall. Both parts of the test have to be passed at the same time, and the current fee is £21.50.

Why are we proposing this change?

15.3. When the separate theory test was introduced in 1996, educational experts advised that 35 MCQs was the minimum number needed to constitute a valid test of the syllabus required by EU standards. The underlying EU standards were revised in 2003¹⁵, though the number of questions was not altered.

15.4. In addition, in recent years there have been increasing pressures to use the theory test as a way of improving knowledge, understanding and awareness on a number of issues. The confines of a 35 question test mean that greater exposure for an issue can only be at the expense of another.

15.5. The Government's *Road Safety Strategy*¹⁶ commits us to upgrading the theory test (taking account of European developments) and keeping the number of questions under review. We can make a positive contribution to driving standards and road safety by a more thorough assessment of the learner's knowledge and understanding. Increasing the number of questions will create a more robust test with better content validity.

How will the proposal be implemented?

15.6. We propose that the time allowed for completing the MCQ part of the theory test, the pass mark, and the theory test fee should increase proportionately in line with the larger number of questions. If implemented:

- the maximum permissible time for the MCQ element of the theory test would be around 57 minutes;
- the additional time allowed for persons with reading difficulties would also be increased;
- the pass marks for the MCQ part of the theory test would be set at 43 out of 50 – about the same ratio as at present;
- the fee for the theory test would be increased to £28.50. [The charge for theory test pass certificates supplied to organisations with delegated authority to test their staff would be increased from £14.00 to £18.50 – subject to Proposal 3 above.]

15.7. We propose to implement the change in accordance with the timetable for revising these theory tests, so the change would not occur before 3 September 2007.

15.8. As part of our efforts to maximise the safety value to be gained from our assessments, we want to involve subject matter experts for different topics to help prepare new questions and associated learning material. We are already working with British Red Cross and St John Ambulance on questions and learning support concerning first aid, and we shall invite other interested parties to nominate subject matter experts on other topics.

Are there any costs?

15.9. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 10.1 – 10.8 of the RIA at *Annex A1*.

¹⁵ Commission Directive 2000/56.

¹⁶ www.dft.gov.uk

Proposal 10: Introduce quality assurance arrangements for Approved Training Centres and courses for Periodic Training for professional drivers of buses, coaches and lorries

What will this mean?

16.1. Organisations will be able to obtain approval to offer Periodic Training for professional bus, coach and lorry drivers

What is the current situation?

16.2. Currently there are no statutory obligations on these professional drivers to undertake training to maintain and enhance their knowledge and skills.

Why are we proposing this change?

16.3. Under EU legislation, all Member States will be required to put in place arrangements that provide for:

- professional bus, coach and lorry drivers to undertake a minimum of 35 hours approved training every five years in periods of not less than seven hours duration;
- standards assurance about the content and quality of Periodic Training that these drivers will have to undertake in order to remain in their occupation. This will involve the regulation of standards for training providers and training courses.

16.4. We are working with the Sector Skills Councils, *Skills for Logistics* and *GoSkills*, the industry-led bodies with responsibility for national occupational standards for their sectors, to develop suitable quality assurance arrangements for Periodic Training that meet the needs of the road freight and passenger-transport sectors as well as satisfying the requirements of the EU legislation. The two Councils will have a lead role in advising us on applications for approved providers and courses.

16.5. This proposal sets out how we envisage the arrangements will operate for approving training centres and courses for Periodic Training, and the charges that are likely to be involved. It follows earlier consultation about how we should introduce the new Driver CPC¹⁷ in this country.

How might these arrangements operate?

16.6. We envisage that:

- these arrangements will involve separate approval of training centres and training courses;
- an approved training centre would, subject to satisfactory performance, be authorised for a fixed period – perhaps five years. We would welcome views on whether the authorised period should be shorter - perhaps one-two years - or whether quality assurance inspections should be carried out on an annual basis;
- an approval period for a specific course might be shorter, to avoid the risk of obsolete training content remaining authorised. We would welcome views on whether the authorised period should be shorter – perhaps one or two years;
- re-authorisation of a centre would be dependent on completion of a satisfactory inspection conducted during the period of authorisation.

¹⁷ Directive 2003/59/EC – The Driver CPC Directive

Who can deliver Periodic Training?

16.7. We envisage that a range of organisations might be interested – including commercial training providers, in-house training divisions of vehicle operators and further education colleges.

What are the conditions and criteria for training centre approval?

16.8. We envisage potential providers will be assessed against pre-determined criteria including:

- adequate insurance cover;
- secure IT systems;
- trainee record systems, including certification of course completion;
- course evaluation systems (including driver feedback);
- individual trainer qualifications;
- suitability of vehicles (where appropriate);
- suitability of premises and training areas.

16.9. An application for approval might be undertaken as a paper exercise supported by subsequent site visits.

What are the criteria for an approved course?

16.10. Course content must relate to the professional driver syllabus set out in the EU Directive, with emphasis on safety and fuel efficiency. However, that syllabus is broad. As previously announced, we intend when implementing the Periodic Training arrangements, to facilitate training that meets the needs of both drivers and operators.

16.11. We envisage that the value of the course in terms of the learning taking place and the quality of the teaching would be assessed during site visits. We envisage that e-learning could be acceptable for some topics, provided that the material was to a suitable standard and the proctoring arrangements addressed the risk of fraud.

When will the proposal be implemented?

16.12. We intend to introduce procedures for approval of course providers and content later this year. We shall make further announcements before then.

What are the likely costs involved?

16.13. Based on advice from industry representatives:

- the fee for a five-year registration for centre accreditation is expected to be around £1,500. (This cost would be reduced on a pro-rata basis should it be decided to adopt a shorter period of authorisation.)
- the fee for approving a course is likely to be in the region of £250.

16.14. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 11.1. – 11.11. of the RIA at *Annex A1*.

Proposal 11: Record Driver CPC status with a Driver Qualification Card (DQC) and associated fee

What will this mean?

17.1. On achieving CPC status, individuals will apply to the Secretary of State for this to be recorded on a DQC. This will take place:

- for new drivers - on passing the relevant tests for Initial Qualification.
- for Acquired Rights drivers (those holding the appropriate licence at the date of introduction for their category of vehicle) - following 35 hours approved training during the five year period that such drivers are exempt from CPC.
- for both groups - on a five yearly cycle subsequently, linked to Periodic Training and renewal of CPC.

Administrative details will be announced closer to the time.

What is the current situation?

17.2. There is no current requirement for a driver to hold a CPC.

Why are we proposing this change?

17.3. EU legislation will require CPC status to be recorded by a code either on the driving licence or a DQC produced to the same security standard. We initially considered that this requirement should be met primarily by a code on the driving licence, supported by DQCs where this was not practicable. We now think that the universal adoption of DQCs for GB drivers offers a more effective and efficient solution.

17.4. The main reason concerns enforcement. Issuing DQCs to all GB drivers would support arrangements enabling the police and Traffic Examiners to make simple and instant roadside checks that all drivers who need a CPC actually hold one. The implementing regulations can require all professional drivers (including foreign drivers) to produce evidence of CPC status when driving. This would not be possible if we put the code on the licence, as we do not have mandatory carriage of driving licences.

17.5. Also we initially thought that it would be generally possible to align CPC issue dates and driving licence renewal dates. In that case putting CPC codes on licences would, with a single five yearly renewal action, involve lower public sector and compliance costs. Detailed planning indicates that it will not be possible to align CPC renewal periods and licence renewal periods. Putting the CPC code on the driving licence would mean more frequent licence renewals, with associated licence renewal costs.

17.6. There would be a stronger case for using a code on the driving licence for recording CPC status for GB drivers if this could be used for all professional drivers. In that case we would have some development costs concerning driving licence production but we also need a DQC for some professional drivers - eg for non-GB licence holders working in GB. Therefore we cannot avoid DQC development costs. If we put CPC codes on driving licences, the DQC development costs would have to be recovered from a smaller number of drivers. Adopting the DQC as the universal tangible evidence for CPC for GB drivers means we avoid the licence development costs.

17.7. We have discussed these points with interested parties in the Stakeholder Group which is advising the CPC implementation project, and they concur with this analysis.

When would any changes be introduced?

17.8. The first DQCs will be issued to new bus and coach drivers from September 2008 and their lorry counterparts from September 2009. Acquired Rights drivers will receive a DQC when they have completed their Periodic Training.

What are the likely costs involved?

17.9. We are planning to recover the costs of issuing DQCs by having similar charging arrangements to those for driving licences. Based on current assumptions, we propose a £25.00 fee each time a DQC is issued, though we may be able to avoid charging a separate fee for a DQC issued to new drivers at the time of Initial Qualification.

17.10. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 12.1. – 12.7. of the RIA at *Annex A1*

Proposal 12: Improve the initial training for delegated examiners authorised to conduct practical driving tests for learner bus and coach drivers

What will this mean?

18.1. The initial training course for delegated examiners to conduct PCV practical tests will be increased from four to six weeks duration.

What is the current situation?

18.2. A delegated examiner must successfully complete a four week pass/fail DSA initial training course. [They are also subject to regular quality assurance assessments by DSA.]

Why are we proposing this change?

18.3. We indicated¹⁸ during the consultation on the introduction of the Driver CPC Directive that we would offer organisations with delegated authority to conduct PCV licence acquisition tests, the opportunity to undertake the additional modules of theoretical and practical assessment for CPC purposes. This will enable those organisations to maximise local operational flexibilities.

18.4. Intrinsic to our ability to authorise delegated examiners in the new environment is confidence that they are assessing to fair and uniform standards for both the Initial CPC Qualification and the vocational driving licence acquisition. We propose to operate an arrangement based on assessed competence of the examiner, and avoid imposing burdensome restrictions related to prior “experience”.

18.5. A six week initial training course will ensure that new delegated examiners have the relevant competences to:

- drive the category of vehicle on which they will be qualified to test to a professional standard;
- manage and control the content requirements of the tests they will deliver;
- deliver communication and customer care skills that meet the high quality customer service required;

¹⁸ see footnote 9

- demonstrate the assessment skills and understanding necessary to consistently and uniformly assess driving tests to the required standard;
- meet the future assessment skills required to assess Safe and Fuel Efficient Driving Techniques and the additional content of the initial CPC qualification.

18.6. Some examiners may acquire the necessary skills and competences and meet the performance criteria at an earlier stage in the training process. Alternatively, additional training may be required to achieve the required standard. In these circumstances a provision will be available to adjust the length of the course and associated fees to accommodate the performance on the individual trainee.

When would any changes be introduced?

18.7. We would make the new training course available from 2 April 2007.

What are the likely costs involved?

18.8. We propose that the cost of the six-week training course will be £7,500

18.9. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 13.1 – 13.6. of the RIA at *Annex A1*.

Proposal 13: Introduce a requirement for a driving test candidate to surrender, in certain circumstances, a driving licence to the theory test invigilator or practical test examiner

What will this mean?

19.1. We propose to place a requirement on driving test candidates to surrender, in certain circumstances, their driving licence to a theory test invigilator or driving test examiner. This could, for example, be where the licence has failed a security check

What is the current situation?

19.2. There is evidence that fraudsters are producing counterfeit photocard driving licences. Intelligence from the police has shown that counterfeiters are becoming more sophisticated and producing realistic fake licences. Driving licence fraud is often associated with other forms of organised crime since a licence can provide a route to establishing an identity and obtaining other official documents and benefits.

19.3. There are limited opportunities to check the authenticity of a driving licence. One occasion is when a candidate presents a licence before taking a theory test or practical driving test. DSA requires candidates to present licences to avoid candidate impersonation and to check that the licence holder has the correct driving entitlement to take that category of test.

19.3. In order to prevent the use of counterfeit photocard licences, DSA introduced on 1 November 2003 a procedure whereby theory test invigilators and driving examiners scrutinise more closely photocard licences. Where the check is unsatisfactory, the test does not proceed and the invigilator or examiner offers to send the licence to DVLA on the candidates' behalf. We also sought to strengthen the anti-fraud measures surrounding the driving test by restricting the acceptable forms of photographic evidence which may be used to confirm identity with effect from 1 November 2005.

19.4. Following the identification of a suspect photocard licence, a sensible procedure would be for the invigilator or examiner to withhold the licence and call the police, thus removing suspect licences from circulation. However, under section 176 of the Road Traffic Act 1988, only a police constable can seize a driving licence if he has reasonable cause to believe that an offence has been committed

19.5. A proposal to allow theory test invigilators and driving examiners to seize licences where fraud was suspected was first canvassed in our consultation paper: *Modernising Arrangements for Taking Driving Tests* - June 2004. A large majority supported the proposal (for 112, against 5). The Government is pursuing this via Clause 35 in the Road Safety Bill currently before parliament, with a provision that takes the form of a requirement for the candidate to surrender the licence.

How will the proposal be implemented?

19.6. Once the Road Safety Bill has received Royal Assent we will look to introduce the requirement as quickly as possible – but not before 2 April 2007.

Are there any costs?

19.7. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 14.1. - 14.6. of the RIA at *Annex A1*.

General fee increase proposals explained

Proposal 14: Increase the fees for the practical motorcycle/moped test

What will this mean?

20.1. We propose to increase the fee for a practical test for learner motorcycle and moped riders by £2.00 for a standard test and £4.00 for an extended test with effect from 2 April 2007. The proposed fees are:

- | | | |
|---------------------------------------|---------|---------|
| • standard weekday test | £60.00 | (+3.4%) |
| • standard out-of-hours /weekend test | £70.00 | (+2.9%) |
| • extended weekday test | £120.00 | (+3.4%) |
| • extended out-of-hours /weekend test | £140.00 | (+2.9%) |

What is the current situation?

20.2. The current fees for practical motorcycle and moped tests are:

- | | |
|---------------------------------------|---------|
| • standard weekday test | £58.00 |
| • out-of-hours /weekend test | £68.00 |
| • extended weekday test | £116.00 |
| • extended out-of-hours /weekend test | £136.00 |

Proposal 16: Increase the charges for the non-statutory instructor registration schemes operated by DSA

What will this mean?

22.1. We propose to increase the charges for the practical tests taken as part of the qualification process for the non-statutory registration schemes by £7.00 (+8.5%) for the LGV Voluntary Register and £6.00 (+7.6%) for the Fleet Driver Trainer Register). The four-year registration charge would be increased by £50.00 (+100%).

Register	Practical test of driving ability	Practical test of instructional ability	Registration
LGV Voluntary	£89.00 (£104.58)	£89.00 (£104.58)	£100.00 (£117.50)
Fleet Driver Trainer	£85.00 (£99.88)	£85.00 (£99.88)	£100.00 (£117.50)

As a voluntary scheme all fees are subject to VAT at 17.5% (shown in brackets)

22.2. Increasing these charges will mean that income will relate more closely to the cost of providing the services.

What is the current situation?

22.3. The current charges are:

Register	Practical test of driving ability	Practical test of instructional ability	Registration
LGV Voluntary	£82.00 (£96.35)	£82.00 (£96.35)	£50.00 (£58.75)
Fleet Driver Trainer	£79.00 (£92.83)	£79.00 (£92.83)	£50.00 (£58.75)

22.4. There are currently 950 LGV trainers on the DSA's Voluntary Register and during 2005-06 some 705 qualification tests were conducted. The DSA Fleet Register contains 1,300 ADIs specialising in company car and van driving and during 2005/06 some 33 qualification tests were conducted.

How will the proposal be implemented?

22.5. We propose that with effect from 2 April 2007, all practical tests booked as part of the qualification process for the non-statutory registration schemes operated by DSA, and all applications for registration, should attract the higher charges.

Are there any costs?

22.6. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 17.1-17.7. of the RIA at Annex A1.

Proposal 17: Increase the charges for Taxi and Private Hire car tests

What will this proposal achieve?

23.1. We propose to increase the charges for these tests from 2 April 2007:

Normal hours			
Type	Charge	VAT	Total
Hackney Saloon /Private Hire	£51.06 (+3.4%)	£8.94	£60.00
Hackney - Wheelchair enhanced	£59.57 (+2.9%)	£10.43	£70.00
Wheelchair exercise	£17.02 (+2.5%)	£2.98	£20.00

Saturday and Evening			
Type	Charge	VAT	Total
Hackney Saloon /Private Hire	£61.70 (+2.8%)	£10.80	£72.50
Hackney - Wheelchair enhanced	£71.91 (+2.4%)	£12.59	£84.50
Wheelchair exercise	£20.85 (+2.1%)	£3.65	£24.50

What is the current situation?

23.2. The current charges are:

Normal hours			
Type	Charge	VAT	Total
Hackney Saloon /Private Hire	£49.36	£8.64	£58.00
Hackney - Wheelchair enhanced	£57.87	£10.13	£68.00
Wheelchair exercise	£16.60	£2.90	£19.50

Saturday and Evening			
Type	Charge	VAT	Total
Hackney Saloon /Private Hire	£60.00	£10.50	£70.50
Hackney - Wheelchair enhanced	£72.21	£12.29	£82.50
Wheelchair exercise	£20.43	£3.57	£24.00

23.3. Over 50 licensing authorities, including Transport for London, now use DSA taxi tests to assure the competence of prospective licence holders. In 2005/06 we conducted 10,600 taxi tests.

Why are we proposing this change?

23.4. The current charges for taxi tests do not meet the costs of delivering this service.

How will the proposal be implemented?

23.5. We propose that all taxi tests booked on or after 2 April 2007 should attract the higher charge.

Are there any costs?

23.6. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 18.1-18.4. of the RIA at Annex A1.

Proposal 18: Increase the charges for Pass Plus products

What will this mean?

24.1. It is proposed to increase the price of the Pass Plus Starter Packs and refills by £1.00 from 2 April 2007 in line with inflation.

What is the current situation?

24.2. The cost of a Pass Plus Starter Pack is currently £33.00 and a refill £26.00. These fees were last increased on 1 April 2006.

Why are we proposing this change?

24.3. To ensure that that the scheme is self-financing.

How will the proposal be implemented?

24.4. We propose that all applications for Pass Plus Starter Packs or refills received on or after 2 April 2007 should be charged at the higher fees of:

- Starter Pack £34.00 (+3.0%)
- Refill £27.00. (+3.8%)

Are there any costs?

24.5. Estimated costs of introducing this proposal and the potential benefits/ disadvantages are further explained in paragraphs 19.1.-19.6. of the RIA at *Annex A1*.

How to respond

25.1. Please tell us what you think of each proposal by completing the response form which can be found at *Annex B* and returning it by e-mail to: **policy@dsa.gsi.gov.uk**

25.2. Alternatively, you may return the completed form by post to: DSA Policy Unit, Stanley House, 56 Talbot Street, Nottingham, NG1 5GU.

25.3. The closing date for the receipt of comments is: **11 January 2007**.

DSA

October 2006

ANNEX A1

INITIAL REGULATORY IMPACT ASSESSMENT [EXCLUDING PROPOSAL 7]

PURPOSE AND INTENT OF THE PROPOSALS

1.1. This initial Regulatory Impact Assessment (RIA) considers the implications of introducing a package of measures to further modernise the administrative arrangements for booking and taking theory and practical driving tests which will build on the changes introduced in 2005¹⁹. Such changes include an extra ten-minutes on road driving time as part of the practical tests for category C (lorry) and D (bus/coach) vehicles, reducing the minimum wait following an unsuccessful category B+E (car and trailer) test and for restricting the type of vehicles which may be used for category B (car) tests.

1.2. The RIA also considers the implications of increasing the fee for practical moped/motorcycle tests, the fee for the *Highway Code* and for changes to the arrangements for theory and practical tests conducted by non-DSA examiners.

1.3. In addition, the RIA considers the implications of making changes to the registration fee for Approved Driving Instructors (ADIs) and the qualifying arrangements for those wishing to join the non-statutory registration schemes for lorry driving instructors, and instructors specialising in providing training for company car and van drivers.

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

Background

1.5. The overall purpose of the driving test is to check that a learner driver has reached a satisfactory level of competence before being granted a full driving licence for the appropriate category of vehicle and permitted to drive unaccompanied. The test also helps set the learning agenda for trainees and the training agenda for instructors. The test for all categories of learner drivers is conducted in 4 main elements:

- a test of knowledge and understanding (the multiple choice part of the theory test);
- a performance test (hazard perception);
- a practical assessment of ability to perform specified manoeuvres;
- a practical assessment of general on-road driving/riding.

1.6. The overall purpose of the tests set for professional driving instructors (including those for the non-statutory registers) is to ensure that applicants have, and subsequently maintain, a satisfactory level of competence relating to instruction for the type of vehicle for which they are registered. The qualifying examination for those seeking to register as a driving instructor involves three parts:

- the first part comprises a theoretical test of knowledge and understanding of the driving and instruction syllabus undertaken as a multiple-choice question test, followed by a higher-level assessment of hazard perception skills using video clips. This part is undertaken as a computer-based assessment;
- the second part comprises a practical test of driving ability assessed to a higher level than expected for ordinary driving licence acquisition;

¹⁹ Modernising the Arrangements for Taking Driving Tests – A *Response to Consultation* dated March 2005

- the third part comprises a practical test of instructional ability, requiring the candidate to teach an examiner who is role-playing a trainee at various levels of competence.

1.7. The Government's *Road Safety Strategy*²⁰ committed the Driving Standards Agency (DSA) to contribute to improvements in road safety through establishing, developing and disseminating high standards and best practice in driving and riding on the road: before people start to drive, as they learn and after they pass their test. Each year over 3,000 people are killed on Britain's roads and 36,000 are seriously injured. In total, there are some 300,000 road casualties. This causes enormous human suffering and is a serious economic burden - the direct cost of road traffic collisions involving deaths or injuries is thought to be in the region of £3 billion a year.

Objective

1.8. The administrative arrangements relating to the booking and taking of tests support the road safety objective of the driving test system, and prevent it being undermined by irregularities such as candidate impersonation. The arrangements also help the orderly delivery of services in a customer-focused and cost-effective manner.

1.9. The purpose of this package is to:

- improve the service offered to the Agency's customers;
- improve the cost-effectiveness of the Agency's activities and the operations of the relevant road traffic rules;
- improve road safety by ensuring that only those persons who have demonstrated they have the required skills and knowledge are granted a full licence.

1.10. These proposals draw on findings from customer surveys and focus groups, in line with the Government's commitment given in the *Modernising Government White Paper*²¹ to deliver public services around the needs of citizens. Some of these proposals were specially identified by customers as enhancements to Agency services that they would welcome.

1.11. The form and content of driving tests, including such matters as the vehicles that may be used for taking practical tests, and the registration of driving instructors in the ADI scheme, are specified in regulations²².

Business sectors affected by the proposals

1.12. The proposals principally affect individual candidates preparing to undertake theory tests, practical motorcycle and car-plus-trailer tests, vocational driving tests, and the qualification tests for the statutory and non-statutory registration schemes operated by DSA. However, the proposals are wide ranging and are of interest to all sectors of the driver/rider training industry as well as those with an interest in road safety:

- organisations with authority to undertake driving tests for their staff and the delegated examiners they employ;
- road freight companies, and bus and coach operators;

²⁰ *Tomorrow's Roads – Safer for Everyone*. DETR March 2000. Product code 99ARSE0998 www.dft.gov.uk

²¹ *Modernising Government*. Cabinet Office. 1999. The Stationery Office £9:00 www.cabinet-office.gov.uk/regulation/Consultation/Introduction.htm

²² The Motor Vehicles (Driving Licences) Regulations 1999 SI No.2864 [as amended] and the Motor Cars (Driving Instruction) Regulations 2005 SI No.1902 [as amended].

- lorry and bus driver training providers;
- unsuccessful candidates for B+E practical tests;
- ADIs and those wishing to qualify to join the ADI Register;
- participants in the non-statutory instructor registration schemes operated by DSA;
- all road users – who need to know and have regard to the Highway Code.

Service improvement proposals

Proposal 1: Investigate allowing road freight companies to undertake lorry driving tests for their staff

The proposal

2.1. The proposal is to allow certain road freight companies the opportunity to undertake goods vehicle theory and practical tests (category C1, C1+E, C and C+E) for their staff, together with tests associated with the award of the Driver Certificate of Professional Competence (CPC) Initial Qualification.

Impetus for change

2.2. A number of road freight interests have approached us seeking authorisation to undertake vocational driver testing of their staff. They suggest this would give greater flexibility for companies to arrange testing to fit in with their in-house training programmes, and enable them to quickly respond to driver shortages. Re-tests for unsuccessful candidates could be more easily arranged – subject to the minimum wait of three clear working days. Companies would be better able to adjust to fluctuation in demands for vocational tests which may occur in advance of the introduction of the Driver CPC Directive²³.

2.3. We currently deliver 97,000 category C1/C1+E/C/C+E tests per annum. We might expect that the largest 20 freight logistics companies, which employ around 40% of professional lorry drivers, will ask for authorisation to undertake theory and practical tests for licence acquisition and Driver CPC tests for their staff.

Public Sector savings/costs

2.4. In 2002/03 we delivered 83,270 lorry and bus tests. This figure is forecast to reach 161,000 in 2008/09. Should this volume of demand materialise, it is likely the Agency's waiting time targets would be prejudiced across the full range of tests as examiners were re-deployed to meet demand for vocational tests. Allowing freight logistics companies the opportunity to undertake tests could help us to manage better our examiner resource.

2.5. The level of savings which we may expect will be dependent on take-up of the facility. We have no plans for any reduction in the number of test centres offering lorry driving practical tests as a result of this proposal. Nor do we envisage any reduction in the number of examiners we currently require, as the quality assurance arrangements for the "in-house" arrangements would have to be staffed.

2.6. Application for authorisation to undertake practical or theory tests "in-house" would be on a voluntary basis. Authorisation would depend on tests being available to common

²³ Directive 2003/59/EC – The Driver CPC Directive

national standards, with any fraud and integrity risks mitigated in order that road safety was protected and public confidence maintained.

Private Sector savings/costs

2.7. All potential delegated driving examiners must attend and pass the DSA six-week residential training course at Cardington. The cost of the current four-week course for delegated examiners for bus and coach driving tests is currently £5,000. We propose this cost should increase to £7,500 in line with the longer test.

2.8. Companies wishing to conduct theory tests at their premises will be required to meet the costs of establishing a secure testing environment, including a computer on which to deliver the test and secure electronic links with the theory test provider.

2.9. We currently recover our costs for supervising “in-house” arrangements from the sale of test pass certificates supplied to the organisations concerned. Each theory test pass certificate currently costs £14.00, and each practical test pass certificate currently costs £15.00. As explained in Proposal 3, we are looking to modernise these arrangements.

2.10. Efficiency savings may be available for larger companies who will be better placed to co-ordinate their training and testing arrangements to ensure that they can supply sufficient qualified drivers to meet demand.

2.11. When the training and supervision costs are taken into consideration it seems likely that in-house arrangements would be attractive to only the larger companies with substantial throughput of trainees.

Proposal 2: Reduce the minimum wait following unsuccessful practical tests for cars and vans towing trailers

The proposal

3.1. There would be a minimum three, rather than ten, clear working day wait before an unsuccessful candidate could re-attempt a category B+E (car and trailer) practical test.

Impetus for change

3.2. Candidates who fail a category B+E test face the same minimum wait as is imposed on unsuccessful drivers of category B vehicles (cars and vans). The minimum wait was introduced during the late 1990s to deter unsuccessful candidates from re-attempting before they were ready - trying to pass by chance - and to give such candidates the opportunity to take further training before re-taking the test.

3.3. Some 4,200 category B+E tests were taken in 2005/6, of which nearly 60% were booked by LGV/PCV trainers as part of the Trainer Booking Facility.

3.4. The pass rate by candidates taking B+E tests is 53.5%. So some 2,000 candidates each year could benefit from a reduced minimum wait.

Public Sector savings/costs

3.5. DSA has not identified any unfavourable cost implications.

3.6. It would appear that this reduction in the minimum wait could be allowed without adversely affecting road safety. The minimum three days would still provide a sufficient period for the trainee to receive a suitable block of training.

Private Sector savings/costs

3.7. The category B+E licence is needed for a range of vehicles associated with work (such as vans towing plant) as well as private purposes (cars towing caravans). The proposed change could enable some drivers to obtain the driving licence they need for work purposes with less delay - assisting the drivers, their employers and those using their services.

3.8. The proposed change could enable trainers to make more efficient use of their instructors and facilities.

Proposal 3: Introduce fairer cost-recovery arrangements for 'in house' theory tests

The proposal

4.1. We propose to revise the arrangements for recovering our costs where we allow organisations to undertake "in house" theory tests (IHTT) for their staff. [NB. These arrangements will also apply to theory tests taken under arrangements for freight logistics companies should Proposal 1 be implemented.]

Impetus for change

4.2. Subject to Parliamentary approval, the Road Safety Bill will provide more flexible powers to recover the costs of operating "in-house" testing arrangements. The proposed new charging arrangement will be fairer - based on the "user pays" principle. The key element is that it will be based on the number of theory tests arranged for IHTT users. It will represent a move from paper-based systems and enable more efficient and effective charging administration.

Public Sector savings/costs

4.3. Operating the IHTT arrangements creates extra costs for the theory test service. Although the IHTT organisation provides the test centre space for the candidates, special IT systems have to be put in place and maintained for the theory test service to operate reliably and securely in these third party premises. In addition, the IHTT service draws on the public investment in the intellectual capital involved in the creation and maintenance of the question banks.

4.4. The organisations benefiting from IHTT currently contribute to the costs of operating this special service by paying £14.00 for each theory test pass certificate which we supply to them, which they in turn give to their successful candidates. We do not charge organisations that operate IHTT for unsuccessful tests though they give rise to costs. In 2005/6, we supplied some 36,000 IHTTs theory tests of which passes were some 27,000.

4.5. The current arrangement dates from when the theory test was a pen-and-paper test, and the test administration was paper-based. The current charging system involves a wasteful paper-driven process, and the delay between the receipt of the fee for supply of the certificate and the delivery of the successful test makes the financial reconciliation over complicated.

Private Sector savings/costs

4.6. The current cost-recovery arrangement is unfair and inefficient, with risks that participating organisations that prepare their trainees well will subsidise those who do not, and that the costs of providing the IHTT service are met by the general fee-payer.

4.7. We envisage that the new cost-recovery arrangements will provide for fee liability to accrue in parallel with usage, which should be convenient for the IHTT user. The estimated fee for each theory test delivered will be £14.00.

4.8. If the enabling powers currently being sought in the Road Safety Bill to support the revised charging arrangements are not in place by 2 April 2007, the existing charging arrangements whereby our costs of operating and supervising the IHTT service from the sale of theory test pass certificates to those organisations will continue.

Proposal 4: Conduct criminal history checks for ADIs, and recover associated costs via the fee for the theory test taken as part of the ADI qualification process

The proposal

5.1. The proposal is to increase the fee for the theory test taken as part of the ADI qualification process by £25.00 with effect from 2 April 2007. The new fee would be £75.00.

Impetus for change

5.2. In 1998²⁴ we advised that it was our intention that applicants to join or remain on the ADI register, or to obtain a Trainee Licence, should supply a certificate from the Central Register of Criminal Convictions when that scheme became operational. We also undertook to discuss this issue further with the national ADI associations nearer the time.

5.3. The Criminal Records Bureau (CRB)/Disclosure Scotland (DS) scheme has evolved considerably since that time but DSA remains committed to the principle that all ADIs and holders of trainee licence should be subject to initial and periodic CRB checks to validate conduct declarations made by applicants. The driving instructor representative bodies have indicated support for the initiative, so that validation of declarations for non-motoring matters are put on a similar basis as for motoring offences, where DSA has access to information on such matters held by DVLA.

Public Sector savings/costs

5.4. The current fee for a CRB check is £36.00. The cost of conducting CRB checks for those already on the Register is expected to be in the region of £1.4million. The CRB fees for checking, say, 15,000 applicants at initial application stage would be around £540,000 annually. In addition, we shall need to cover the other administrative costs of operating these checks, whether the work is done by DSA staff or a facility company. DSA will need to recover its costs of conducting the initial and subsequent CRB /DS checks via an appropriate fee or mix of fees charged to participants in the ADI scheme.

Private Sector savings/costs

5.5. We propose that, under the existing arrangements, the simplest and fairest way of recovering these costs is at the earliest point currently available in the registration process -

²⁴ DSA letter: *Improving the Administration of the ADI Register* issued 28 September 1998

the fee for the theory test taken as part of the qualifying exam. This avoids imposing a significant extra amount on the registration fee where, because the annual number of chargeable units (approximately 9,500) would be much smaller - compared with 15,000 theory tests - the size of the fee increase would have to be much larger. We therefore propose that all theory tests booked as part of the ADI qualification process should be charged at £75.00 from 2 April 2007.

Longer term arrangements

5.6. The Road Safety Bill will, subject to its approval by Parliament, provide for more flexible cost-recovery powers allowing the Secretary of State to introduce, by regulation, different arrangements for charging fees in connection with the administration of the ADI scheme. One possibility would be the introduction of an administration fee, payable at the start of the qualification process, part of which could be used to meet the costs of the initial CRB check on those wishing to join the registration scheme.

5.7. We are seeking views on the principle of introducing such an initial application fee, which is the occasion when processing costs start to be created. Recovering administrative costs at this point could avoid cost recovery having to be put on test fees or registration fees. Once we have received initial views we will formulate proposals for discussion with the ADI Associations.

Safety related measures

Proposal 5: Increase in stages the number of multiple-choice questions in the theory tests taken by learner lorry and bus drivers

The proposal

6.1. We propose to increase the number of Multi Choice Questions (MCQ) in the theory test taken by learner drivers of category C (lorry) and category D (bus and coach) [including sub-categories C1 and D1]:

- 60 multiple-choice questions from 2 April 2007;
- 100 multiple-choice questions from 1 April 2008.

6.2. We propose to increase proportionately the time allowed for completing the MCQ element of the test, the pass mark and the fee. This will result in the time allowed for the MCQ element to be extended to 70 minutes from 2 April 2007 and 115 minutes from 1 April 2008. The pass mark will be increased to 51 out of 60 and 85 out of 100 on those dates.

Impetus for change

6.3. New EU rules will require professional bus, coach and lorry drivers to hold a Certificate of Professional Competence (CPC) in order to work as a professional driver in the European Union as well as a vocational driving licence. We have designed a modular package of theory and practical assessments that will allow a new driver to obtain a CPC Initial Qualification and a vocational driving licence in parallel and we expect most professional drivers to take this approach.

6.4. The new assessments will ensure that all vocational licence holders have the essential knowledge and skills to drive such vehicles safely. The extra modules to obtain a CPC Initial Qualification will focus on the additional knowledge which is relevant to the professional driver operating in the 21st century. The enhanced MCQ element will be taken

by all drivers of these vehicles. We are phasing in the larger number of MCQs to smooth the transition to the more rigorous test.

Public Sector savings/costs

6.5. We shall incur costs to develop, deliver and maintain the longer MCQ test. DSA will need to recover these additional costs from the fees it charges to:

- candidates for the general service, and
- relevant organisations allowed to undertake IHTTs.

Private Sector savings/costs

6.6. We propose that the fees for the theory test are be increased proportionately to the extended MCQ element - to £32.00 from 2 April 2007 and to £45.00 from 1 April 2008. Subject to changes in the basis of cost-recovery discussed in Proposal 3 above, the fees for theory test pass certificates supplied to organisations allowed to undertake IHTTs for their staff should be increased proportionately to £21.00 from 2 April 2007 and to £29.00 from 1 April 2008.

Proposal 6: Introduce an additional ten minutes driving time to bus, coach and lorry tests from September 2008

The proposal

7.1. From 1 September 2008, we propose to add ten minutes on-road driving time to category C and category D (including sub-categories C1 and D1) practical driving tests within the existing 90 minute test slot.

Impetus for change

7.2. We wish to maximise the value of the test slot and have reviewed the content of the test as part of the arrangements for implementing the Driver CPC Directive. The extra ten-minutes on road driving time will help to make the category C and D practical driving tests more reflective of today's road conditions and help raise the standard of all new drivers of such vehicles.

7.3. Extending the on-road driving time also enables us to ensure that we test the CPC competence of safe and fuel-efficient driving adequately during licence acquisition tests, and that drivers continue to be tested in a range of varying road and traffic conditions.

7.4. This extra driving time will apply to all category C and D tests conducted by DSA examiners and by non-DSA examiners.

Public Sector savings/costs

7.5. DSA will incorporate briefing about the new tests in its initial training for new driving examiners and briefing for existing staff. DSA does not consider that this additional ten minutes on-road driving time will significantly increase its costs. As the extra ten minutes is being accommodated within the existing test slot, there should be no effect on the number of tests an examiner can conduct in a day, and therefore unit costs and test fees.

Private Sector savings/costs

7.6. There are no proposals to increase the fee charged to candidates for a vocational test as a result of this proposal.

7.7. MOD, some Fire and Police authorities, and certain bus companies are authorised to conduct vocational tests for their staff. It is critical to the public confidence in these arrangements that tests under these special arrangements are clearly undertaken to the national standard. Subject to any comments received in consultation, DSA does not consider that this additional ten minutes on-road driving time will significantly increase the costs to these organisations of delivering the practical tests.

7.8. The extra ten minutes will allow for a more effective and efficient assessment of on-road driving competence in a rather wider range of road and traffic conditions. The competences being assessed should already be covered in an initial structured training programme, so the change should not significantly add to training costs. Where additional training is required to meet the modern standards, we regard this as justified by the safety and other benefits associated with safe and skilled drivers.

7.9. Vocational drivers contribute towards some 40 million tonnes of petroleum consumed by British motorists each year and the environmental damage which results. Increased awareness of safe and fuel-efficient driving will contribute to a reduction of the environmental impact. Better driving means less fuel is used and the wear and tear on vehicles is also reduced resulting in reduced vehicle maintenance costs. It is expected that the private sector organisations will also benefit from savings in fuel and lower vehicle maintenance costs which will result from safer and more fuel efficient drivers.

Proposal 7: Restrict the use of panel vans and soft-top convertibles as types of vehicles which may be used for practical car driving tests

See paragraphs 6.1 to 7.15 in the individual RIA at *Annex A2*

Proposal 8: Increase the price of *The Highway Code* and promote its use amongst the general public

The proposal

9.1. We propose to increase the price of the new edition of *The Highway Code* (the *Code*) to £2.50 and then freeze its price for three years.

Impetus for change

9.2. We are currently undertaking a major review of the content of the *Code*. The extra income from the proposed price increase will help pay for the *Code's* maintenance and updating. It will also fund the cost of publicity designed to raise awareness and understanding of the *Code* amongst all road users including experienced drivers, as well as learner drivers, contributing to a wider road safety benefit and helping to encourage a lifetime safety agenda.

Public Sector savings/costs

9.3. We forecast that in 2006/7 we will sell 432,000 copies of the *Code*. We expect this figure to rise to 500,000 in 2007/8 following the launch of the updated edition in Spring 2007 supported by the publicity campaign. We envisage investing around £50,000 in the publicity campaign.

Private Sector savings/costs

9.4. At £2.50, the cost of the *Code* is modest considering the importance of its content and is insignificant in the context of the average overall cost of learning to drive – around £1,000 for car drivers. Copies of the updated *Code* will be included in DSA's conventional and electronic publications.

Proposal 9: Increase the number of multiple-choice questions in the theory tests taken by car drivers and motorcycle riders

The proposal

10.1. We propose to increase the number of MCQs in the theory tests taken by learner car drivers and motorcycle riders from 35 to 50 questions. There will be a proportionate increase in the time allowed to complete the MCQ element of the test to 57 minutes. The pass mark will be 43 out of 50. We envisage making this change in respect of tests taken on or after 3 September 2007.

Impetus for change

10.2. The Government's road safety strategy: *Tomorrow's roads safer for everyone* committed us to "upgrade the test paper and keep the number of questions per test paper under review". Increasing the number of questions will create a more robust test with better content validity, which will require candidates to ensure they have the right level of knowledge and understanding.

10.3. Extra questions will give the opportunity to give greater exposure to topics such as:

- unlicensed and uninsured driving;
- eco-driving and environmental issues;
- new motorway signage;
- first aid;
- health and driver licensing.

but not at the expense of the rest of the syllabus.

10.4. The Association of British Insurers advises that the costs of accidents involving uninsured drivers add £30²⁵ to the average motor insurance premium. Research indicates that there is poor understanding amongst drivers generally about the costs and effects of unlicensed and uninsured driving.

10.5. The British Red Cross (BRC) and St John Ambulance (StJA) advise that more than half of deaths caused by road accidents happen in the first few minutes after a crash, before

²⁵ ABI leaflet: *Safer, Cheaper, Legal* The ABI campaign against uninsured driving – January 2004
www.abi.org.uk

the emergency services arrive²⁶. Improving basic first aid knowledge and skills could mean the difference between life and death in such situations. Every theory test currently contains one question on first aid. Increasing the number of first aid questions in the theory test is a way of raising first-aid knowledge and skills.

10.6. More MCQs would offer the opportunity to address awareness on important health and driver licensing matters, such as:

- the links between health, fitness, impairment and safety when driving;
- a driver's responsibilities concerning medical declarations, and the penalties for fraudulent non-declaration;
- how to make medical declarations.

Public Sector savings/costs

10.7. We shall incur costs to develop, deliver and maintain the longer MCQ test. DSA will need to recover these additional costs from the fees it charges to:

- candidates for the general service, and
- relevant organisations allowed to undertake IHTTs.

Private Sector savings/costs

10.8. We propose that the fees for these theory tests should be increased proportionately to the extended MCQ element to £28.50. Subject to changes in the basis of cost-recovery discussed in Proposal 3 above, the fees for theory test pass certificates supplied to organisations allowed to undertake IHTTs for their staff should be increased to £18.50.

Proposal 10: Introduce quality assurance arrangements for Approved Training Centres and courses for Periodic Training for professional drivers of buses, coaches and lorries

The proposal

11.1. We need to put in place regulatory arrangements to quality-assure the Periodic Training undertaken by professional drivers of buses, coaches and lorries.

Impetus for change

11.2. The EU CPC Directive will be implemented for professional bus and coach drivers from 10 September 2008 and for lorry drivers from 10 September 2009. New drivers (who will need an Initial Qualification) will have to undertake Periodic Training over the following five years to maintain their CPC status. Existing drivers (who will not need an Initial Qualification) will have to undertake Periodic Training to obtain their CPC.

11.3. This Periodic Training requirement will require professional bus and lorry drivers to undertake a minimum 35 hours of approved training every five years in periods of not less than seven hours duration.

11.4. The Driver CPC Directive requires Member States to put in place regulatory arrangements to quality assure the training organisations, training centres, individual instructors and training courses for Periodic Training.

²⁶ *Are pre-hospital deaths from accidental injury preventable?* Hussain and Redmond, 1994

11.5. These proposals indicate the likely arrangements and fees for approving training centres and courses. The detailed arrangements are being developed in partnership with the road freight and passenger transport industries and other stakeholders as part of the implementation project for the new EU obligations.

Public Sector savings/costs

11.6. We shall need to recover the costs of implementing the quality assurance schemes for providers of training courses and course content, including the mid-term reviews.

11.7. The fee for approving a course is likely to be in the region of £250.00

11.8. The fee for a five-year registration for training providers is expected to be £1,500. Such a fee would be reduced on a pro-rata basis should the decision be taken to adopt a shorter period.

Private Sector savings/costs

11.9. These fees will be paid by providers. The market for professional driver training services is, however, likely to expand as a result of this Directive and DSA understands that a one-week training course typically retails for around £750. In that context, these fees are unlikely to be a significant extra burden on those gaining extra revenue offering the services.

11.10. Industry representatives have advised DSA that large logistics and bus/coach companies, which have in-house training divisions, will seek authorisation for Periodic Training purposes. This will be possible.

11.11. As indicated when we consulted on how we proposed to implement the new EU requirements, we envisage that the potential savings (particularly from improved fuel consumption) available to the companies affected by the new arrangements will substantially offset their investment in staff skills.

Proposal 11: Record CPC status by a Driver Qualification Card (DQC) and set a fee

The proposal

12.1 To record CPC status using a Driver Qualification Card (DQC). This would take place:

- For new drivers - on passing the relevant tests for Initial Qualification.
- For Acquired Rights drivers (those holding the appropriate licence at the date of introduction for their category of vehicle) - following 35 hours approved training during the five year period that such drivers are exempt from CPC.
- For both groups - on a five yearly cycle subsequently, linked to Periodic Training and renewal of CPC.

12.2 Where a fee was charged, we are proposing £25.00.

Impetus for change

12.3 The European legislation introducing the CPC requires that it should be recorded by either a code on the driving licence or a DQC. We are proposing using a DQC primarily for reasons for enforcement. Regulations can require a driver to carry a DQC when driving a relevant vehicle and produce this to a Police Officer of Traffic Examiner.

Public Sector savings/costs

12.4 A DQC is also the most financially beneficial of the two options. Were we to opt for putting a code on the driving licence for most drivers, this would not remove the need to develop a DQC. We would still need to issue a DQC to non-GB licence holders irrespective of what we decided to do for domestic licence holders. There would therefore be development costs of a DQC, and recovering the DQC development costs on low volumes would imply high unit costs and fees.

12.5 Adopting the DQC as the tangible evidence for all GB drivers avoiding the development costs arising from putting a code on the driving licence.

Private Sector savings/costs

12.6 The cost of the DQC will be paid - where applicable - by the individual driver. Savings arising from using a single means of recording CPC status will be passed on to drivers. We are planning to replicate the charging arrangements for driving licences. It is unlikely that we will charge a fee for a DQC issued to new drivers – drivers who acquire CPC by an initial test. For acquired rights drivers and those taking periodic training, there will be a charge. Based on current assumptions we propose £25.00.

12.7 Adopting the DQC as the tangible evidence for all GB drivers avoids the costs of repeated licence exchanges to update CPC entitlements. It was initially hoped that it would be possible to align CPC issue and driving licence renewal as a single action. But detailed planning indicates that the five yearly renewal period for Periodic Training and CPC entitlement will not stay aligned with the licence renewal period.

Proposal 12: Improve the initial training for delegated examiners authorised to conduct practical driving tests for learner bus and coach drivers

The proposal

13.1. The proposal is to increase to six weeks, the length of the DSA pass/ fail initial training course that must be successfully completed by delegated examiners before conducting practical tests for learner bus and coach drivers.

Impetus for change

13.2. The existing four-week pass/fail training course needs to be extended to ensure that delegated examiners have the appropriate skills and understanding to consistently and uniformly assess driving tests to the standard required. The longer course will:

- enable us to authorise non-DSA examiners to undertake CPC Initial Qualification tests as well as licence acquisition tests;
- ensure non-DSA examiners are well placed to undertake the new practical tests including the extra ten minutes on-road assessment in Category D and D1 tests;

- allow persons to train as delegated examiners without operating pre-entry conditions such as:
 - long experience periods for holding a relevant vocational driving licence; or
 - conducting driving tests for smaller vehicles before undertaking driving tests for larger vehicles.

Public Sector savings/costs

13.3. DSA is required to recover its costs of delivering the delegated examiner course.

13.4. We expect that non-DSA examiners will undertake some 16,000 PCV practical driving tests for different types of PCVs during 2006/7. For DSA to supply examiners to conduct these tests would imply employing around 20 extra driving examiners. Delegated examiner arrangements do not translate into an equivalent staff saving, as DSA is responsible for quality assurance arrangements to ensure that all tests undertaken in GB are conducted to fair and uniform standards.

Private Sector savings/costs

13.5. The current four-week course for delegated examiners costs £5,000. The cost of the six-week course will be £7,500 in line with the extended duration. Organisations will also lose the services of their employee for the longer training course.

13.6. Organisations choose to apply for and retain authorisation to operate delegated examiner arrangements. Therefore it is reasonable to assume that an organisation would do so only in circumstances where it suits their operational requirements and their business model.

Proposal 13: Introduce a requirement for a driving test candidate to surrender, in certain circumstances, a driving licence to the theory test invigilator or practical test examiner

The proposal

14.1. We propose to place a requirement on holders of driving licences to surrender, in certain circumstances, that document to a theory test invigilator or driving test examiner.

Impetus for change

14.2. Most driving licences presented by candidates are of the photocard style. This will enable the enhanced security checks to be conducted on the majority of driving licences at both theory and practical tests.

14.3. Intelligence from the police has shown that counterfeiters are becoming more sophisticated and are producing realistic fake licences. Driving licence fraud is often associated with other forms of organised crime since a licence can provide a route to establishing an identity and obtaining other official documents. Early identification and removal of suspect licences will reduce the opportunity for the licence to be used to perpetrate other forms of identity fraud or criminal activity.

Private Sector savings/costs

14.4. Introducing a requirement for candidates, in certain circumstances, to surrender a licence to a theory test invigilator or driving examiner would help relieve burdens on the police. Any reduction in the number of candidates fraudulently obtaining a driving licence should have positive road safety benefits for all road users. Prevention of other identity fraud involving a suspect licence would also have beneficial effects.

14.5. DSA has not identified any costs to the Agency or DVLA, arising from this proposal.

Private Sector savings/costs

14.6. DSA has not identified any costs to legitimate candidates arising from this proposal.

General fee increase proposals

Proposal 14: Increase the fees for the practical moped/motorcycle test

The proposal

15.1. The proposal is to increase the fee for the practical moped/motorcycle test by £2.00 for a standard test and £4.00 for an extended test with effect from tests booked from 2 April 2007.

Impetus for change

15.2. The current fees for practical moped/motorcycle tests are:

- standard weekday test £58.00
- standard out of hours /weekend test £68.00
- extended weekday test £116.00
- extended out-of-hours /weekend test £136.00

15.3. The reason for the proposed increase is that practical moped/motorcycle test activity has historic deficits, which at current fee levels would continue. This implies other categories of candidate subsidising the costs of delivering this service, which is neither fair nor economically efficient. The proposed increase is intended to bring the fee level in line with estimated unit costs though it does not attempt to recover historic deficits.

Public Sector savings/costs

15.4. In 2005/06, DSA conducted 80,458 motorcycle tests. We forecast some 85,000 tests will be conducted in 2007/08. The increased fees will deliver some additional revenue of £170,000 p.a.

Private Sector savings/costs

15.5. We propose that with effect from 2 April 2007 the fee for a practical moped/motorcycle test should be:

- standard weekday test £60.00 (+3.4%)
- standard out of hours /weekend test £70.00 (+2.9%)
- extended weekday test £120.00 (+3.4%)
- extended out-of-hours /weekend test £140.00 (+2.9%)

Proposal 15: Increase the fees for the practical tests taken as part of the ADI qualification process

The proposal

16.1. The proposal is to increase the fee for the practical tests booked as part of the ADI qualification process by £3.00 with effect from 2 April 2007. The new fees would be:

- Part 2 – practical test of driving ability £85.00 (+3.7%)
- Part 3 – practical test of instructional ability £85.00 (+3.7 %)

Impetus for change

16.2. The current fee for the practical tests taken as part of the ADI qualification process is £82. This figure does not meet the true cost of providing the service.

Public Sector savings/costs

16.3. In 2005/06 we conducted 42,000 practical qualification tests. This figure is forecast to rise to 51,500 in 2007/08 which will deliver an extra income of £154,500 p.a.

Private Sector savings/costs

16.4. We propose that with effect from 2 April 2007, all practical qualifying tests booked should be charged at £85.00

Proposal 16: Increase the charges for practical tests taken as part of the qualification process for the non-statutory registration schemes operated by DSA

The proposal

17.1. With effect from 2 April 2007, we propose to increase the charge for the practical tests undertaken as part of the qualification process for the non-statutory registration scheme operated by DSA and to increase the four-year registration fee:

Register	Practical test of driving ability	Practical test of instructional ability	Registration
LGV Voluntary	£89.00 (£104.58)	£89.00 (£104.58)	£100.00 (£117.50)
Fleet Driver Trainer	£85.00 (£99.88)	£85.00 (£99.88)	£100.00 (£117.50)

As a voluntary scheme all fees are subject to VAT at 17.5% (shown in brackets)

17.2. The new fees represent an increase of 8.5% for the LGV Voluntary Register and 7.6% for the Fleet Driver Trainer Register. The registration fee for both registers is increased by 100%.

Impetus for change

17.3. Neither the current charge for the practical tests nor the registration charge recovers the Agency's costs of delivering the service.

Public Sector savings/costs

17.4. There are currently 950 LGV trainers on the Voluntary Register and during 2005/06 some 705 qualification tests were conducted.

17.5. The Fleet Register contains some 1,300 ADIs and during 2005/06 some 33 qualification tests were conducted.

17.6. Increased fees are expected to deliver additional revenue in the region of £5,200 p.a. for practical tests and £28,000 p.a. in additional registration charges.

Private Sector savings/costs

17.7. These non-statutory schemes are voluntary arrangements in which trainers choose to participate. We do not consider the proposed fee increases to be a significant extra burden on the training providers who participate.

Proposal 17: Increase the charges for Taxi and Private Hire car tests

The proposal

18.1. With effect from 2 April 2007, we propose to increase the charges for taxi tests as follows:

Normal hours			
Type	Charge	Vat	Total
Hackney Saloon /Private Hire	£51.06 (+3.4%)	£8.94	£60.00
Hackney - Wheelchair enhanced	£59.57 (+2.9%)	£10.43	£70.00
Wheelchair exercise	£17.02 (+2.5%)	£2.98	£20.00

Saturday and Evening			
Type	Charge	Vat	Total
Hackney Saloon /Private Hire	£61.70 (+2.8%)	£10.80	£72.50
Hackney - Wheelchair enhanced	£71.91 (+2.4%)	£12.59	£84.50
Wheelchair exercise	£20.85 (+2.1%)	£3.65	£24.50

Impetus for change

18.2. The current charge for taxi tests does not meet the cost of delivering the service.

Public Sector savings/costs

18.3. During 2005/6 we conducted 10,600 taxi tests. The proposed increase in fees would deliver additional income of £22,000 p.a. This sum will reduce the current deficits incurred in providing the service.

Private Sector savings/costs

18.4. The proposed increases are not considered to be a significant cost in the overall costs of becoming a taxi driver.

Proposal 18: Increase the charges for Pass Plus products

The proposal

19.1. From 2 April 2007, we propose to increase the cost of the Pass Plus Starter Packs and refills by £1.00 in line with inflation. The proposed costs are:

- Starter Pack £34.00 (+3.0%); and
- Refill £27.00 (+3.8%)

Impetus for change

19.2. The current charge for a Pass Plus Starter Pack and refill is £33.00 and £26.00 respectively. These fees were last increased on 1 April 2006. The proposed increase of £1.00 represents percentage increases of 3.0% and 3.8% respectively and these are in line with the Retail Price Index.

19.3. Currently the price of the packs/refills does not meet the Agency's costs of delivering the service.

Public Sector savings/costs

19.4. In 2005/06, 4,570 starter packs and 8,087 refill packs were supplied to participating ADIs.

19.5. We predict similar levels of demand for the packs during 2007/08. The increased fees will deliver additional income of £12,657.

Private Sector savings/costs

19.6. ADIs participating in the Pass Plus scheme will face higher charges for the Starter Packs and refills from 2 April 2007. We believe that the increased costs will be passed on by the ADIs to their customers as part of the overall fee charged for the training.

Consultation

Public consultation

20.1. When conducting consultations we aim to consult as wide a range of stakeholders as possible. We will post the consultation paper on our and Department for Transport websites. For those particularly affected by the proposals, such as approved driving instructors (ADI), we shall place articles in our quarterly (soon to be bi-monthly) magazine *Despatch*, which has a circulation of some 60,000 driver trainers. We have also established an electronic notification system whereby interested parties can register with us to receive weekly updates via email. To date we have some 3,000 individuals registered for this service.

Within Government

20.2. The Welsh Assembly, Scottish Executive and the Department for Environment Northern Ireland are routinely consulted concerning regulatory changes. We have also consulted with other members of the Driver and Vehicle Operator group and interested parties from amongst the Department for Transport, such as the Road User Safety Division and the Transport, Technology and Standards Division.

Small firms impact test

21.1. A small business is defined²⁷ 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;

21.2. There are currently 38,040 ADIs within Great Britain, the vast majority of which (84%) are micro businesses operating on a self-employed basis. Lorry and bus driving instructors tend to work for large driving schools – most of which are small businesses.

21.3. The motorcycle training industry in Great Britain is very fragmented with most training being delivered by one-man or small scale operations. We therefore consider that the impact upon small businesses of any of the above options would not be disproportionate.

Competition assessment

22.1. The proposed new regulations would apply equally to all affected parties. We therefore do not consider that the proposals will have any adverse effect on competition.

Social Exclusion Issue

23.1. We do not believe that any social exclusion issues are likely to arise from these proposals.

Equality Impact Issues

24.1. We have been unable to identify any negative impact on any group of people following implementation of the proposals based on:

- Minority Ethnic Groups (including colour, nationality and ethnic origin);
- Religious /Personal beliefs;
- Sexual orientation;
- Age;
- Gender (including gender reassigned people);
- Disabled people;
- Social status and origin;
- Marital status;
- Caring responsibilities;
- Working patterns.

24.2. We should welcome your views on whether you consider this assessment is correct.

Environmental Issues

25.1. Similarly, we do not consider that the proposals would have any significant environmental impact.

²⁷ Better Policy Making: A Guide to Regulatory Impact Assessments. Cabinet Office January 2003

Application within the United Kingdom

26.1 The Secretary of State for Transport has responsibility for driver training and testing in Great Britain. Driver training and testing are matters reserved to Westminster as regards Scotland and Wales. Legislative responsibility within Northern Ireland is devolved to the Northern Ireland Assembly under the Northern Ireland Act 1998. Arrangements in Northern Ireland will be subject to separate consultation.

Enforcement, sanctions and monitoring

27.1. Sections concerning - implementation and delivery, post-implementation review, summary and recommendation, and sign-off by the Minister will be completed after consultation and included in the full RIA.

ANNEX A2

INITIAL REGULATORY IMPACT ASSESSMENT [PROPOSAL 7 ONLY]

Proposal 7: Restrict the use of panel vans and soft-top convertibles as types of vehicle which may be used for practical car driving tests

1. Purpose and intended effect

Objective

1.1. To preserve the safety of driving examiners, driving test candidates and other road users during category B (car and light van) driving tests either by:

- using existing legislation to prohibit the use of most soft-top convertible cars and panel vans for practical driving tests being taken by learner car drivers; or
- making regulations to prevent the use of most of these vehicles for category B tests.

2. Background

2.1. European legislation requires Member States to apply minimum standards for vehicles used for driving tests and for a driving test candidate to undertake a minimum number of specific manoeuvres on the public highway (Directives 91/439/EC and 2000/56/EC). The United Kingdom seeks to comply with these requirements. The Road Traffic Act 1988 [as amended] provides the Secretary of State with the regulation-making powers to implement this legislation.

2.3. We have used these powers to make regulations that require a person submitting himself for a practical category B driving test to provide '*a four-wheeled vehicle in category B capable of a speed of 100 kilometres per hour*'. The vehicle must be '*... reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test*'.

2.4. The vehicle must have sufficient seats and seatbelts for the driver and examiner. There must be a head restraint for the examiner. The car must also be legally roadworthy (taxed, insured and have a valid MoT certificate, where appropriate). If a car is presented for test that does not comply with these requirements the test will not go ahead.

2.5. Over the last few years, car manufacturers have been producing more convertible variants of popular, smaller cars. Although we have not until now counted the number of convertible cars used on test, anecdotal evidence, coupled with their increased availability, suggests that more convertibles are being used. There has also been an increase in the range of smaller panel-sided vans offered by manufacturers, although they are used on far fewer tests.

2.6. In the interests of road safety, all driving tests need to be assessed to the same standard, whatever vehicle is used. We design test routes so that there is a balance of left and right turns and other required manoeuvres, to allow examiners to observe the candidate and assess their interaction with road users. An examiner needs to be able to take direct observation to the front, sides and rear of the car during the test. This is to enable him to assess that a candidate has taken every necessary precaution before safely performing a required manoeuvre. An examiner may only do this by having a clear view through the side and rear windows of the car. This would be particularly important at some acute-angled

junctions when the test car could be moving away from rest and the traffic on the road being entered by the test car was moving considerably faster.

3. Reason for change and risks addressed

3.1. In most cases, candidates for the car practical driving test do not have the benefit of extensive driving experience on which to rely during the test. Most are nervous to some degree. Many of those who fail the practical driving test do so because of inadequate observation at junctions and the inappropriate use of speed. All driving examiners are experienced, well trained drivers, able to deal with nervous candidates and know when to take action in the interests of road safety. But to be able to take appropriate action, an examiner must have a clear view of the road(s) surrounding the vehicle at all times. When a candidate emerges from a junction, the examiner must be able to see that the candidate is doing so safely and with due consideration for other road users.

3.2. In a soft-top convertible car or panel-sided van with limited views to the side and rear, when the candidate emerges left from one road into the other and the junction is of a certain acute angle, the first view the examiner has of approaching traffic is often through the rear windscreen after the candidate has entered the main road and straightened up the vehicle. If the candidate misjudges the speed of an oncoming vehicle, there is the potential for a crash and the examiner is unable to intervene as he is unaware of the hazard. If the driver of the approaching vehicle has to brake (harshly or otherwise) to avoid a crash, the examiner is often unaware this has happened. A candidate committing this serious or even dangerous fault (which should result in test failure), could be given a full licence to drive. This would place at risk not only the driver, but other road users.

3.3. Our Health and Safety Adviser (H&SA) conducted a risk assessment of the MINI convertible and the Ford StreetKa, as two examples of soft-top convertibles (and made recommendations regarding panel-sided vans for driving tests. A copy of that assessment is available as a separate document on the DSA website: www.dsa.gov.uk or by telephone from DSA Policy Unit: 0115 901 5921. In his opinion, the view to the right and to the rear from the passenger seat of soft-top convertible and panel-sided vans is severely compromised because of their design. This assessment has been confirmed in a report by independent risk assessor COTECNA. This document is also available as a separate document on the DSA website or by telephone from DSA Policy Unit.

3.4. Neither risk assessment covered hard-top folding-roof convertible cars, or soft-top convertibles fitted with optional detachable hard-tops that some manufacturers offer as these usually afford greater visibility and are not considered to present a high risk.

3.5. With soft-top convertibles the design of the hood creates a blind spot between the side window and the rear windscreen much larger than would be found on the corresponding hard-top model, resulting in a much smaller side window. The MINI convertible has a small glass rear windscreen which is obscured by the high combined roll-bar/head restraint fitting, leaving only a very small area of the rear interior through which to take observation. The standard fitting of reverse-parking sensors to the MINI convertible is evidence that the manufacturer recognises the limited rear vision this model affords, but this is of little use to an examiner on test. The Ford StreetKa has a plastic rear windscreen. Even on a brand new, unused model, the H&SA reported that the plastic rear windscreen had begun to deteriorate and was already semi-opaque. General wear and tear makes this worse.

3.6. In the case of most panel-sided vans, there is a blind area that extends from just behind the driver to the rear windscreen. Drivers are forced to take indirect observation using the van's mirrors in circumstances where, in a car, they can take direct observation by looking over the shoulder. An examiner conducting a test in such a vehicle would not be

able to take any direct observation to the sides of the van during a test, such as when the candidate was making turns or carrying out the required manoeuvres.

4. Consultation

Public consultation

4.1. When conducting consultations we aim to consult as wide a range of stakeholders as possible. We will post the consultation paper on our and Department for Transport websites. For those particularly affected by the proposals, such as approved driving instructors (ADI), we shall place articles in our quarterly (soon to be bi-monthly) magazine *Despatch*, which has a circulation of some 60,000 driver trainers. We have also established an electronic notification system whereby interested parties can register with us to receive weekly updates via email. To date we have some 3,000 individuals registered for this service.

Within Government

4.2. The Welsh Assembly, Scottish Executive and the Department for Environment Northern Ireland are routinely consulted concerning regulatory changes. We have also consulted with other members of the Driver and Vehicle Operator group and interested parties from amongst the Department for Transport, such as the Road User Safety Division and the Transport, Technology and Standards Division.

5. Options

5.1. We have identified four options:

- option 1 – take no action;
- option 2 – at the earliest opportunity insert a blanket ban on the use of soft-top convertibles and panel-sided vans as test vehicles into the Motor Vehicles (Driving Licence) Regulations 1999 (“the Regulations”);
- option 3 – insert a blanket ban on the use of soft-top convertibles and panel-sided vans as test vehicles into the Regulations from April 2008; or
- option 4 – amend the Regulations to require the vehicle supplied to have a large enough field of vision for the examiner to conduct the test, with supplementary guidance (not in regulations) about vehicles not acceptable for the test.

5.2. Option 1 - take no action

for -

- no need to change regulations.

against -

- would ignore Health and Safety advice;
- there is a possibility of attempted claims against DSA should an accident take place during a driving test where the visibility issues raised by the H&SA are a contributory factor;
- potentially negative impact on road safety.

5.3. Option 2 - insert a blanket ban into the Regulations with immediate effect

for -

- would comply with Health and Safety advice; and

- would reduce the risk of an accident occurring on driving tests due to restricted visibility.

against -

- immediate compliance costs for those ADIs and candidates who use soft-top convertibles or panel-sided vans as test vehicles;
- there is a risk that this type of amendment exceeds the statutory powers to make regulations and the resulting ban might be challenged by judicial review

5.4. Option 3 - insert a blanket ban into the Regulations from April 2008

for -

- would comply with Health and Safety advice;
- would reduce the risk of an accident occurring on driving tests due to restricted visibility;
- considerably reduces compliance costs as ADIs are able to replace existing soft-top cars without incurring excessive depreciation cost.

against -

- delays implementation of Health and Safety Advice;
- potential for crashes to occur on test during interim period with consequential risks for DSA;
- there is a risk that this type of amendment exceeds the statutory powers to make regulations, and the resulting ban might be challenged by judicial review.

5.5. Option 4 – amend the regulations to require the vehicle supplied to have a large enough field of vision for the examiner to conduct the test, with supplementary guidance (not in regulations) about vehicles not acceptable for the test

for -

- addresses perceived risk early on;
- would provide clarity about which vehicles were not acceptable for test
- would allow those vehicles that did not pose a significant risk to continue to be used;
- minimises the risk of challenge by judicial review;
- is in line with the Government's better regulation agenda.

against -

- would still allow small risk of an unsuitable vehicle being presented for test and turned away;
- would cost approximately £5,320 to assess current vehicle models.

6. Costs and benefits

Sectors and groups affected - equity and fairness

6.1. We have not identified any race equality or environmental impacts associated with any of the options, but there could be positive social and economic impacts, in respect of safety at work and accident prevention. This is shown in the cost/benefits section below.

6.2. ADIs and those candidates using soft-top cars and panel-sided vans not owned by ADIs would be most affected by legislation preventing the use of such vehicles for driving tests. During August 2005, we surveyed the number of driving tests where soft-top convertibles and panel-sided vans were used as test vehicles (see table below). We also monitored the number of ADIs and others that presented such vehicles for use at test.

Number of tests conducted in soft top convertibles and panel-sided vans - August 2005

	Number of tests taken in Non-ADI vehicle	Number of tests taken in ADI vehicle	Total number of tests	Number of ADIs presenting for tests taken in column 2
	Col 1	Col 2	Col 3	Col 4
Soft-top cars	23	28	51	17
Panel-sided vans	22	10	32	10
Total	45	38	83	27

6.3. Twenty-eight tests were taken by learner drivers in soft-top convertible cars provided by 17 ADIs for those tests. Ten tests were taken by learner drivers in panel-sided vans provided by 10 ADIs for those tests. Overall, throughout Great Britain during August 2005, 27 ADIs presented soft-top convertibles and panel-sided vans for use at driving tests. If we assume that another third of ADIs might use soft top convertibles and panel-sided vans as vehicles for driving tests but did not use them during August, the figure of affected ADIs would be around 36. Taking August as a representative month, we can assume that soft-top convertibles and panel-sided vans are used for around 540 individual tests per annum. As the practical driving test pass rate is below 50%, it is reasonable to assume that, in the first year of a ban on the use of these vehicles, the maximum number of non-ADI persons likely to be affected will be less than 270. In subsequent years, as candidates adapt to the ban, the numbers affected should fall markedly.

7. The cost impact and benefit of Option 1 - take no action

7.1. The cost impact of maintaining the status quo and taking no action could potentially remain at zero (as at present) if a crash did not occur during a driving test. But, should there be an accident on test involving a soft-top convertible or panel-sided van where the cause was attributed to the lack of visibility, there is the slim possibility of the Department being held liable in a claim of negligence from our employees, other road users or relatives of either. There is also a chance of prosecution by the Health and Safety Executive (as we have been made aware of the potential risk), and payments for any damage to structures, roads etc. Extractions from Highways Economic Note No1 2002, provides a comprehensive breakdown of accident severity, vehicle type and costs (*attached at Annex B*). It is reasonable to assume that any compensatory payments would be proportionate to the type and severity of crash.

7.2. The extract from the Note reveals that Government Health and Safety officials currently estimate that the costs of injuries are:

- £184,270 for a serious injury;
- £18,500 for a slight injury; and
- £1,573,220 for a human life.

These figures take into account lost output, medical and ambulance costs, human costs, police costs, insurance and damage to property costs.

The cost impact and benefit of Option 2 - insert a blanket ban into the Regulations at the earliest opportunity

7.3. The only public sector costs associated with this option will be the administrative and legal costs of preparing the amendment regulations. However there will be a risk of having to defend judicial review proceedings if challenged on the point. The cost of doing so would be substantial.

7.4. There would be compliance costs in the short-term for the small number of ADIs and individuals affected by the proposal.

7.5. If we implement this option and bring forward regulations to prevent the use of soft-top convertibles and panel-sided vans within the next six months, we can reasonably assume that all of the 36 ADIs and 270 individuals would be affected by this. But the benefit (for all road users) of adopting this option is that the potential for a crash on test in such vehicles is significantly reduced.

7.6. If an ADI or individual did not own another vehicle that could be used for test, he would have to make alternative arrangements. Alternative arrangements could involve using a car belonging to a friend or colleague or hiring one (subject to it having appropriate insurance cover), replacing their current vehicle or purchasing the services of an ADI with a suitable vehicle. We understand that typical compliance costs for each alternative could be:

- relative or friend's car - difficult to estimate, but we assume the cost of extra insurance and fuel for the period of the test and vehicle familiarisation before the test would be minimal. Depending upon the age of the vehicle and the driver, this could cost between £50 and £250. This alternative is unlikely to be used by an ADI;
- hiring a vehicle - most car rental companies do not insure vehicles for learner drivers to take a driving test, so this is unlikely to happen;
- change the car or van - an individual learner driver taking his test in a soft-top convertible or a panel-sided van would be unlikely to want to change it solely for the purpose of taking the driving test. It is much more likely that they would borrow the car of a relative or friend, or use an ADI's car to take the test. An ADI would be much more likely to change his car. Changing a panel-sided van for a car would depend upon the make of car bought, but if a mid sized panel-sided van (such as the Vauxhall Combo, costing around £10,400 new) was exchanged for a Vauxhall Corsa car (a commonly used vehicle by ADIs and costing around £8,500), the cost of the exchange would on average be around £2,000 to £2,500 as depreciation is highest on a new car. Exchanging a soft-top convertible is slightly different in that the convertible would usually be more expensive than a hard-top. But there is still a cost associated with changing the vehicle. Depending on the make of car (convertibles are often seen as more desirable than their hard-top counterparts, and some - such as the MINI convertible - are in heavy demand) and the time of year (the cost of a used convertible car generally rises during the spring and summer) we estimate a cost (loss to the ADI) of around £2,000 to £3,000 per car;
- using an ADI with a suitable car - it is usual for an ADI to charge from £20 to £30 per hour for a driving lesson. If a driving test candidate wished to use the car of an ADI who had not taught him to drive, it is usual for the ADI to ask that person to undergo a driving

assessment (perhaps around two hours) before he would allow the candidate the use of his car for test. Most ADIs charge their pupils for three hours' use of a car for test - that covers the cost of getting to the test centre, the time of the test itself and returning from the test centre. Using another ADI's car would therefore probably cost between £75 to £100 per test.

The cost impact and benefit of Option 3 - insert a blanket ban into the Regulations from April 2008

7.7. The public sector costs associated with this option will be the same as for option 2, but longer-term the potential for an incident to occur on a driving test increases and therefore the potential for us to have to pay compensation payments (see Annex B for an idea of accident costs) increases (although remains minor). This option benefits directly those affected by the proposal (ADIs) and individual driving test candidates. Under this option there could be minimal compliance costs for the small number of ADIs and individuals affected by the proposal.

7.8. By allowing a period of time before ending the use of soft-top convertibles and panel-sided vans from April 2008 would enable ADIs and individuals to make cost-effective alternative arrangements. ADIs on average replace their cars every two to three years. Implementing a ban in April 2008 would ease vehicle replacement without increasing significantly the cost to ADIs. Individuals would be made aware, by advance publicity, that soft-top convertibles and panel-sided vans were not suitable test vehicles.

The cost impact and benefit of Option 4 – amend the regulations at the earliest opportunity to require the vehicle supplied to have a large enough field of vision for the examiner to conduct the test, with supplementary guidance (not in regulations) about vehicles not acceptable for the test

7.8. There would be some public sector costs associated with this option. DSA would probably have to carry out risk assessments on individual models of soft-top convertible cars if candidates (and potentially panel-sided vans but these are a more standard design and so this is unlikely) to identify whether they were suitable for driving test use. The cost of each assessment would be around £140. There are currently 38²⁸ different soft-top convertible models on the market and around 44²⁹ types of panel-sided van. The cost of assessing all models of soft-top convertibles would be around £5,320 (most panel-sided vans are made to a similar design and so very few of these would need to be individually assessed). New models of soft-top convertibles come on to the market from time-to-time and so it could be that we should be required to assess, on average, two new models per year at a cost of around £280 (i.e. £140 each). Once these assessments had been conducted, DSA would produce and make widely available a list of vehicles not generally suitable for test, supported by supplementary guidance. The guidance would advise that vehicles on the list were not suitable, and if a person wished to bring a vehicle not on the list that was either a soft-top convertible or a panel-sided van to test he would be well-advised to contact DSA before doing so.

7.10. There are also a large number of convertible models that are no longer in production but still in general use that would have to be assessed on an ad-hoc basis if a candidate told DSA that he wished to bring such a vehicle to test.

²⁸ New car listings, *CAR* magazine, Jan 2006

²⁹ Internet search of panel-sided van listings

7.11. There would be some compliance costs in the short-term for the small number of ADIs and individuals affected by the proposal. Fewer ADIs and individuals would be affected by this option, but the cost to them would be similar to those set out in option two.

7.12. The main advantage of this option is that it would enable (the relatively few) compliant soft-top convertible cars to continue to be used on test, although it is unlikely that any panel-sided vans could continue to be used - paragraph 7.8. above refers. The same costs as set out for option two would apply, but to fewer people. The change to regulations would be relatively simple and might mirror an existing provision governing visibility requirements for buses used for category D tests. It would probably be advisable for us to assess the suitability of the most popular small soft-top convertibles before introducing this change.

7.13. A potential disadvantage associated with this option is that some ADIs and individual driving test candidates may present vehicles not on the list of prohibited vehicles without contacting DSA first to assess the vehicle's suitability and be turned away from test.

7.14. Acquiring for suitability assessment an example of an older soft-top convertible not in production could prove difficult and time-consuming and would risk delaying a candidate's test.

7.15. More generally, this approach would risk internal appeals from annoyed customers who were turned away from test for bringing a convertible that had not been assessed as suitable for the purpose. Longer term, this could lead to appeals to the Parliamentary Commissioner for Administration, or even litigation.

Summary of costs

	Option 1 take no action	Option 2 insert a blanket ban into the Regulations at the earliest opportunity	Option 3 insert a blanket ban into the Regulations from April 2008	Option 4 amend the regulations at the earliest opportunity to require the vehicle supplied to have a large enough field of vision for the examiner to conduct the test, with supplementary guidance (not in regulations) about vehicles not acceptable for the test
ADI	Nil	Car exchange £2,000 - £3,000 Loss of revenue for the ADI if candidate has to go elsewhere for test car; 3x £15-£20 = cost of lesson and car for test = £45-£60	Potentially nil as 18 month delay in introduction could fit with normal vehicle replacement cycle	Car exchange £2,000 - £3,000 Loss of revenue for the ADI if candidate has to go elsewhere for test car; 3x £15-£20 = cost of lesson and car for test = £45-£60
Individual	Nil	Use of third party's car £50 - £250 Car exchange £2,000 - £3,000 (unlikely) Buy ADI services £75-£100	Probably nil as individuals would have advance notice as to which vehicles were suitable	Use of third party's car £50 - £250 Car exchange £2,000 - £3,000 (unlikely) Buy ADI services £75-£100
Public Sector	Depends on whether a crash on test results in a significant liability for DSA	Risk of defending position at judicial review (major cost)	Risk of defending position at judicial review (major cost) Delays reduction of liability risk for two years.	Cost of conducting a risk assessment on individual models of soft-top convertible £140 per model assessed

8. Small firms impact test

8.1. There are currently 38,040 ADIs within Great Britain, the vast majority of which (84%) are micro businesses operating on a self-employed basis. Of this number, 0.1% (36) of ADIs are likely to be affected by this proposal in the short-term. In the longer term, the number affected would fall to zero. We therefore consider that the impact upon small businesses of any of the above options would not be disproportionate.

9. Competition assessment

9.1. Reference paragraph 8.1 above for the market composition. We consider that the proposal will have no effect on competition.

10. Enforcement, sanctions and monitoring

10.1. If options 2, 3 or 4 were adopted the likelihood of potentially unsuitable vehicles being presented for test would be significantly reduced.

Sections concerning - implementation and delivery, post-implementation review, summary and recommendation, and sign-off by the Minister will be completed after consultation and included in the full RIA.

Table. 2 Average value of prevention per road casualty by class of road user[1]	
2004	£ June 2004
Pedestrian	66,413
Pedal Cyclist	41,789
Bus and Coach occupants	22,724
Goods vehicle occupants	43,249
Car and Taxi occupants	35,769
Motorised two-wheeler riders and passengers	77,254
All motor vehicle users	38,285
Average, all road users	43,649
[1] Note that the variation in value between classes of road user is due to differences in proportions of fatal, serious and slight casualties among each class of road user.	

Table 3. Average of prevention per accident by severity and element of cost							
2004	£ June 2004						
	Cost Element						
	Casualty related costs			Accident related costs			
Accident severity	Lost output	Medical and ambulance	Human costs	Police cost	Insurance and admin	Damage to property	TOTAL
Fatal	522,639	5,469	1,033,783	1,607	254	9,465	1,573,217
Serious	21,379	12,806	145,370	219	158	4,336	184,269
Slight	2,550	1,082	12,151	49	96	2,596	18,496
All injury	12,446	2,657	44,000	93	106	2,896	62,197
Damage Only	-	-	-	3	46	1,605	1,654

ANNEX B

DSA CONSULTATION PROPOSALS 2006

Please Note: DSA is unable to consider any views submitted anonymously. Please complete your name and address below:

Reply Form:

Name: Title: Mr /Mrs/Miss/Ms.

ADI Number (if applicable).....

Organisation (if applicable)*.....

* Please see below

Address:

.....

.....Postcode:

Telephone number:

e-mail address:

*** Organisation Details:**

Organisation purpose: please tick the relevant box:

ADI	M/c trainer	LGV/PCV trainer	Driver/rider trainer representative organisation	Government Department/Local Authority RSO	Police/Fire MoD etc.	Others: *please specify below

*Others:

Organisation aims:

.....

Number of views represented by this response:

How were the views gathered:

.....

Please tell us what you think of each proposal by ticking **one** of the boxes below each proposal. If you wish to comment on the proposal, please do so in the space provided. **Please note that we will only take account of any comments if you have ticked the relevant box immediately below each proposal.**

If you need more space for your comments, please continue on a separate sheet. Clearly cross-reference your comments to the relevant proposal and securely attach the sheet to the remainder of your response.

Proposal 1: Investigate allowing road freight companies to undertake lorry driving tests for their staff.

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 2: Reduce the minimum wait following unsuccessful practical tests for cars and vans towing trailers

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 3: Introduce fairer cost recovery arrangements for ‘in house’ theory tests

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 4: Conduct criminal history checks for ADIs and recover associated costs via the fee for the theory test taken as part of the ADI qualification process.

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Comments on longer-term arrangements to recover the costs of undertaking regular CRB checks

.....

Proposal 5: increase in stages the number of questions in the theory tests taken by learner lorry and bus drivers

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 6: Introduce an additional ten minutes driving time to bus, coach and lorry tests from September 2008

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 7: Restrict the use of panel vans and soft-top convertibles as types of vehicles which may be used for practical car driving tests as per option 4 of Annex A2 (i.e. early amendment of legislation requiring an adequate field of vision)

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 8: Increase the price of *The Highway Code* and promote its use amongst the general public

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 9: Increase the number of questions in the theory tests taken by car drivers motorcycle riders

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 10: Introduce quality assurance arrangements for Approved Training Centres and courses for Periodic Training for professional drivers of buses, coaches and lorries

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 11 (i): Recording CPC status using Driver Qualification Cards

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 11 (ii): Recovering costs of issuing DQCs with a £25 fee

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal: 12 Improve the initial training for delegated examiners authorised to conduct practical driving tests for learner bus and coach drivers.

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 13: Introduce a requirement for a driving test candidate to surrender, in certain circumstances, a driving licence to the theory test invigilator or practical test examiner

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 14: Increase the fees for the practical motorcycle/moped test

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 15: Increase the fees for the practical tests taken as part of the ADI qualification process

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 16: Increase the charges for in the non-statutory instructor registration schemes operated by DSA

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 17: Increase the charges for Taxi and Private Hire car tests

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Proposal 18: Increase the charges for Pass Plus products

In favour	Partly in favour	Neither in favour nor against	Partly opposed	Opposed

.....

Regulatory Impact Assessments (RIA) – Do you consider that the estimated costs and savings identified in the initial RIAs at Annex A1 and A2 are accurate?

Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree

.....

Equality Impact Assessment (EIA) –The EIA has correctly considered the likely effect of the proposals on specific groups?

Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree

.....

Do you feel that this Consultation Paper meets the consultation criteria at Annex D?

Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree

.....

ANNEX C CONSULTATION LIST

We have written to the following organisations informing them of this consultation exercise

<p>AA – Foundation for Road Safety Research AA – The Driving School ADI Federation Ambulance Service Association Approved Driving Instructors National Joint Council Association of British Insurers ACPO ACPO (Scotland) Assoc. of Industrial Road Safety Officers Association of Magisterial Officers Big Wheelers Brake British Telecom British Motorcyclists Federation BSM Ltd British Red Cross Chief Fire Officers Association Civil Service Motoring Association Commission for Racial Equality (England, Scotland and Wales) Confederation of British Industry Confederation of Passenger Transport Convention of Scottish Local Authorities Disabled Drivers' Association Driving Instructors Association Driving Instructors Democratic Union Driving Instructors Scottish Council Eddie Stobart Ltd Freight Transport Association GoSkills Guild of Experienced Motorists Institute of Advanced Motorists Institute of Road Safety Officers Justices' Clerks' Society Learn and Live Learning and Skills Council Local Authority Road Safety Officers Association Local Government Association Magistrates' Association MIDAS Ministry of Defence Motor Schools Association of GB Ltd Motorcycle Action Group UK Motorcycle Industry Association Motorcycle Retailers Association Motorcycle Rider Training Association National Association of Citizen's Advice Bureaux National Taxi Association</p>	<p>Parliamentary Advisory Council on Transport Safety Pizza and Pasta Association Public and Commercial Services Union RAC Motoring Services RAC Foundation Road Haulage Association RoSPA Royal Scottish Automobile Club (Motor sport Ltd) St John Ambulance Sainsbury PLC Skills for Logistics Tesco Distribution Ltd Trades Union Congress Transport 2000 Transport & General Workers Union Transport Research Laboratory University for Industry</p> <p>950 Trainers on the DSA Voluntary Register of LGV Trainers 630 Approved Training Bodies 1,700 Trainer Bookers (LGV, PCV and motorcycle) 200 Delegated Examiners 200 Road Safety Officers 80 Government Departments and Agencies 73 Local Authorities to whom DSA is contracted to provide taxi and private hire tests</p> <p>This list is indicative only, comprising principal stakeholders. In all, some 4,500 persons and organisations have been notified in writing about this consultation exercise.</p>
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ANNEX D

CABINET OFFICE CODE OF PRACTICE ON CONSULTATION: CONSULTATION CRITERIA

The six consultation criteria are:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy;
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses;
3. Ensure that your consultation is clear, concise and widely accessible;
4. Give feedback regarding the responses received and how the consultation process influenced the policy;
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator;
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Further information about the Code of Practice is available at the Cabinet Office website: www.cabinet-office.gov.uk/regulation/consultation/code.htm