

## **EXPLANATORY MEMORANDUM TO**

### **The Motor Cars (Driving Instruction) (Amendment) Regulations 2004**

#### **SI 2004 No. 2871**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

The memorandum contains information for the Joint Committee on Statutory Instruments.

#### **2. Description**

2.1 These Regulations amend the Motor Cars (Driving Instruction) Regulations 1989, notably regulation 13 to introduce revised fees for practical driving tests taken by those wishing to qualify as an Approved Driving Instructor (ADI).

#### **3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 The fee for qualifying practical tests associated with the ADI scheme increases by £8 from £62 to £70. It is the first increase in that fee since 1997. Annualised over that seven year period, the increase is 1.8%.

#### **4. Legislative background**

4.1 Section 102 of the Finance (No. 2) Act 1987 allows the Secretary of State for Transport to make a statutory instrument to specify the functions, and associated costs, to be taken into account when determining fees and charges for the services that the Driving Standards Agency (DSA) provides.

4.2 The Department of Transport (Fees) Order (SI 1988/643 [as amended]) specifies the functions and other matters to be taken into account when setting the fees and charges relating to the costs of administering the Approved Driving Instructor scheme.

4.3 Part V of the Road Traffic Act 1988 ("the Act") provides for a registration scheme for those giving paid instruction in the driving of a motor car. Section 132 provides that regulations may make provision generally in respect of examinations and tests for those applying to join the statutory scheme and have their name entered onto the Register of Approved Driving Instructors. In addition, Section 141 provides that the Secretary of State may make regulations for any purpose relating to that Part of the Act.

4.4 These regulations are subject to negative resolution procedures.

#### **5. Extent**

5.1 These Regulations extend only to Great Britain. They do not apply in Northern Ireland.

#### **6. Policy background**

6.1 The policy objective for the provision of qualifying examinations for those wishing to become driving instructors is to increase road safety and promote a high quality of customer service. The aim is to ensure that the knowledge, driving and instructional ability of those who take payment for giving driving tuition are of a satisfactory standard to enable them to competently instruct learner drivers.

6.2 The changes are necessary to reduce the deficit incurred in delivering this particular service. The charge was last increased in 1997.

6.3 Section 195(2) of the Act requires the Secretary of State to consult representative organisations before making regulations under Part V of the Act. DSA included the proposed fee increases for prospective driving instructors in its consultation paper about proposed revisions to driving test fees for the 2004-2005 financial year that was issued on 30 June. There were 132 responses, with the proposals being supported by some two thirds of those who responded. There will be interest from the media and DSA will publicise the changes by issuing a press notice.

6.4 The changes are not considered to be legally or politically important.

## **7. Impact**

7.1 A draft Regulatory Impact Assessment (RIA) was produced to accompany the consultation paper on the proposed fees. A final RIA has been produced to accompany the Statutory Instrument when it is laid. A copy is attached to this memorandum.

## **8. Contact**

8.1 The official within the Department for Transport who can be contacted with any queries in relation to this Statutory Instrument is Robin Massey, Driving Standards Agency, Policy Branch, Stanley House, 56 Talbot Street, Nottingham, NG1 5EJ. Telephone: 0115 901 5916; e-mail [robin.massey@dsa.gsi.gov.uk](mailto:robin.massey@dsa.gsi.gov.uk)