

## SCHEDULE 3

Amendments for the purpose of, and in connection with,  
implementing the EEA EFTA free trade agreement

### PART 7

Amendments in relation to professions in transport

#### Amendments to the Road Safety Act 2006

**92.**—(1) The Road Safety Act 2006(1) is amended as follows.

(2) In Schedule 6 (driving instruction)—

(a) in paragraph 13—

(i) after sub-paragraph (1), insert—

“(1A) Before subsection (1), insert—

“(A1) A relevant person who is aggrieved by a failure of the Registrar to notify the person of a decision in relation to the person’s application for registration before the end of the period of four months beginning with the day after the day on which the complete application was submitted, may appeal to the First-tier Tribunal.

(B1) On an appeal under subsection (A1), the First-tier Tribunal may make such order requiring the Registrar to notify the relevant person of a decision in relation to the application as it thinks fit.

(C1) In subsections (A1) and (B1), “relevant person” means a person entitled to give paid instruction in the driving of a motor car by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.””

(ii) after sub-paragraph (3), insert—

“(3A) In subsection (3), for “the appeal” substitute “an appeal under subsection (1).””;

(b) in paragraph 23, in sub-paragraph (2), in the amendment to insert section 140(1) and (2), after subsection (1), insert—

“(1A) The power to make regulations under subsection (1) is, in the case of fees payable by persons entitled to give paid instruction in the driving of a motor car by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, subject to regulation 13 of those Regulations.”.

#### Commencement Information

**II** Sch. 3 para. 92 in force at 1.12.2023, see [reg. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, PART 7. (See end of Document for details)

### **Amendments to the Motor Vehicles (Driving Licences) Regulations 1999**

**93.**—(1) The Motor Vehicles (Driving Licences) Regulations 1999<sup>(2)</sup> are amended as follows.

(2) In regulation 60 (certified instructors), after paragraph (3A), insert—

“(3B) A person does not have to satisfy the conditions mentioned in paragraph (3)(c) and (d) if that person is entitled to give paid instruction in the riding of A1 motorcycles and mopeds by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.

(3) In regulation 65 (certified direct access instructors), after paragraph (3A), insert—

“(3B) A person is exempt from the conditions set out in paragraph (2)(b) and (d) and paragraph (3)(a) if that person is entitled to give paid instruction in the riding of A2 motorcycles or A3 motorcycles by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”.

#### **Commencement Information**

**I2** Sch. 3 para. 93 in force at 1.12.2023, see [reg. 1](#)

### **Amendments to the Motor Cars (Driving Instruction) Regulations 2005**

**94.**—(1) The Motor Cars (Driving Instruction) Regulations 2005<sup>(3)</sup> are amended as follows.

(2) In regulation 17(1) (fees), in column (2) of the Table, in item (9), after “125(3A)(b)” insert “, (3B)(b)”.

#### **Commencement Information**

**I3** Sch. 3 para. 94 in force at 1.12.2023, see [reg. 1](#)

### **Amendments to the Road Traffic (Northern Ireland) Order 2007**

**95.**—(1) The Road Traffic (Northern Ireland) Order 2007<sup>(4)</sup> is amended as follows.

(2) In Article 2(2) (interpretation), before the definition of “statutory provision”, insert—

““the Regulations of 2023” means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”.

(3) In Article 52 (conditions of registration)—

(a) for paragraph (2A), substitute—

“(2A) Where the Registrar is satisfied that a person who has applied under paragraph (1) is entitled to give paid driving instruction of any description by virtue of Part 2 of the Regulations of 2023, any condition prescribed by virtue of paragraph (2)(a) which relates to that description of driving instruction does not apply in relation to the applicant.”;

(b) omit paragraph (2B).

(4) In Article 59 (appeals to the Department) before paragraph (1), insert—

<sup>(2)</sup> S.I. 1999/2864, amended by S.I. 2016/1089. There are other amending instruments but none is relevant to these Regulations.

<sup>(3)</sup> S.I. 2005/1902, amended by S.I. 2014/1816 and 2016/1089. There are other amending instruments but none is relevant to these Regulations.

<sup>(4)</sup> S.I. 2007/916 (N.I. 10). There are amending instruments but none is relevant to these Regulations.

**Changes to legislation:** There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, PART 7. (See end of Document for details)

“(A1) A person who is entitled to give paid driving instruction of any description by virtue of Part 2 of the Regulations of 2023 and who is aggrieved by the failure of the Registrar—

(a) to make a decision in relation to an application for registration of the person before the end of the period of four months beginning with the day after the day on which the complete application was submitted; or

(b) to make a decision in relation to an application for the extension of the person’s registration before the end of the period of four months beginning with the day after the day on which the complete application was submitted,

may appeal by notice in writing to the Department.

(B1) On an appeal under paragraph (A1), the Department may direct the Registrar to make a decision in relation to the application.”.

(5) In Article 75 (fees), after paragraph (2), insert—

“(3) The power to make regulations under paragraph (1) is, in the case of fees payable by persons entitled to give paid driving instruction of any description by virtue of Part 2 of the Regulations of 2023, subject to regulation 13 of those Regulations.”.

#### Commencement Information

**I4** Sch. 3 para. 95 in force at 1.12.2023, see [reg. 1](#)

### Amendments to the Train Driving Licences and Certificates Regulations 2010

**96.**—(1) The Train Driving Licences and Certificates Regulations 2010(5) are amended as follows.

(2) In regulation 8 (conditions for obtaining a licence)—

(a) for paragraph (5), substitute—

“(5) For the purpose of paragraph (2)(f) the required general professional competence examination means:

(a) an examination that covers the objectives and requirements set out in Schedule 3; or

(b) an aptitude test pursuant to Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, where there is a significant difference between the applicant’s professional knowledge and the objectives and requirements set out in Schedule 3.”;

(b) after paragraph (5), insert—

“(6) For the purposes of this regulation an aptitude test means a test, limited to the professional knowledge of a train driver specified by the ORR with the aim of ensuring that the applicant’s knowledge covers the objectives and requirements set out in Schedule 3.”.

#### Commencement Information

**I5** Sch. 3 para. 96 in force at 1.12.2023, see [reg. 1](#)

(5) [S.I. 2010/724](#). There are amending instruments but none is relevant to these Regulations.

**Changes to legislation:** There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, PART 7. (See end of Document for details)

## Amendments to the Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016

97.—(1) The Driving and Motorcycle Riding Instructors (Recognition of European Professional Qualifications) Regulations 2016(6) are amended as follows.

(2) In regulation 2 (modifications of Part 5 of the Road Traffic Act 1988 that have effect until the commencement of Schedule 6 to the Road Safety Act 2006)—

(a) in paragraph (4), after sub-paragraph (f), insert—

“(fa) after subsection (3A) (as inserted by sub-paragraph (f)), insert—

“(3B) Where the Registrar is satisfied that a person who has applied under subsection (3) is entitled to give paid instruction in the driving of motor cars by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023—

(a) the Registrar may not impose a requirement on the applicant under subsection (2C) if the Registrar is satisfied that the applicant holds a current certificate or other document that, under the law of one of the specified states set out in Schedule 1 to those Regulations, is of corresponding effect to an emergency control certificate, and

(b) subsection (3)(a) does not apply in relation to the applicant.””

(b) for paragraph (8), substitute—

“(8) In section 131 (appeals)—

(a) before subsection (1), insert—

“(A1) A relevant person who is aggrieved by the failure of the Registrar to notify the person of a decision in relation to an application for entry of the person’s name in the register before the end of the period of four months beginning with the day after the day on which the complete application was submitted, may appeal to the First-tier Tribunal.

(B1) On an appeal under subsection (A1), the First-tier Tribunal may make such order requiring the Registrar to notify the relevant person of a decision in relation to the application as it thinks fit.

(C1) In subsections (A1) and (B1), “relevant person” means a person entitled to give paid instruction in the driving of a motor car by virtue of Part 2 of the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023.”;

(b) in subsection (3), for “the appeal” substitute “an appeal under subsection (1) or (2)”.”.

### Commencement Information

16 Sch. 3 para. 97 in force at 1.12.2023, see [reg. 1](#)

## **Amendments to the Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016**

**98.**—(1) The Street Works (Qualifications of Operatives and Supervisors) (England) Regulations 2016(7) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 2009 Regulations”, insert—

““the 2023 Regulations” means the Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023;”;

(b) for the definition of “adaptation period”, substitute—

““adaptation period” has the meaning given to it in regulation 3 of the 2023 Regulations;”;

(c) for the definition of “aptitude test”, substitute—

““aptitude test” has the meaning given to it in regulation 3 of the 2023 Regulations;”.

(3) In regulation 3 (prescribed qualifications) for paragraph (3)(b) and (c), substitute—

“(b) a competent authority has issued a certificate of recognition stating that qualifications held by the person for that type of work have been recognised under Part 2 of the 2023 Regulations; or

(c) a competent authority has issued a certificate of recognition stating that the person has completed an adaptation period or has taken and passed an aptitude test, imposed in accordance with Part 2 of the 2023 Regulations.”.

### **Commencement Information**

**17** Sch. 3 para. 98 in force at 1.12.2023, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Amendment) Regulations 2023, PART 7.