

2013 No. 258

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2013**

<i>Made</i>	- - - -	<i>11th February 2013</i>
<i>Laid before Parliament</i>		<i>13th February 2013</i>
<i>Coming into force</i>	- -	<i>8th March 2013</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 92(2) and (4), 94(5), 105(1), (2)(a) and (3) and 108(1) of the Road Traffic Act 1988(a).

The Secretary of State has consulted with such representative organisations as thought fit in accordance with section 195(2)(b) of that Act.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2013 and come into force on 8th March 2013.

(2) In these Regulations, “the principal Regulations” means the Motor Vehicles (Driving Licences) Regulations 1999(c).

Disabilities prescribed in respect of both Group 1 and Group 2 licences

2.—(1) Regulation 71 of the principal Regulations is amended as follows.

(2) Paragraph (a) is omitted.

Amendment to disabilities prescribed in respect of Group 1 licences

3.—(1) Regulation 72 of the principal Regulations is amended as follows.

(2) For paragraphs (1) and (1A)(d) there is substituted—

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- (a) 1988 (c.52);. Section 105(2)(a) was amended by the Crime (International Co-operation) Act 2003 (c.32) Schedule 5, paragraphs 17 and 23(a)(i), and the Road Safety Act 2006 (c. 49), section 10(12) and Schedule 3, paragraphs 2 and 13(1) and (2)(a), but as at the date of these Regulations being made the provisions in the Road Safety Act 2006 are not yet in force.
- (b) Section 195(2) was amended by the Road Safety Act 2006 (c.49), sections 42 and 59 and Schedule 6, paragraphs 1 and 30 and Schedule 7. As at the date of these Regulations being made these provisions are yet to be commenced in respect of this amendment.
- (c) S.I. 1999/2864, to which relevant amendments were made by S.I. 2001/937, S.I. 2003/166, S.I. 2011/2516 and S.I. 2012/977.
- (d) Paragraphs (1) and (1A) were substituted for paragraph (1) as originally enacted, by S.I. 2003/166, regulation 5.

“(1) Impairment of vision is prescribed for the purposes of section 92(2) of the Traffic Act as a relevant disability in relation to an applicant for, or a holder of, a Group 1 licence, who is unable to satisfy the following standards—

- (a) the Group 1 visual acuity standard in paragraph (1A);
- (b) the Group 1 visual field standard in paragraph (1C); and
- (c) in the case of a person with diplopia or sight in only one eye, the adaptation standard in paragraph (1D).

(1A) The Group 1 visual acuity standard is—

- (a) a visual acuity of at least 6/12 (decimal 0.5); and
- (b) the ability to read in good daylight a registration mark which is affixed to a motor vehicle and contains characters of the prescribed size,

in either case with corrective lenses if necessary.

(1B) For the purposes of paragraph (1A)(b), “characters of the prescribed size” means characters 79 millimetres high and 50 millimetres wide in a case where they are viewed from a distance of—

- (a) 12 metres, by an applicant for, or the holder of, a licence authorising the driving of a vehicle of a class included in category K, and
- (b) 20 metres, in any other case.

(1C) The Group 1 visual field standard is—

- (a) a measurement of at least 120 degrees on the horizontal plane;
- (b) an extension of at least 50 degrees left and an extension of at least 50 degrees right;
- (c) an extension of at least 20 degrees above and an extension of at least 20 degrees below the horizontal plane; and
- (d) no significant defects present within a radius of the central 20 degrees.

(1D) The adaptation standard for a person having diplopia or sight in only one eye is that since developing that condition, there has been—

- (a) an appropriate period of adaptation; and
- (b) clinical confirmation of full adaptation.

(1E) Impairment of vision is prescribed for the purposes of section 92(4)(b) of the Traffic Act in relation to an applicant for a Group 1 licence who fails to meet the visual field standard, where that person satisfies the following conditions—

- (a) the visual acuity standard in paragraph (1A) is met;
- (b) any visual field defect has been present for at least one year;
- (c) that defect was caused by an isolated event or a non-progressive condition;
- (d) there is no other condition or pathology present which is regarded as progressive and likely to affect the visual field;
- (e) there is clinical confirmation of full functional adaptation;
- (f) the applicant has sight in both eyes;
- (g) there is no uncontrolled diplopia;
- (h) there is no other impairment of visual function, including glare sensitivity, contrast sensitivity or impairment of twilight vision;
- (i) since developing any visual field defect, the applicant has passed a disability assessment test; and

- (j) the Secretary of State is satisfied that the driving of a vehicle by that person in accordance with the licence is not likely to be a source of danger to the public.”.

(3) For paragraphs (2) and (2A)(a) there is substituted—

“(2) Epilepsy is prescribed for the purposes of section 92(2) of the Traffic Act as a relevant disability in relation to an applicant for, or a holder of, a Group 1 licence, who has had two or more epileptic seizures during the previous five year period.

(2A) Epilepsy is prescribed for the purposes of section 92(4)(b) of the Traffic Act in relation to an applicant for a Group 1 licence who satisfies the conditions set out in paragraph (2F) and who has either—

- (a) been free from any unprovoked seizure during the period of one year immediately preceding the date when the licence is granted; or
- (b) during that one year period has suffered no unprovoked seizure other than a permitted seizure.

(2B) A permitted seizure for the purposes of paragraph (2A)(b) is—

- (a) a seizure, which can include a medication adjustment seizure, falling within only one of the permitted patterns of seizure; or
- (b) a medication adjustment seizure where—
 - (i) that medication adjustment seizure does not fall within a permitted pattern of seizure;
 - (ii) previously effective medication has been reinstated for at least 6 months immediately preceding the date when the licence is granted;
 - (iii) that seizure occurred more than 6 months before the date when the licence is granted; and
 - (iv) there have been no other unprovoked seizures since that seizure; or
- (c) a seizure occurring before a medication adjustment seizure permitted under subparagraph (b), where—
 - (i) that earlier seizure had, to that point, formed part of only one permitted pattern of seizure and had occurred prior to any medication adjustment seizure not falling within the same permitted pattern; or
 - (ii) it is a medication adjustment seizure, which was not followed by any other type of unprovoked seizure, except for another medication adjustment seizure.

(2C) A permitted pattern of seizure for the purposes of paragraph (2B), is a pattern of seizures—

- (a) occurring during sleep, where—
 - (i) there has been a seizure while asleep more than one year before the date when the licence is granted;
 - (ii) there have been seizures only while asleep between the date of that seizure while asleep and the date the licence is granted; and
 - (iii) there has never been an unprovoked seizure while awake; or
- (b) occurring during sleep, where—
 - (i) there has been a seizure while asleep more than three years before the date when the licence is granted;
 - (ii) there have been seizures only while asleep between the date of that seizure while asleep and the date the licence is granted; and
 - (iii) there is also a history of unprovoked seizure while awake, the last of which occurred more than three years before the date when the licence is granted, or

(a) Paragraph 2 was amended by and paragraph (2A) was inserted by S.I. 2003/166, regulation 5.

- (c) without influence on consciousness or the ability to act, where—
 - (i) such a seizure has occurred more than one year before the date when the licence is granted;
 - (ii) there have only been such seizures between the date of that seizure and the date when the licence is granted; and
 - (iii) there has never been any other type of unprovoked seizure.

(2D) An isolated seizure is prescribed for the purposes of section 92(2) of the Traffic Act as a relevant disability in relation to an applicant for, or a holder of, a Group 1 licence—

- (a) in a case where there is an underlying causative factor that may increase future risk, where such a seizure has occurred during the previous one year period; and
- (b) in any other case, where such a seizure has occurred during the previous 6 month period.

(2E) An isolated seizure is prescribed for the purposes of section 92(4)(b) of the Traffic Act in relation to an applicant for a Group 1 licence, who—

- (a) (i) in a case where there is an underlying causative factor that may increase future risk, has had such a seizure more than one year immediately before the date when the licence is granted; and
 - (ii) in any other case, has had such a seizure more than 6 months immediately before the date when the licence is granted;
- (b) has had no other unprovoked seizure since that seizure; and
- (c) satisfies the conditions set out in paragraph (2F).

(2F) The conditions are that—

- (a) so far as is practicable, the applicant complies with the directions regarding treatment for epilepsy or isolated seizure, including directions as to regular medical check-ups made as part of that treatment, which may from time to time be given by a registered medical practitioner or one of the clinical team working under the supervision of that registered medical practitioner;
- (b) if required to do so by the Secretary of State, the applicant has provided a signed declaration agreeing to observe the condition in sub-paragraph (a);
- (c) if required by the Secretary of State, there has been an appropriate medical assessment by a registered medical practitioner; and
- (d) the Secretary of State is satisfied that the driving of a vehicle by the applicant in accordance with the licence is not likely to be a source of danger to the public.”.

(4) For paragraph (7)(a), there is substituted—

“(a) in relation to eyesight—

references to measurements of visual acuity are references to visual acuity measured as decimals or fractions on the Snellen Scale; and

“sight in only one eye” means there is total functional loss of vision in one eye, or use of only one eye.

(b) in relation to epilepsy and isolated seizure—

“epilepsy” means the occurrence of two or more unprovoked seizures over a period which exceeds 24 hours and “epileptic seizure” means any such seizure;

“isolated seizure” means—

- (i) one or more unprovoked seizures occurring over a single period which does not exceed 24 hours; or

(a) Paragraph 7 was inserted by S.I. 2011/2516, regulation 2.

- (ii) one or more unprovoked seizures occurring over a period which does not exceed 24 hours, where that period of seizure has occurred more than five years after the last unprovoked seizure;

“medication adjustment seizure” means a seizure occurring during and because of documented physician advised substitution, reduction or withdrawal of anti epilepsy medication;

“provoked seizure” means a seizure which has a recognisable causative factor which is reliably avoidable and which is not a medication adjustment seizure;

“unprovoked seizure” means a seizure which is not a provoked seizure.

- (c) in relation to diabetes—

“impaired awareness of hypoglycaemia” means the inability to detect the onset of hypoglycaemia because of a total absence of warning symptoms;

“severe hypoglycaemia” means an episode of hypoglycaemia requiring the assistance of another person.”.

Amendment to disabilities prescribed in respect of Group 2 licences

4.—(1) Regulation 73 of the principal Regulations is amended as follows.

(2) For paragraph (1), substitute—

“(1) Impairment of vision is prescribed for the purposes of section 92(2) of the Traffic Act as a relevant disability in relation to an applicant for, or the holder of, a Group 2 licence who—

- (a) is unable to satisfy the standards in paragraph (2);
- (b) has sight in only one eye, unless that person —
 - (i) held an obsolete vocational licence on 1st April 1991, provided
 - (aa) the traffic commissioner who granted the last obsolete vocational licence knew of the disability before 1st January 1991; and
 - (bb) the additional conditions in sub-paragraph (5) are satisfied; or
 - (ii) is an excepted licence holder;
- (c) is a person to whom sub-paragraph (3)(c) applies, who—
 - (i) is able to meet the relevant standard of visual acuity prescribed in that sub-paragraph only with the aid of corrective lenses, and
 - (ii) is unable to meet the standard for corrective lenses set out in paragraph (4A); or
- (d) suffers from uncontrolled diplopia.”.

(3) For paragraph (2) substitute—

“(2) The standards to be satisfied for the purposes of paragraph (1)(a) are—

- (a) the Group 1 visual acuity standard in regulation 72(1A);
- (b) other than in the case of an excepted licence holder, the relevant Group 2 additional visual acuity standard in paragraph (3); and
- (c) the Group 2 visual field standard in paragraph (4).”.

(4) In paragraph (3)—

- (a) In the first line, after “the relevant”, insert the words “Group 2 additional”; and
- (b) for sub-paragraph (c)(a), substitute—

(a) Sub paragraph 3(c) was substituted by S.I. 2007/698, regulation 1(1).

“(c) in the case of any other person, a measurement of visual acuity (with the aid of corrective lenses if necessary) of at least 6/7.5 (decimal 0.8) in the better eye and at least 6/60 (decimal 0.1) in the worse eye.”.

(5) For paragraph (4), substitute—

“(4) The Group 2 visual field standard is—

- (a) a measurement of at least 160 degrees on the horizontal plane;
- (b) an extension of at least 70 degrees left and an extension of at least 70 degrees right;
- (c) an extension of at least 30 degrees above and an extension of at least 30 degrees below the horizontal plane;
- (d) no defect is present within a radius of the central 30 degrees; and
- (e) no other impairment of visual function, including glare sensitivity, contrast sensitivity or impairment of twilight vision.

(4A) The corrective lenses standard requires that there is not—

- (a) poor toleration of the correction made by the lenses; or
- (b) an inability to meet the visual acuity standard in paragraph (3)(c) except with glasses having a power exceeding plus eight dioptries.”.

(6) For paragraph (5) substitute—

“(5) The additional conditions prescribed for the purposes of sub-paragraph 1(b)(i)(bb) are—

- (a) the visual acuity in the sighted eye is—
 - (i) in the case of a person who also held such a licence on 1st January 1983, no worse than 6/12 (decimal 0.5), or
 - (ii) in any other case, no worse than 6/9 (decimal 0.67) ;
- (b) the applicant satisfies the Secretary of State that there has been adequate recent driving experience and that during the period of 10 years immediately before the date of the application, there has been no involvement in any road accident where the applicant’s defective eyesight was a contributory factor; and
- (c) the Secretary of State is satisfied that the driving of a vehicle by the applicant, in accordance with the licence, is not likely to be a source of danger to the public.”.

(7) For paragraph (8), substitute—

“(8) Epilepsy is prescribed for the purposes of section 92(2) of the Traffic Act as a relevant disability in relation to an applicant for, or a holder of, a Group 2 licence, where two or more epileptic seizures have occurred, or that person has been prescribed medication to treat epilepsy, during the previous ten year period.

(8A) Epilepsy is prescribed for the purposes of section 92(4)(b) of the Traffic Act in relation to an applicant for a Group 2 licence who—

- (a) in the case of a person whose last epileptic seizure was an isolated seizure, satisfies the conditions in paragraph (8C) and (8D); or
- (b) in any other case, satisfies the conditions set out in paragraph (8D) and who, for a period of at least 10 years immediately preceding the date when the licence is granted has—
 - (i) been free from any epileptic seizure, and
 - (ii) has not been prescribed any medication to treat epilepsy.

(8B) An isolated seizure is prescribed for the purposes of section 92(2) of the Traffic Act as a relevant disability, in relation to an applicant for, or a holder of, a Group 2 licence, where during the previous five year period, such a seizure has occurred, or that person has been prescribed medication to treat epilepsy or a seizure.

(8C) An isolated seizure is prescribed for the purposes of section 92(4)(b) of the Traffic Act in relation to an applicant for a Group 2 licence who satisfies the conditions set out in paragraph (8D) and who, for a period of at least five years immediately preceding the date when the licence is granted—

- (a) has been free from any unprovoked seizure, and
- (b) has not been prescribed medication to treat epilepsy or a seizure.

(8D) The conditions are that—

- (a) if required by the Secretary of State, there has been an appropriate medical assessment by a neurologist; and
- (b) the Secretary of State is satisfied that the driving of a vehicle by the applicant, in accordance with the licence, is not likely to be a source of danger to the public.”.

(8) In paragraph (11)—

(a) for paragraph (a) substitute—

“(a) references to measurements of visual acuity and to “sight in only one eye” have the same meaning as in regulation 72(7)(a).”

(b) insert after sub-paragraph (c)—

“(d) the expressions “epilepsy”, “epileptic seizure”, “provoked seizure” and “unprovoked seizure” have the same meaning as in regulation 72(7)(b);

(e) isolated seizure has the same meaning as in regulation 72(7)(b), except that “ten years” is substituted for “five years” in sub paragraph (ii) of that definition.”.

(9) In Table 1—

(a) entry number 1 is omitted;

(b) for entry number 2, in column 2, substitute—

“acuity (with the aid of corrective lenses if necessary) of at least 6/9 (decimal 0.66) in the better eye or at least 6/12 (decimal 0.5) in the worse eye, or uncorrected acuity of at least 3/60 (decimal 0.05) in at least one eye.”.

(10) In Table 2, for entry 1, in column 2 substitute—

“acuity (with the aid of corrective lenses if necessary) of at least 6/9 (decimal 0.66) in the better eye and at least 6/12 (decimal 0.5) in the worse eye, or uncorrected acuity of at least 3/60 (decimal 0.05) in at least one eye.”.

Examination by an officer of the Secretary of State

5. For sub-paragraph (1)(a) of regulation 75 of the principal Regulations, there is substituted “(a) impairment of vision;”.

Duty to review

6.—(1) The Secretary of State must from time to time—

- (a) carry out a review of regulations 2, 3, 4 and 5;
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how Commission Directive 2009/113/EC(a) (which is implemented by means of regulations 2, 3, 4 and 5) are implemented in other member States.

(3) The report must, in particular—

(a) Commission Directive 2009/113/EC of 25 August 2009 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences, O.J. No. L 223, 26.8.09, p. 31.

- (a) set out the objectives intended to be achieved by the regulatory system established by those regulations,
- (b) assess the extent to which those objectives are achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

11th February 2013

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement the minimum standards of medical fitness required for eyesight and epilepsy, as specified in Directive 2009/113/EC of 25 August 2009 (“the Medical Directive”) (O.J. No. L 223, 26.8.09, p.31) which amends Directive 2006/126 EC of the European Parliament and of the Council on driving licences (O.J. No. L 51, 22.2.06, p.17). The Medical Directive was added to Annex XIII of the European Economic Area Agreement by Decision of the EEA Joint Committee No. 28/2010 of 12 March 2010 (O.J. No. L 143, 10.6.10, p.23).

These Regulations amend the medical standards applicable for driver licensing of applicants and licence holders in relation to eyesight and epilepsy, by making amendments to the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) (“the principal Regulations”).

Regulation 2 amends regulation 71 of the principal Regulations so there is no longer a single description of epilepsy as a prescribed disability for both Groups (*regulation 71(1)(a)*).

Regulation 3 amends regulation 72 of the principal Regulations, in relation to Group 1 licences.

Regulation 3(2) prescribes impairment of vision as a relevant disability, where an applicant for, or holder of, a Group 1 licence fails to meet visual acuity standards or visual field standards (*regulation 72(1) to (1C)*); or in the case of a person with diplopia or sight in only one eye, fails to meet the adaptation standard for those conditions (*regulation 72(1D)*). A licence must not be refused on the basis that a person fails to meet visual field standards, where conditions prescribed under section 92(4)(b) are met (*regulation 72(1E)*).

Regulation 3(3) makes epilepsy a prescribed disability for Group 1, where there has been more than one epileptic seizure in the previous five years (*regulation 72(2)*). Regulation 3(3) also prescribes the circumstances in which a licence can be granted to a person who has had two or more epileptic seizures in the previous five years, but the condition is controlled. In such a case, a Group 1 licence must not be refused on grounds of epilepsy, where prescribed conditions (*regulation 72(2F)*) are met and there is either a seizure free period of one year or the only seizure which has occurred during this period is a “permitted seizure”(*regulation 72(2A)*). A permitted seizure can be a seizure falling within one permitted pattern of seizure specified in (*regulation*

72(2C)); a permitted medication adjustment seizure; or certain seizures occurring before a permitted medication adjustment seizure (*regulation 72(2B)*).

Regulation 3(3) prescribes an isolated seizure or isolated epileptic seizure as a relevant disability, where that seizure has occurred in the previous six months (or one year if there is an underlying causative factor that may increase future risk) (*regulation 72(2D)*). A Group 1 licence must not be refused on the grounds of an isolated seizure, which occurred outside those prescribed periods (*regulation 72(2E)*), provided additional conditions are also met (*regulation 72(2F)*).

Regulation 3(4) contains a number of definitions relating to eyesight, “epilepsy”, “epileptic seizure”, “isolated seizure”, “medication adjustment seizure”, “provoked seizure” and “unprovoked seizure” (*regulation 72(7)*).

Regulation 4 amends regulation 73 of the principal Regulations, in relation to Group 2 licences.

Regulation 4(2) prescribes impairment of vision as a relevant disability, where an applicant for, or holder, of a Group 2 licence fails to meet Group 2 visual acuity, visual field or corrective lenses standards; or has sight in only one eye or uncontrolled diplopia (*regulation 73(1)*), unless a person is excepted from a standard. Regulations 4(3) and (4) amend the Group 2 additional visual acuity standard (*regulation 73(3)*). Regulation 4(5) prescribes the Group 2 visual field standard (*regulation 73(4)*) and the corrective lenses standard for visual acuity (*regulation 73(4A)*).

Regulation 4(6) prescribes conditions to be satisfied by certain categories of person with sight in one eye where there is an existing entitlement to drive (*regulation 73(5)*).

Regulation 4(7) makes epilepsy a prescribed disability for Group 2, where there has been more than one seizure, or medication to treat epilepsy has been prescribed, in the previous ten years (*regulation 73(8)*). A Group 2 licence must not be refused on grounds of epilepsy where the conditions for an isolated seizure are met; or in any other case, where no seizure has occurred and no epilepsy medication has been prescribed in the 10 year period immediately before the date when the licence is granted (*regulation 73(8A)*) and additional conditions are met (*regulation 73(8D)*).

Regulation 4(7) also prescribes an isolated seizure as a relevant disability for Group 2, where such a seizure has occurred, or medication has been prescribed to treat epilepsy or a seizure, during the previous five year period (*regulation 73(8B)*). A Group 2 licence must not be refused on grounds of an isolated seizure, provided no seizure has occurred and no relevant medication has been prescribed, in the five year period immediately before the date on which the licence is granted (*regulation 73(8C)*) and provided additional conditions are also met (*regulation 73(8D)*).

Regulation 4(8) adopts the Group 1 definitions relating to eyesight, “epilepsy”, “epileptic seizure”, “provoked” and “unprovoked seizure”, for Group 2. There is a different definition of “isolated seizure” for Group 2 purposes (*regulation 73(11)*).

Regulation 4(9)(a) omits the entry number 1 in Table 1 because it is redundant. Regulations 4(9)(b) and 4(10) update the entries in the second column of Tables 1 and 2 to include reference to decimal numbers.

Regulation 5 amends the prescribed disability relating to impairment of vision, for the purposes of section 94(5)(b)(i)(examination by officer nominated by the Secretary of State) (*regulation 75(1)(a)*).

Regulation 6 requires the Secretary of State to review the operation and effect of these Regulations and publish a report within five years after they come into force and within every five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Regulations or to amend them.

A full impact assessment of the effect these Regulations will have on the costs of business and the voluntary sector is available from Drivers Medical Group, DVLA, Swansea, SA99 1TU. The impact assessment and a transposition note are also annexed to the Explanatory Memorandum

which is available alongside these Regulations at www.legislation.gov.uk. A copy has been placed in the Library of each House of Parliament.

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STATUTORY INSTRUMENTS

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ROAD TRAFFIC

The Motor Vehicles (Driving Licences) (Amendment)
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