

CHAPTER 12

Public service vehicles

Certificates of professional competence p 496 *Insert before heading* **OTHER PERSONS WHO MAY DRIVE LARGE PASSENGER-CARRYING VEHICLES**

Certificates of professional competence tests

The Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 implemented Council Directive 2003/59/EC. They apply to a person who drives a relevant vehicle (D or D+E) on a road and is (a) a national of a member State, or (b) a national of a third country employed or used by an undertaking established in a member State. 'Member State' means a EU State or a EEA State. Exemptions exist in respect of vehicles which can broadly be described as emergency vehicles, vehicles used by the police or armed services, and vehicles used for training or testing purposes.

Regulation 4(1) prohibits any new driver from driving a bus on a road, on or after 10 September 2008 unless that driver has passed a theory and practical driving test which is referred to in the Regulations as an 'initial CPC' test. The test is more extensive than the current driving test in respect of buses and may be taken at the same time as the ordinary driving test. Drivers undergoing a vocational training course (one leading to a professional qualification relevant to the carriage by road of passengers which is approved by the Secretary of State and which lasts at least six months) are exempted for up to 12 months from taking that test if they have been issued by the Secretary of State with an authorisation to drive a bus while undertaking the course. The period of the exemption will be that specified in the authorisation. Drivers who already held a bus driver's licence before the 10 September 2008 are exempt from taking the initial CPC test. The Secretary of State will arrange for the provision of initial CPC tests and will approve persons who will provide periodic training courses (a course of at least seven hours of periodic training). Such providers are required to notify the Secretary of State of the results of tests so that a record may be maintained.

Regulation 8 provides that a person who has passed the initial CPC test or has completed 35 hours of periodic training entitling him to a periodic CPC (i.e. a CPC certifying periodic training) may apply to the Secretary of State for a 'driver qualification card'. Such a card is issued in addition to the CPC and is marked with the relevant Community code – it resembles a photocard driving licence.

Regulation 9(1) prohibits anyone from driving a bus unless he has passed the initial CPC test or has completed 35 hours of periodic training within the preceding five years. Drivers who do not have to take an initial CPC (because they already hold a current licence for such a vehicle, or that of a member State, or a similarly recognised

driving licence, or a test pass certificate in respect of such a vehicle) must complete 35 hours of periodic training by 10 September 2013.

Regulation 10(1) provides that a person who does not comply with regs. 4(1) or 9(1) is guilty of an offence. A person who causes or permits another person to drive a relevant vehicle in contravention of those regulations also commits an offence against reg. 10(2).

Drivers who are required to have a CPC or who are exempt because they are undergoing an approved national vocational training course are required by reg. 11 to carry evidence of entitlement (a driver qualification card, a Community licence with a Community code, a driver's certificate granted by a member State other than the UK, or any other document issued by a member State other than the UK certifying an initial CPC, or a periodic CPC, and to produce it on demand by a constable or vehicle examiner. Failure to do so is an offence.

It is an offence contrary to reg. 13 for a person, with intent to deceive:

- (a) to forge, alter or use any document which evidences CPC entitlement or training exemption;
- (b) to lend to, or allow to be used by any other person, any such document; or
- (c) to make or have in possession any document so closely resembling such a document as to be calculated to deceive.

By reg. 14, a constable or vehicle examiner may seize any such document.

Regulation 15 prospectively amends the Motor Vehicles (Driving Licences) Regulations 1999, reg. 9 (minimum age for holding or obtaining licences) to provide that the new minimum age requirements included in the Directive apply to bus drivers who have passed the Certificate of Professional Competence (CPC) test. So far as young bus drivers (i.e. drivers of vehicles of categories D or D+E, other than categories D1 or D1+E) are concerned, the new provisions will take effect from 10 September 2008 and the minimum age will fall to 18, but only in respect of a bus driver carrying passengers on a route which does not exceed 50 kilometres, or where he does not carry passengers at all. In relation to other bus drivers, the minimum age is lowered to 20 with effect from that date.