



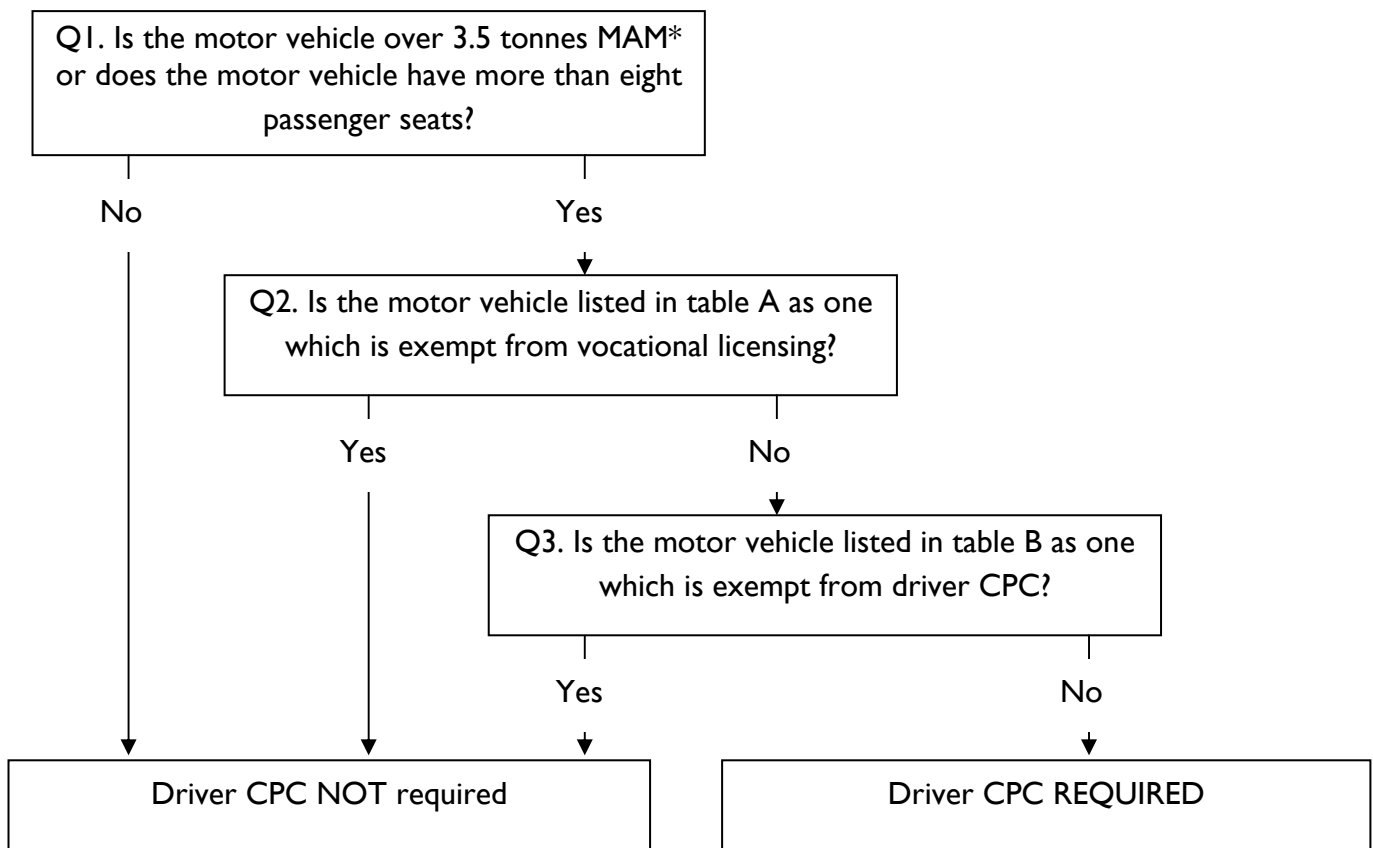
Introduction

This guide is intended to give specific advice and information on the scope and exemptions of European Directive 2003/59/EC (driver CPC regulations) to members operating specialised services.

Driver CPC Regulations will apply to new drivers acquiring a PCV licence from September 2008 and for drivers acquiring a LGV licence from September 2009. Those who already hold a vocational licence before these dates are given acquired rights, however all drivers must complete 35 hours periodic training every five years.

The requirement does not apply to drivers of out of scope vehicles which do not require a vocational driving licence. Nor does it apply to those driving exempt vehicles. Use the decision flowchart together with the scope and exemptions tables to determine which of your drivers require driver CPC.

Decision flowchart



* MAM = Maximum Authorised Mass – the maximum a vehicle can legally weight when fully loaded, regardless of the actual weight at any given time

A. Scope of driver CPC

Drivers employed or used by undertakings established in a Member State which use goods vehicles in categories, C1, C1+E, C or C+E are in scope, together with drivers of passenger vehicles in categories D1, D1+E, D or D+E. Pre-1990 licences with equivalent categories (such as HGVI) are also included, as are those driving vehicles on entitlements obtained by passing a car test before 1997, such as C1 or D1. The legislation applies to the activity of driving the in-scope vehicles, so people who hold vocational entitlement but who do not actually drive those vehicles will not come into scope.

The UK driver licensing regulations allow certain large goods and passenger vehicles to be driven on a category B (car) licence. If the licence holder is only permitted to drive category B vehicles with automatic transmission, they may only drive the above vehicles if they have automatic transmission. The Driving Standards Agency has confirmed that these drivers would also be out of scope of the driver CPC requirements when in the UK. The 22 UK-only concessions are detailed in table B below.

Table A – exemptions from vocational driver licensing

Exemption	Definitions
1. Any road construction vehicle used or kept on the road solely for the conveyance of built-in road construction machinery.	<p>'Road construction vehicle' means a vehicle which –</p> <ul style="list-style-type: none"> a) is constructed or adapted for use for the conveyance of road construction machinery which is built in as part of, or permanently attached to, that vehicle, and b) is not constructed or adapted for the conveyance of any other load except article and materials used for the purposes of such machinery <p>'Road construction machinery' means a machine or device suitable for the use for the construction and repair of roads and used for no purpose other than the construction and repair of roads.</p>
2. Any engineering plant other than a mobile crane	'Engineering plant' means moveable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply with all the requirements of the Road Vehicles (Construction and Use) Regulations 1986 and which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the motor vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon.
3. A works truck	'Works truck' means a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such private premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works. The Department for Transport advise a distance of 1,000 road yards.
4. An industrial tractor	'Industrial tractor' means A tractor, not being an agricultural motor vehicle, which: <ul style="list-style-type: none"> a) has an unladen weight not exceeding 7370kg, b) is designed and used for work primarily off roads, or for work on roads in connection only with road construction or maintenance (including any such tractor when fitted with an implement or implements designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load), and c) has a maximum speed not exceeding 20mph.
5. An agricultural motor vehicle , which is not an agricultural or forestry tractor	'Agricultural motor vehicle' means a motor vehicle which is constructed or adapted for use off roads for the purpose of agriculture, horticulture or forestry and which is primarily used for one or more of those purposes, not being a dual-purpose vehicle.
6. A digging machine	'Digging machine' means a vehicle which is designed, constructed and used for the purpose of trench digging, or any kind of excavating and shovelling work, and which: <ul style="list-style-type: none"> a) is used on public roads only for that purpose or the purpose of proceeding to or from the place where it is to be or has been used for that purpose, and b) when so proceeding does not carry any load except such as is necessary for its propulsion or equipment.
7. Goods vehicle used for limited road use	A goods vehicle which, in so far as it is used on public roads: <ul style="list-style-type: none"> a) is used only in passing from land in the occupation of a person keeping the vehicle to other land in the occupation of that person, and b) is not used on public roads for distances exceeding an aggregate of 9.7 kilometres in any calendar week

8. Mini artic	An articulated goods vehicle the unladen weight of which does not exceed 3.05 tonnes
9. Limited road use for agriculture, horticulture or forestry	A goods vehicle, other than an agricultural motor vehicle, which – <ul style="list-style-type: none"> a) is used only for purposes relating to agriculture, horticulture or forestry b) is used on public roads only in passing between different areas of land occupied by the same person, and c) in passing between any two such areas does not travel a distance exceeding 1.5 kilometres on public roads
10. Light recovery vehicle	A goods vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which – <ul style="list-style-type: none"> a) is used solely for dealing with disabled vehicles b) is not used for the conveyance of any goods other than a disabled vehicle when so raised and water, fuel, accumulators and articles required for the operation of, or in connection with disabled vehicles, and c) has an unladen weight not exceeding 3.05 tonnes
11. Mobile project vehicle	A mobile project vehicle on behalf of a non-commercial body – <ul style="list-style-type: none"> a) to or from the place where the equipment it carries is to be or has been, used, or the display or exhibition is to be, or has been, mounted, or b) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied, or c) in such circumstances that by virtue of paragraph 22 of Schedule 2 to the Vehicle Excise and Registration Act 1994 the vehicle is not chargeable with duty in respect of its use on public roads <p>The person driving the vehicle must have held a relevant category B licence for an aggregate period of not less than 2 years and is aged 21 or over.</p> <p>‘Mobile project vehicle’ means a vehicle which has a maximum authorised mass exceeding 3.5 tonnes, is constructed or adapted to carry not more than eight persons in addition to the driver and carries principally goods or burden consisting of:</p> <ul style="list-style-type: none"> i. play or educational equipment and article required in connection with the use of such equipment, or ii. articles required for the purposes of display or of an exhibition, and the primary purpose of which is use as a recreational, educational or instructional facility when stationary.
12. Minibus driven by volunteer	A vehicle driven on behalf of a non-commercial body for social purposes but not for hire or reward of a class included in sub-category D1 which has no trailer attached and has a maximum authorised mass not exceeding 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of passengers, and 4.25 tonnes otherwise, provided the driver: <ul style="list-style-type: none"> a. has held a relevant category B licence for an aggregate period of not less than 2 years b. is aged 21 or over c. if he is aged 70 or over, is not suffering from any relevant disability in respect of which the Secretary of State would be bound to refuse him a Group 2 licence, and d. receives no consideration for driving the vehicle
13. Vintage goods vehicle	A goods vehicle manufactured before 1 January 1960, used unladen and not drawing a laden trailer
14. Vintage passenger vehicle	A passenger-carrying vehicle manufactured more than 30 years before the date when it is being driven and not used for hire or reward or for the carriage of more than eight passengers
15. Steam vehicle	A goods vehicle propelled by steam
16. Haulage of lifeboats	A goods vehicle used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats that are being hauled
17. Visiting forces	A goods vehicle in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965
18. Goods vehicle driven by a constable	A goods vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the vehicle and its load) or for other similar purposes
19. Passenger vehicle driven by a constable	A passenger carrying vehicle when it is being driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the vehicle and its load) or for other similar purposes
20. Fire services for the Crown	A vehicle designed for fire-fighting or fire salvage purposes which is the property of, or for the time-being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown
21. Armed forces work of national	A vehicle being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of

importance	the Defence (Armed Forces) Regulations 1939 which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959, by section 2 of the Emergency Powers Act 1964
22. Armoured vehicle	An armoured vehicle other than a track-laying vehicle which is the property of, or for the time being under the control of, the Secretary of State for Defence

B. Exemptions

There are seven exemptions from the training requirements. These are listed in table B below.

Table B – Exemptions from driver CPC	
Exemption	Comments
1. Vehicles used for the non-commercial carriage of passengers or goods for personal use.	Vehicle and Operator Services Agency (VOSA) has indicated it believes this is likely to apply to passenger vehicles being operated by non-profit-making organisations – e.g. passenger vehicles driven for non-commercial bodies under a section 19 or 22 permit
2. Vehicles undergoing road tests for technical development, repair or maintenance purposes, or new or rebuilt vehicles not yet put into service	
3. Vehicles used in the course of driving lessons for any person wishing to obtain a driving licence or driver CPC	
4. Vehicles carrying material or equipment to be used by the driver in the course of his or her work, provided that driving the vehicle does not constitute the driver's principal activity.	VOSA has indicated it believes this is likely to apply to operations where the vehicle is the 'tool box' for the main activity. VOSA believes the 'principal activity' of the driver will depend on what the driver is employed to do and how that is demonstrated from the time spent driving. For example, if the driver is one of the workmen (e.g. the builder, scaffolder or plumber) the exemption will probably apply, but if the driver is just delivering the goods for others to work with on site, then this exemption is unlikely to apply
5. Vehicles with a maximum authorised speed not exceeding 45km/h.	VOSA has confirmed that it believes this also includes vehicles incapable of exceeding 45km/h by virtue of a set speed limiter
6. Vehicles used by, or under the control of: <ul style="list-style-type: none"> a) the armed forces b) a police force c) a local authority in the discharge of any function under section 5 of the Civil Contingencies Act 2004, or d) a fire and rescue authority 	
7. Vehicles used in states of emergency or assigned to rescue missions	