



Response from  
The Motor Schools Association of Great Britain  
101 Wellington Road North, Stockport, Cheshire SK4 2LP  
Tel: 0161 429 9669 Fax: 0161 429 9779 Email: mail@msagb.co.uk

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## 1 INTRODUCTION

- 1.1 The Motor Schools Association of Great Britain (MSA) makes the following response to the DSA Consultation Paper: Improved Services for Customers, Safety Enhancements and General Fee Increases For 2008
- 1.2 The MSA is the national trade association for driving instructors and schools founded in 1935. Members of the association are in the main Driving Standards Agency Approved Driving Instructors (ADI). We also have a partnership with the Institute of Large Goods Vehicle Driving Instructors (ILGVDI) and represent their interests together with those of prospective driving instructors (PDIs) and a number of bus/coach instructors and motorcycle instructors.

## 2 GENERAL COMMENTS

- 2.1 In order to canvass as wide a range of opinions as possible before submitting the association's views to the DSA, we invited all MSA members to comment through our monthly publication *Newslink*. Details of the consultation paper along with a draft MSA response were published in the October 2007 issue. Members of the association's Board of Management have also consulted members through regional meetings and the association's network of branches and associated local ADI groups.
- 2.2 Feedback from the article and from the association's Board has informed this response.
- 2.3 We are pleased to note that the bi polar scale for responses that the MSA suggested should be used in DSA consultations has been adopted.
- 2.4 We are content for our response to be included in the summary of responses, which the agency may divulge on request.

## 3 RESPONSES

Proposal No.1: Modernising the delegated examiner arrangements including fairer cost-recovery arrangements

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
	✓				

Comments – We hope that all those involved will be have their criminal records checked as part of the approval process for delegated examiners.

Proposal No.2: Modernising the Emergency Control Certificate assessments for disabled ADIs

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
✓					

Comments - None

Proposal No.3: Clarification of rules for persons who may supervise learners driving Category C1 (medium size lorry) and Category D1 (minibus) vehicles

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
				✓	

Comments - At the present time it is legal for the holder of a category C1 licence acquired under “grandfather rights” to train provisional licence holders in a C1 vehicle, which is a goods vehicle with a Maximum Authorised Mass (MAM) between 3.5 tonnes and 7.5 tonnes, and includes both vans and vehicles that to all intents and purposes, look and drive like trucks.

Manufacturers are producing larger and heavier vans. Some models of Mercedes Sprinter and Ford Transit vans have an MAM in excess of 3.5 tonnes. The holders of car driving licences issued after 1<sup>st</sup> January 1997 have category B that entitles them to drive vehicles up to an MAM of 3.5 tonnes, no matter whether it be a passenger carrying vehicle or a goods vehicle.

Commercial companies are finding themselves in the position where they wish to take on new van drivers but the driver’s licences do not cover the type of van the company uses, ie. with an MAM of over 3.5 tonnes. This is a growing problem and will only get worse as time goes on.

The Regulatory Impact Statement in this consultation suggests that this will have no effect on current practice. However, a small but increasing amount of ADI work involves training category B drivers to drive vans that fall into category C1. As can be appreciated, there is very little difference in driving a 3.5t van compared with a 4.0t van, and no difference at all from the training point of view.

Perversely, it may be possible, for a driver to take a C1 test in a 4.0t vehicle that will then entitle him/her to drive a 7.5t truck.

Many instructors have a ‘grandfather rights’ category C1 entitlement, and a category D minibus licence that entitles them to drive a 16 seat minibus regardless of the MAM of the vehicle, for hire and reward. The latest requirements for a minibus to be used on a DSA category D driving test include that it must have an MAM of at least 4.0 tonnes.

If these proposals become law it will become illegal for them to teach in a 4.0t van, but required to teach in a 4.0t minibus. This seems somewhat perverse.

DSA suggest that the holder of a “grandfather rights” C1 licence supervising a C1 learner may not have the necessary experience to control the situation in the case of an emergency. By inference this means that an ADI with C1 is not capable of teaching in anything other than a

car. Strangely, DSA say that very few drivers put forward for C1 tests are accompanied by a driver who acquired their licence before 1997. From observations made by MSA members and available anecdotal evidence that is simply not true – most accompanying drivers look old enough to have acquired their driving licence well before 1997.

This problem is easily solved by making the Voluntary LGV Register compulsory for people teaching others in a C1 vehicle for hire or reward, then ‘grandfather rights’ ADIs can take the tests to qualify like everybody else. Commercial companies (not training companies), that allow one of their employees to supervise another for practice would have to ensure that the supervising driver was suitably experienced, bearing in mind Health and Safety requirements.

If it is decided to introduce a change so that only C1 holders who acquired their licence after passing a C1 test can supervise a C1 learner then it would ease problems within the industry if a period was allowed before introduction, we suggest an introduction date of April 2010. This would allow ‘grandfather rights’ C1 drivers time to take a C1 test and then to serve the two year period of holding a licence required to supervise a C1 learner, without interruption to business and loss of income.

Proposal No.4: Introduce a Scheme for Approved Test Assistants for theory tests

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
	✓				

Comments – We hope that all those involved will be have their criminal records checked as part of the approval process for Approved Test Assistants.

Proposal No.5: Display of ADI Certificates/Trainee Licences in training vehicles

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
✓					

Comments – The explanation of why this change is taking place is some what mealy-mouthed. . Would it have been too much to ask for DSA to simply state – some years ago when regulations were changed an error occurred whereby the description of these documents became confused and the front was called the back and vice versa?

We would like to request that when amending “The Motor Cars (Driving Instruction) Regulations 2005” Schedule 5, Regulation 18 Forms of Certificate of Registration Parts 1 and 2 the description of the documents should read front/back of certificate not licence. Trainee instructors have licences to give instruction ADIs have certificates of registration.

We also suggest that one or two senior members of the driver training industry be invited to view a draft of the revised regulations before they are laid before parliament.

Proposals No.6 to 14 Increase of fees and charges.

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
				✓	

Comments – One or two of the proposed fee increases seem reasonable others are ridiculous and in our view unjustifiable. However, as far as we can tell consultations on fee increases are not genuine quests by the regulator for the views and opinions of those consulted but merely early warnings of forthcoming guaranteed increases.

Regulatory Impact Assessments (RIA) – Do you agree that the estimated costs and savings identified in the initial RIAs at Annexes A, B and C are accurate?

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
			✓		

Comments – The assertion that in the Agencies opinion clarification of the accompanying driver rules for persons who may supervise learners driving Categories C1 and D1 (proposal 3) will not have an adverse effect on any small business is incorrect. A number of MSA members operate in this sector under grandfather rights and changes will have an adverse effect on their businesses.

Equality Impact Assessments (EIA) – Do you agree that the EIAs have correctly considered the likely effect of the proposals on specific groups?

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
✓					

Comments - None

Do you agree that this consultation paper meets the consultation criteria at Annex E?

totally agree	largely agree	slightly agree	slightly disagree	largely disagree	totally disagree
✓					

Comments - None