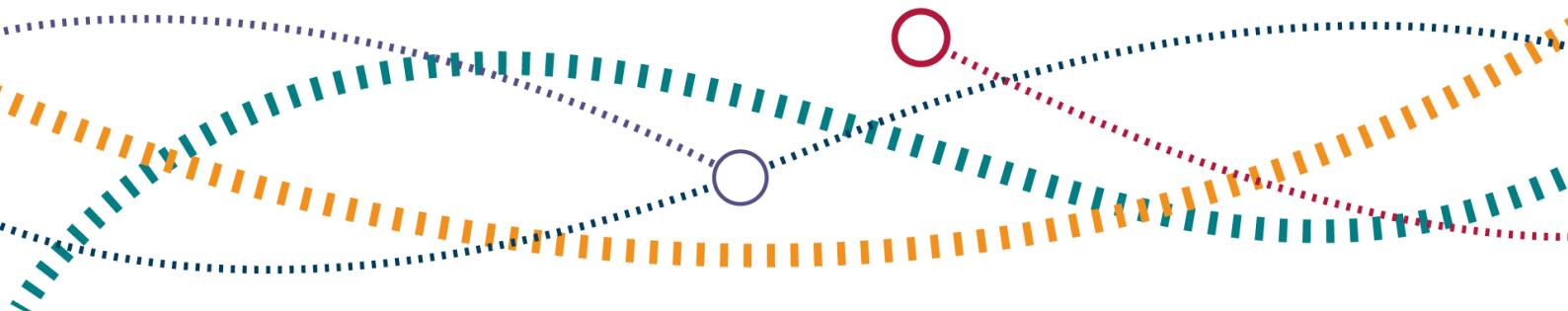




Train Driving Licences – from 1 January 2021

4 January 2021

Changes to the Train Driving
Licences and Certificates
Regulations 2010



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Foreword

On 31 January 2020, the United Kingdom withdrew from the European Union (EU) and stopped being a Member State. The EU Withdrawal Agreement provides for a transition period ending on 31 December 2020 during which the UK is required to implement EU law. After that date, new EU legislation will not apply in the UK.

This document describes the changes to the Train Driving Licences and Certificates Regulations 2010 (TDLCR) and associated retained EU legislation that are required to ensure that the regime to support the train driving licensing and certification system for the mainline railway continues to work effectively beyond 1 January 2021.

The regulations making changes to the TDLCR and associated retained EU legislation are referred to as EU Exit amending regulations. These are:

- the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019, (S.I. 2019/677) as amended by
- [the Railways \(Miscellaneous Amendments, Revocations and Transitional Provisions\) \(EU Exit\) Regulations 2020](#). (S.I. 2019/345) and;
- the Railways (Miscellaneous Amendments, Revocations and Transitional Provisions) (EU Exit) Regulations 2020 (S.I. 2020/786).

ORR will amend its suite of guidance on the train driving licences and certificates regime as soon as possible after 1 January 2021. Until we do so, the relevant aspects of that guidance should be considered in conjunction with this document.

More detailed information on the effect of the EU exit amending regulations on TDLCR is contained in guidance issued by the Department for Transport

<https://www.gov.uk/guidance/rail-transport-domestic-and-cross-border-operations>

This document reflects significant elements of the legislation that duty-holders (infrastructure managers, railway undertakings and service providers) need to be aware of. However, it does not seek to cover every aspect of the legislation. It is the responsibility of individual businesses to ensure that they are compliant with the law. We advise businesses to refer to the EU Exit amending regulations as the primary source of information, as this guidance is not intended to cover every amendment to legislation.

Affected legislation

The Train Driving Licences and Certificates Regulations 2010

1. The Train Driving Licences and Certificates Regulations 2010 (TDLCR) define the regime for train driving licences and certificates on the mainline railway in Great Britain.
2. TDLCR is domestic law, which will continue to have effect in Great Britain subject to amendments made by the EU exit amending regulations to prevent, remedy or mitigate any deficiencies arising as a result of the withdrawal of the UK from the EU.

Commission Decision 2010/17/EC (registers of train driving licences and certificates)

3. This decision relates to the adoption of the basic parameters for registers of train driving licences and certificates and has been incorporated into domestic law subject to amendments made by the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019.

Commission Regulation (EU) No. 36/2010 (models for licences, certificates, certified copies of certificates and application forms for licences)

4. This regulation relates to the EU models for train driving licences, certificates, certified copies of the certificates and application forms for licences. It sets out the template for train driving licences and certificates and the type of information to be included in each field. The regulation has been incorporated into domestic law subject to amendments made by the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019.

Commission Decision 2011/765/EU (criteria for recognition of training centres and examiners)

5. This decision relates to the adoption of criteria for the recognition of training centres involved in train driver training, the criteria for the recognition of examiners of train drivers, and the criteria for the organisation of examinations.

6. The decision has been incorporated into domestic law subject to amendments made by the Train Driving Licences and Certificates (Amendment) (EU Exit) Regulations 2019.

Changes from 1 January 2021

Train driving licences and certificates legislation

7. There are no substantive changes to the scope of requirements to hold train driving licences and certificates or to the requirements duty holders must comply with. In particular, there are no changes to the requirement for train drivers to have a licence and certificate in order to drive trains on the mainline railway or any changes to the monitoring requirements on employers of train drivers.
8. There are minor changes to the format of train driving licences, certificates and to the licence application form to reflect that these are now UK rather than EU documents.

Actions required by duty holders

9. Train driving licences issued by ORR will continue to be valid in Great Britain and duty-holders are not required to make any changes or to reapply. ORR issued licences will no longer be valid outside the UK and duty-holders who rely on such documents in order to operate lawfully in the EU must replace them with the relevant EU documentation by 1 January 2021.
10. Train driving licences issued in the EU will no longer be valid in Great Britain from 31 January 2022. If you currently drive trains in Great Britain using a train driving licence issued in an EU country, you will need to obtain a train driving licence from the ORR by 31 January 2022 to continue operating services.
11. The validity of train driving certificates will be unaffected; but operators will need to ensure that certificates held by drivers refer to a valid licence.

Please Note this guidance does not relate to Northern Ireland – owners of licences issued by the Department for Infrastructure should seek information from the relevant authority in Northern Ireland.

12. Applications for new, updated or renewed train driving licences after 1 January 2021 will need to ensure that applications refer to and comply with the domestic legislation in force at the time. This includes meeting the requirements for medical and occupational psychological fitness and general professional competence examinations.

Recognition of EU issued train driving licences

13. Train driving licences issued in the EU will remain valid in the UK until 31 January 2022. Drivers holding EU issued licences will be required to have a UK licence issued by ORR in order to drive in Great Britain from 1 February 2022. Holders of EU issued licences will need to apply to ORR for the necessary licence. These applications should be made to ORR in advance of the required date in order to ensure they can comply with the requirements of the licence application process (see paragraph 15 below).
14. ORR issued train driving licences will cease to be valid in the EU from 1 January 2021, including licences used for cross-border services.
15. Current holders of EU issued train driving licences will be considered as new applicants when applying to the ORR for a new licence. New applicants will be required to meet the conditions for obtaining a licence in accordance with Regulation 8 of the TDLCR. This includes passing the necessary medical, occupational psychological fitness and general professional competence examinations. These examinations must be carried out by recognised doctors, psychologists and training and examination centres on the registers maintained by ORR in accordance with Regulation 23 of TDLCR.
16. It is the responsibility of the licence holder to ensure they hold the necessary documentation to comply with the relevant legislation.



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