



STATUTORY INSTRUMENTS

**S.I. No. 91 of 2008**

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EUROPEAN COMMUNITIES (VEHICLE DRIVERS CERTIFICATE OF  
PROFESSIONAL COMPETENCE) REGULATIONS 2008

**(Prn. A8/0432)**

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## EUROPEAN COMMUNITIES (VEHICLE DRIVERS CERTIFICATE OF PROFESSIONAL COMPETENCE) REGULATIONS 2008

I, NOEL DEMPSEY, Minister for Transport, in exercise of the of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003<sup>1</sup>, hereby make the following regulations:

## PART 1

## PRELIMINARY PROVISIONS

*Citation*

1. These Regulations may be cited as the European Communities (Vehicle Drivers Certificate of Professional Competence) Regulations 2008.

*Interpretation*

2. (1) In these Regulations—

“Act of 1961” means Road Traffic Act 1961 (No. 24 of 1961);

“Annex” means an Annex to the Directive;

“approved centre” means a centre approved by the Road Safety Authority under Regulation 12;

“category C” means a vehicle (other than a work vehicle or land tractor) having a design gross vehicle weight exceeding 3,500 kilograms and having passenger accommodation for not more than 8 persons and where the design gross vehicle weight of the trailer does not exceed 750 kilograms;

“category C1” means a vehicle in category C having a design gross vehicle weight not exceeding 7,500 kilograms, and where the design gross vehicle weight of the trailer does not exceed 750 kilograms;

“category C+E” means a combination of a vehicle and a trailer with the drawing vehicle in category C and where the design gross vehicle weight of the trailer exceeds 750 kilograms;

“category C1+E” means a combination of a vehicle and a trailer having a combined design gross vehicle weight not exceeding 12,000 kilograms with the drawing vehicle in category C1 and where the design gross vehicle weight of the trailer exceeds 750 kilograms;

<sup>1</sup>OJ L226, 10.9.2003, p.4

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th April, 2008.*

“category D” means a vehicle having passenger accommodation for more than 8 persons and where the design gross vehicle weight of the trailer does not exceed 750 kilograms;

“category D1” means a vehicle in category D having passenger accommodation for more than 16 persons;

“category D+E” means a combination of a vehicle and a trailer with the drawing vehicle in category D and where the design gross vehicle weight of the trailer exceeds 750 kilograms;

“category D1+E” means a combination of a vehicle and a trailer having a combined design gross vehicle weight not exceeding 12,000 kilograms with the drawing vehicle in category D1 and where the design gross vehicle weight of the trailer exceeds 750 kilograms;

“Civil Defence” has the meaning assigned to it in the Civil Defence Act 2002 (No. 16 of 2002);

“community code” has the meaning as in Article 10(2) of the Directive;

“compulsory periodic retraining course” means a course of compulsory periodic retraining under Regulation 10 for the purposes of Article 3(1)(b) of the Directive;

“CPC” means a certificate of professional competence certifying a driver’s—

(a) initial qualification under Regulation 7, or

(b) periodic retraining under Regulation 11;

“Defence Forces” has the meaning as in the Defence Act 1954 (No. 18 of 1954);

“Directive” means Directive 2003/59/EC<sup>2</sup> of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85<sup>3</sup> and Council Directive 91/439/EEC<sup>4</sup> and repealing Council Directive 76/914/EEC<sup>5</sup>;

“driver CPC” means a document referred to in Regulation 16(2);

“driver qualification card” has the meaning as in Article 10 (1) of the Directive;

“driver tester” means a driver tester in accordance with Regulation 3 of the Regulations of 2006;

<sup>2</sup>OJ L226, 10.9.2003, p.4

<sup>3</sup>OJ L370, 31.12.1985, p.1

<sup>4</sup>OJ L237, 24.8.1991, p.1

<sup>5</sup>OJ L357,29.12.1976, p.36

“driving licence” means a licence to drive a vehicle (not being a licence or permit issued to a person to enable that person to learn to drive) issued by a licensing authority within the meaning of section 21 of the Act of 1961;

“driving test” means the delivery of a driving test and the issuing of a certificate of competency (within the meaning of section 33 of the Act of 1961);

“fire brigade” has the meaning assigned to it in the Fire Services Act 1981 (No. 30 of 1981);

“initial CPC” means a CPC certifying a driver’s initial qualification;

“initial CPC test” means the tests for initial qualification for the purposes of Article 3(1)(a)(ii) of the Directive;

“licensing authority” means a county council or a city council within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001);

“Minister” means Minister for Transport;

“normal residence” has the meaning assigned to it in Regulation 3 of the Regulations of 2006;

“periodic CPC” means a CPC certifying a driver’s periodic retraining;

“public place” has the meaning assigned to it in section 3 of the Act of 1961;

“recognised driving licence” has the meaning assigned to it in Regulation 3 of the Regulations of 2006;

“Regulations of 2006” means Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006);

“relevant vehicle” means a vehicle of category C, C1, C+E, C1+E, D, D1, D+E or D1+E;

“trailer” means a vehicle attached to a mechanically propelled vehicle for the purpose of being drawn by the mechanically propelled vehicle;

“transport officer” means a person appointed under section 15 of the Road Transport Act 1986 (No. 16 of 1986);

“vehicle”, except in relation to a trailer, means a mechanically propelled vehicle.

(2) A word or expression which is used in these Regulations and which is also used in the Directive has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Directive.

#### *Competent Authority*

3. (1) For the purposes of these Regulations and the Directive, the Road Safety Authority is the competent authority for the State.

(2) The Road Safety Authority is responsible for—

- (a) organising initial CPC tests,
- (b) appointing and approving centres to carry out compulsory periodic retraining courses,
- (c) drawing-up the syllabi for compulsory periodic retraining courses, and
- (d) issuing driver qualification cards.

*Forms*

4. (1) The Road Safety Authority shall direct the forms to be used for the purposes of Regulations 7, 10, 11, 12, 14, 15 and 20.

(2) The Road Safety Authority may cause to be printed and provided the forms of the CPC and of applications for CPC and of declarations, records, returns, books of account and other documents required under these Regulations or being reasonably necessary for the purpose of these Regulations.

*Disposition of fees*

5. Fees received by the Road Safety Authority under these Regulations shall be paid into and disposed of for the benefit of the Road Safety Authority.

PART 2

APPLICATION OF REGULATIONS

*Persons to whom Regulations apply*

6. (1) These Regulations apply to a person driving a relevant vehicle (other than a vehicle referred to in paragraph (2)) in a public place who is—

- (a) a citizen of Ireland,
- (b) a national of another Member State, or
- (c) employed or engaged by an undertaking established in a Member State and is not a person referred to in subparagraphs (a) or (b).

(2) These Regulations do not apply to the driving of a vehicle which—

- (a) has a maximum authorised speed not exceeding 45 kilometres per hour,
- (b) is used by, or under the control of—
  - (i) the Civil Defence,
  - (ii) the Defence Forces,
  - (iii) a fire brigade, or

- (iv) the Garda Síochána,
- (c) is undergoing road tests for the purposes of—
  - (i) technical development, or
  - (ii) repair or maintenance purposes,
- (d) has not yet been registered or put into service,
- (e) is used in a state of emergency or in rescue missions,
- (f) is used by a person in the course of a driving lesson or a driving test for the purposes of obtaining a driving licence or a CPC,
- (g) is used for the carriage of passengers or goods for personal use and not for commercial purposes, or
- (h) is carrying material or equipment for use by the driver in the course of his or her work, provided that the driving of the vehicle is not the driver's principal activity or occupation.

### PART 3

#### INITIAL QUALIFICATION

##### *Initial CPC test*

7. (1) An initial CPC test shall be organised by the Road Safety Authority.
- (2) An initial CPC test shall consist of the theoretical and practical tests referred to in section 2(2.2) of Annex I.
- (3) The Road Safety Authority shall manage and supervise the conduct of the theoretical and practical tests referred to in paragraph (2).
- (4) Where a person successfully completes the tests referred to in paragraph (2), the Road Safety Authority shall issue him or her with an initial CPC.
- (5) Subject to the age limits mentioned in Article 5 of the Directive, a driver holding a CPC for a relevant vehicle in a particular category who wishes to obtain a CPC in another category is not required to undertake the elements of the tests that are common to every category, but is only required to undertake those elements of the tests that are specific to the category of vehicle for which he or she is seeking qualification.
- (6) Subject to Regulation 9, a person to whom these Regulations apply shall not drive a relevant vehicle in a public place after the date specified in paragraph (7) unless he or she has an initial CPC.
- (7) The specified date for the purposes of paragraph (6) is—



(a) 10 September 2008, for a vehicle of category D1, D1+E, D and D+E, and

(b) 10 September 2009, for a vehicle of category C1, C1+E, C and C+E.

(8) A person who contravenes paragraph (6) commits an offence and is liable on summary conviction to a fine not exceeding €2,000.

(9) An applicant for the initial CPC test shall pay to the Road Safety Authority in the case of a—

(a) theoretical test, a fee of €110,

(b) driving and practical test, a fee of €95.

#### *Appeal*

8. A person who does not pass the initial CPC test as referred to in Regulation 7 may appeal to a judge of the District Court having jurisdiction in the place in which such person ordinarily resides, and the judge may either refuse the appeal or direct that an initial CPC should be granted by the Road Safety Authority.

#### *Acquired CPC Rights*

9. A person is not required to obtain an initial CPC if he or she holds either a driving licence or a recognised driving licence to drive a vehicle of—

(a) category D1, D1+E, D or D+E where the licence was issued prior to 10 September 2008, and

(b) category C1, C1+E, C or C+E where the licence was issued prior to 10 September 2009.

## PART 4

### COMPULSORY PERIODIC RETRAINING

#### *Compulsory periodic retraining courses*

10. (1) Subject to paragraph (5), a person referred to in Regulation 6 (1) who—

(a) is the holder of an initial CPC, or

(b) was not required by virtue of Regulation 9 to obtain an initial CPC

must attend a compulsory periodic retraining course at an approved centre.

(2) A compulsory periodic retraining course shall be conducted in accordance with the syllabus for the relevant vehicle category concerned.

(3) A compulsory periodic retraining course must be of a duration of 35 hours every 5 years and must be taken in a minimum tranche of 7 hours per year for each of the 5 year period.

(4) A driver who no longer pursues his or her occupation and does not hold a CPC is required to complete 35 hours of retraining before he or she may be issued with a CPC.

(5) A person referred to in Regulation 6 (1) (b) or (c) who holds a CPC shall attend a compulsory periodic retraining course in either the Member State in which he or she—

- (a) has his or her normal residence, or
- (b) undertakes his or her work.

(6) A person to whom Regulation 9 applies may use his or her driving licence for 5 years after the date mentioned in Regulation 7(7) (a) or (b), as the case may be, until he or she has completed 35 hours compulsory periodic retraining within 5 years of the relevant date mentioned in Regulation 7(7).

*CPC certifying periodic retraining and time limits to obtain periodic CPC*

11. (1) Where a person successfully completes a compulsory periodic retraining course, the approved centre shall issue him or her with a periodic CPC.

(2) A person who has completed his or her first course of compulsory periodic retraining shall, during the next 5 years following the date of the completion of that course of retraining, undertake a further course of compulsory retraining of a duration of 35 hours which must be undertaken in a minimum of 7 hour tranches per year for each year of the 5 year period.

*Approved centres for compulsory periodic retraining courses*

12. (1) A compulsory periodic retraining course shall take place at a centre approved (an approved centre) by the Road Safety Authority.

(2) The Road Safety Authority may specify—

- (a) standards for premises to be used as approved centres,
- (b) qualifications for persons providing compulsory periodic retraining courses, and
- (c) matters relating to the conduct and participation in compulsory periodic retraining courses including the minimum and maximum number of participants on such courses.

(3) An application seeking approval as an approved centre must be made in writing to the Road Safety Authority.

(4) An application for approval as a centre must be accompanied by documentary evidence in relation to the—

- (a) suitability of the premises for conducting compulsory periodic retraining courses,

- (b) qualifications of the persons it proposes would conduct compulsory periodic retraining courses,
- (c) vehicle fleet to be used in connection with the conduct of compulsory periodic retraining courses.

(5) The Road Safety Authority may approve an application to be an approved centre where it is satisfied that the applicant fulfils the requirements in relation to premises, qualified and trained persons, course contents, teaching materials and methods, resources for practical work and vehicles fleet.

(6) An approval under paragraph (5) is valid for 5 years.

(7) Where the Road Safety Authority approves a centre under paragraph (5), it shall notify the applicant concerned of the approval of their centre and in the notification shall specify the terms and conditions of the approval.

(8) The Road Safety Authority is authorised to monitor and supervise the conduct of compulsory periodic retraining courses by approved centres.

(9) The Road Safety Authority may revoke or suspend an approval granted under paragraph (5) where the centre is deemed by the Authority not to be fulfilling the terms and conditions of the approval as specified in the notification referred to in paragraph (7).

## PART 5

### DRIVER QUALIFICATION CARD

#### *Driver qualification card*

13. A person who has an initial CPC or a periodic CPC, as the case may be, may apply to the Road Safety Authority for a driver qualification card.

#### *Application for driver qualification card*

14. (1) An application for a driver qualification card under Regulation 13 may only be made by a person—

- (a) whose normal residence is in the State, or
- (b) who undertakes his or her work in the State.

(2) An application for a driver qualification card shall be made on the form as directed by the Road Safety Authority and be accompanied by—

- (a) a fee of €10,
- (b) two recently taken passport-sized photographs, and
- (c) in the case of an application for a renewal of a driver qualification card, a copy of the latest driver qualification card.

(3) The Road Safety Authority shall, upon receipt of the items referred to in paragraph (2) and subject to it being satisfied that the person has an initial CPC or a periodic CPC, as the case may be, issue to the person a driver qualification card.

(4) An application for a renewal of a driver qualification card may be made not earlier than 3 months prior to the expiration of the current driver qualification card held by the applicant.

(5) The maximum period of validity of a driver qualification card is 5 years.

*Duplicate driver qualification card*

15. (1) Where a driver qualification card becomes damaged, lost or stolen, the person named on the card may apply to the Road Safety Authority for a replacement card on the form directed by the Road Safety Authority for that purpose.

(2) An application for a duplicate driver qualification card shall be accompanied by—

- (a) a fee of €10,
- (b) two recently taken passport-sized photographs, and
- (c) where the card is damaged, the damaged card.

(3) Where the Road Safety Authority is satisfied that the driver qualification card in respect of an application under paragraph (1) has been damaged, lost or stolen, as the case may be, and the items referred to in paragraph (2) have been received, it shall issue a duplicate card.

*Requirement to carry and produce evidence of driver CPC*

16. (1) A driver of a vehicle to whom these Regulations apply shall at all times carry with him or her a driver CPC for proof of his or her compliance with these Regulations.

(2) A driver CPC for the purposes of paragraph (1) shall be—

- (a) the driver qualification card as outlined in Annex II, marked with the relevant community code, or
- (b) a driving licence or a recognised driving licence for 5 years after the relevant date set out in Regulation 7 (7).

(3) A driver who drives without carrying with him or her a driver CPC in accordance with paragraph (1) is guilty of an offence.

(4) A member of the Garda Síochána or a transport officer may at any time request a driver for his or her driver CPC.

(5) A driver who fails to produce his or her driver CPC in accordance with paragraph (4) commits an offence and is liable on summary conviction to a fine not exceeding €2,000.

## PART 6

### IDENTIFICATION

#### *Photographs*

17. Each of the photographs to accompany an application for a driver qualification card under Regulation 14 or an application for a duplicate driver qualification card under Regulation 15 shall be—

- (a) signed on the back by the applicant,
- (b) similar in appearance to the other photograph and provide an adequate facial likeness of the applicant for identification purposes, and
- (c) 3.5 centimetres wide by 4.5 centimetres long, approximately, on a white or other plain light background.

#### *Evidence of identity*

18. An applicant for a driver qualification card or a duplicate driver qualification card shall, if requested by the Road Safety Authority, include details with the application or produce for examination by the Authority any one of the following—

- (a) a passport issued by a Member State,
- (b) a travel document containing the name and photograph of the holder, or
- (c) a driving licence or a recognised driving licence issued by another Member State.

## PART 7

### RECORDS

#### *Keeping of records*

19. (1) The Road Safety Authority shall keep records in relation to—

- (a) initial CPCs issued by it under Part 3,
- (b) periodic CPCs issued by approved centres under Part 4, and
- (c) driver qualification cards issued by it under Part 5.

(2) All records and documentation kept by an approved centre in connection with the carrying out of compulsory periodic retraining under these Regulations are the property of the Road Safety Authority which has the power to inspect

and recover from the approved centre any such records or documentation as it considers appropriate.

*Recording of compulsory periodic retraining*

20. A centre approved by the Road Safety Authority under Regulation 12(5) shall inform the Road Safety Authority of any person to whom the centre has provided compulsory periodic retraining and was issued with a periodic CPC in accordance with Regulation 11(1).

*Information and inspection of records*

21. (1) The Road Safety Authority shall, on request and free of charge, supply to a—

- (a) licensing authority,
- (b) member of the Garda Síochána,

such information as is requested in relation to a driver qualification card granted by the Authority.

(2) The Road Safety Authority shall, on request and on payment of a fee of €10, supply to any person who satisfies the Authority that he or she has reasonable cause there for such information as is requested in relation to a driver qualification card granted to any specified person by the Road Safety Authority.

(3) The Road Safety Authority shall, on request, admit a member of the Garda Síochána to the offices of the Road Safety Authority while such offices are open for business and shall permit the member to inspect the records and other documents which the Road Safety Authority are required to keep in accordance with these Regulations and to make copies of them.

## PART 8

### OTHER OFFENCES AND FINES

*Falsification of documentation*

22. (1) A person who knowingly gives false information to the Road Safety Authority in relation to an application for a CPC commits an offence.

(2) A person who forges a document purporting to be a CPC or to use or knowingly have in one's possession such a document commits an offence.

(3) A person who alters or uses a CPC, or uses an altered CPC, with intent to deceive, commits an offence.

(4) A person guilty of an offence under this Regulation is liable on summary conviction to a fine not exceeding €5,000.

*Driving without valid driver CPC*

23. (1) (a) A person shall not drive a relevant vehicle unless he or she holds a valid driver CPC in respect of the vehicle.

(b) A person who fails to comply with subparagraph (a) commits an offence and is liable on summary conviction to a fine not exceeding €2,000.

(2) A person who causes or permits another who does not hold a valid driver CPC in relation to a relevant vehicle to drive a relevant vehicle commits an offence.

(3) A person who contravenes paragraph (2) is liable on summary conviction to a fine not exceeding €5,000.



GIVEN under my Official Seal,  
7 April 2008

NOEL DEMPSEY.  
Minister for Transport.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations transpose into Irish law Directive 2003/59/EC relating to the qualification and training requirements for professional drivers of buses, coaches and goods vehicles.



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