

The driving licence requirements relating to horseboxes

The relevant provisions are contained in the Motor Vehicles (Driving Licences) Regulations 1999 ('the Regulations') as amended. If the horsebox has a maximum authorised mass ('MAM') which exceeds 3.5 tonnes but not 7.5 tonnes then a category C1 licence is needed. If the MAM exceeds 7.5 tonnes then a category C licence is required.

By virtue of Regulation 3 of the Regulations the MAM in relation to a goods vehicle has the same meaning as "permissible maximum weight" as defined in Section 108(1) of the Road Traffic Act 1988. This effectively means the maximum gross weight for the vehicle marked on the plate issued by the Secretary of State for the vehicle or, if no plating certificate has been issued, the maximum gross weight marked on the manufacturer's plate for the vehicle.

The towing of trailers with horseboxes can complicate the issue. A category C1 licence is needed if the horsebox is between 3,500 kilograms and 7,500 kilograms MAM. Combinations of vehicles where the horsebox is in subcategory C1 and its trailer has an MAM of over 750 kilograms provided that the MAM of the combination does not exceed 12,000 kilograms and the MAM of the trailer does not exceed the unladen mass of the horsebox a C1 + E category licence is required although if the driver passed the category B test prior to 1 January 1997 the driver will be restricted to a total weight not more than 8,250 kilograms. Horseboxes weighing over 3,500 kilograms coupled with a trailer up to 750 kilograms subject to the above require a category C licence and horseboxes over 3,500 kilograms with a trailer over 750 kilograms require a category C + E licence. The minimum age for drivers of all the above mentioned licence categories is 21 save for the category C1 entitlement which is 18. There are very limited relaxations of the age requirements for members of the Armed Forces and of the Young Drivers Scheme.

Those drivers of horseboxes from abroad who do not hold a British driving licence must exercise care in determining whether they have any entitlement to drive a horsebox on their own non British driving licence.

The Regulations distinguish between those drivers who hold driving licences issued in a European Community ('EC') or European Economic Area ('EEA'). The full list comprises:

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| ■ Austria | ■ Greece | ■ Norway |
| ■ Belgium | ■ Hungary | ■ Poland |
| ■ Bulgaria | ■ Iceland | ■ Romania |
| ■ Czech Republic | ■ Ireland | ■ Portugal |
| ■ Republic of Cyprus | ■ Italy | ■ Slovenia |
| ■ Denmark | ■ Latvia | ■ Slovakia |
| ■ Estonia | ■ Liechtenstein | ■ Spain |
| ■ Finland | ■ Lithuania | ■ Sweden |
| ■ France | ■ Luxembourg | ■ UK |
| ■ Germany | ■ Malta | |
| | ■ Netherlands | |

Provided the driver's licence remains valid the driver can drive a horsebox on a vocational driving licence until the age of 45 years or for five years after becoming resident, whichever is the longer period. Upon attaining the age of 45 the driver may drive until the sixty-sixth birthday or for five years after becoming resident, whichever is the shorter period. Those who are aged 65 or over may only drive on the vocational licence for a maximum of twelve months after becoming resident. Any driver wishing to drive after the above mentioned periods must obtain a British driving licence and those holders of community licences with vocational entitlement who live in Britain must register their details with the DVLA.

Those drivers who hold a licence issued in a country outside the EC or EEA countries is in a very different situation. Accordingly, any visitor to the UK who wishes to drive a horsebox may only do so if the vehicle is up to 3.5 tonnes provided the driver's full driving licence or driving permit remains valid for up to twelve months from the date of entry into Great Britain. However, those horseboxes which exceed 3.5 tonnes may not be driven by those who hold a non British, non EC / EEA country licence save for the very limited situation where the driver has actually driven the horsebox into Britain in circumstances where the horsebox is registered outside Britain. Any person from outside the EC or EEA countries who hold a vocational licence to drive large goods vehicles must not drive a horsebox exceeding 3.5 tonnes until they have passed the relevant British driving test and driving test candidates are required to pass a motor car (category B) test first before applying for provisional entitlement for larger vehicles.

Those drivers who drive horseboxes without the appropriate licensing entitlement expose themselves to prosecution by the enforcement agencies in respect of using the vehicle without insurance cover which carries a maximum fine of £5,000 and penalty points of between six and eight or a discretionary disqualification from driving. In addition, the driver will also commit an offence of driving otherwise than in accordance with a driving licence which is punishable with a maximum fine of up to £1,000 and endorsement with between three and six penalty points or imposition of a discretionary period of disqualification from driving. Those who allow unlicensed drivers to drive horseboxes expose themselves to the risk of prosecution and punishment in a very similar manner to the way in which the driver can be dealt with by the court.

It will be appreciated from the above that those who drive horseboxes and those who allow people to drive horseboxes must be vigilant to ensure that the appropriate licensing entitlement is in place. Non compliance can for both parties have severe consequences both in terms of punishment in the criminal courts and, in the event of accident, there could be civil ramifications in respect of a damages claim where insurance cover may be compromised.

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