

Driver CPC training fact sheet

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More info and latest terms:	nfuonline.com/cpc



What is it?

Driver CPC is a professional driving qualification separate from your driving licence. It applies to commercial drivers of passenger carrying vehicles with more than 8 passenger seats (in addition to the driver's seat i.e. minibus drivers) and large goods vehicle over 3.5t (i.e. livestock wagon drivers). New drivers must obtain their Driver CPC by passing a series of theory and practical tests before they can drive commercially. This is called the "initial qualification". This must then be followed by **35 hours of periodic training every 5 years**.

If you had your driving licence issued before 10th September 2008 for passenger carrying vehicles, and 10th September 2009 for large goods vehicle drivers, you will hold '**acquired rights**' whereby they will only have to **undertake the 35 hours of periodic training** and not the series of initial tests.

Who has to have one?

The table below shows common vehicles used in agriculture and whether they require Driver CPC.

Vehicle	Licence Categories	Driver CPC required
Passenger vehicles over 8 passenger seats	D, D1, D+E, D1+E	Yes
Passenger vehicles over 8 passenger seats	D101, Other D Category marked "not for hire or reward"	Yes
Goods vehicles over 3.5t	C, C1, C+E, C1+E	Yes
Tractor and Trailer	F	No
Pickup or dual purpose vehicle with or without trailer	B, B+E	No
Car	B	No
Telehandler (taxed and used as an agricultural motor vehicle)	B	No
Quad bike	B	No
Other agricultural motor vehicle (taxed and used as an agricultural motor vehicle) e.g. combine, self-propelled sprayer etc	B	No

When did it come into force?

The regulation was introduced for bus and coach drivers (D, D1 category) on 10th September 2008 and for lorry drivers (C, C1 category) on 10th September 2009

Are there exemptions?

The table below shows common vehicles used in agriculture and whether they require Driver CPC.

Exemptions from driver CPC	
Exemption	Comment
Is used for non-commercial carriage of passengers or goods for personal use.	<p>Non-commercial movement of passengers or goods relates to the movement of goods for personal use and not connected to your business.</p> <p>Horse wagons may not be included as long as the movement of the horses is not in relation to the business.</p> <p>For organisations; VOSA and the DSA have indicated non-commercial activity is only likely to apply to passenger vehicles being operated by non-profit-making organisations – eg passenger vehicles driven for non-commercial bodies under a section 19 (educational) or 22 (community) permits. They have not said that the exemption will extend to those who undertake driving for a commercial operation on a “not for hire or reward” basis.</p> <p>VOSA and DSA have indicated that they believe this is likely to apply to operations where the vehicle is the ‘tool box’ for the main activity. The DSA indicate that 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.</p> <p>Produce and livestock has not been classified as “material or equipment” even when this is to take it from the field to the farm, or from farm to local market.</p>
Is undergoing road tests for technical development, repair or maintenance purposes or is a new or rebuilt vehicle which has not yet been put into service.	
Is used in the course of driving lessons for any person wishing to obtain a driving licence or Driver CPC	
Is carrying material or equipment to be used by the driver in the course of his or her work, provided that driving the vehicle is not the driver's principal activity	
Vehicles used by, or under the control of the armed forces, civil defence, the fire service and forces responsible for maintaining public order	
Has a maximum authorised speed not exceeding 45kph.	DSA guidance states that this relates to the legally permitted speed of the vehicle. It would not apply to a vehicle with a speed limiting device fitted.
Is used in states of emergency or assigned to rescue missions	

What form will the Periodic Driver CPC take?

The 35 hours is split into 7 hours periods which could include one of the following topics

- Drivers hours, working time & tachographs
- Emergency aid & manual handling
- Safe and economical driving & vehicle checks
- Customer care & defensive driving
- Health & safety in the transport industry and driver awareness.

Once a course has been completed the course centre will upload the CPC completed to a database. A Driver CPC card will be issued to the driver which he will have to keep with him whenever he is driving a qualifying vehicle.

Where can I undertake a Driver CPC Course?

Courses are approved by a government agency called JAUPT (Joint Approvals unit for Periodic Training) their website has a search function for approved course centres <http://www.jaupt.org.uk/Centre+and+Course+Search>

Alternatively you can call 0300 2001122.

How much will the Driver CPC cost?

Course costs will vary, but it will range from approximately £50-£100 per 7 hour course, making the total cost £250- £500 per five year period.

What about foreign seasonal drivers?

Driver CPC is a European requirement so all member states will have courses for drivers to undertake Driver CPC. You must ensure that your drivers have undertaken the Driver CPC (or make sure that the labour provider is checking). Different member states are in different stages of implementing the requirements so it is important to check they have undertaken the full 35 hours of training to be able to drive in the UK. Checks can be undertaken through:

1. Pre-employment checks and;
2. Contacting the Driver Standards Agency to verify with their central database.

The last 7 hours of CPC training must have been undertaken in the UK, but the remainder of the training can be undertaken in another Member State. The driver must be able to prove that the training has been undertaken to obtain his Driver CPC card. If the driver is from a country outside of the EU, they still have to undertake the 35 hours of periodic training or initial training as required.

What are the penalties if I don't do it?

VOSA are the enforcing agency and the following offences apply

Offence	Maximum Penalty
No driver CPC held (by driver) when required	£1000
Causing or permitting the above	£1000
Driver failing to carry driver CPC card when driving	£1000
Failing to notify of lost, damaged or stolen card or failing to return lost card if found later	£1000
Person guilty of forgery or false statements	Prison sentence of up to two years, a fine or both

The 35 hours must be completed by the time the vehicle is next driven. This also applies where someone returns to driving a qualifying vehicle commercially. i.e. they must have completed the 35 hours in total before they start to drive again.

What if I use the minibus for a non-work activity?

Only the courts can decide whether an activity is part of a commercial activity or not. The DSA guidance gives an example of an owner operator taking goods to a friend's house out of hours as a favour and for no payment as not requiring Driver CPC. However, it goes on to state that the driver would have to satisfy the inspector that the activity was not being undertaken on a commercial basis.

What about transport of passengers in other vehicles?

Transport in a vehicle with fewer than 8 seats would be exempt (as it would be driven on a B category car licence). Our opinion is that this would not extend to a minibus that had seats removed but we are unaware of any case law that relates to this point specifically. You need to ensure that your insurance covers you for transporting passengers where this is on a hire or reward basis in any vehicle.

Carrying people in trailers on the public highway “for hire or reward” is illegal. Even if the movement does not constitute “hire or reward” the transport of the passengers must be undertaken safely. What is determined as “safe” is a matter of fact and degree; but it is likely in the event of an accident the enforcement authorities would benchmark against the safety provisions for other passenger carrying vehicles on the road.

Towing people in a trailer behind a tractor could also have implications for use of red diesel. As the vehicle is being used to carry passengers it could also be interpreted by a court as not being driven in accordance with an “f” category (tractor) licence and therefore a D category licence and hence CPC may apply. Insurance policies are also unlikely to cover this type of activity. The above advice would also apply to vans modified to take passengers.

What about transport of livestock to a local market?

Use of a livestock trailer behind a utility vehicle or tractor would be exempt as they are driven on B or F Category licence. Currently those that use livestock wagons would have to comply with the requirements for Driver CPC, even if you are transporting your own livestock on your own account.

What has the NFU done to apply for an exemption for agriculture?

We do not consider the application of the Driver CPC to all driving in agriculture as being appropriate or proportionate. We have consistently pressed DSA, VOSA and DfT officials to try to obtain clarification as to when the exemptions listed in the table above would apply to agriculture, especially as to when driving is not the driver’s “principal activity”.

We raised the issue as part of the Governments Farming Regulation Task Force, and the Governments Red Tape Challenge reviews as being an area of unnecessary and disproportionate red tape.

When it was clear the matter could not be resolved with civil service. We wrote to ministers outlining our substantial arguments. We suggested guidance and exemptions that would help to clarify the situation.

When we received an unsatisfactory response from the government and new guidance was published earlier this year, we again surveyed the views of our membership and wrote to the Ministers and DfT officials outlining the concerns that we have and the potential impact of the introduction of this disproportionate red tape.

The DSA is currently consulting on an exemption relating to limited use by mechanics. The current proposed exemption which includes a clause for those “not carrying goods or passengers” will do little to alleviate our concerns and provide the necessary exemption for incidental drivers. We are however, using this opportunity to state our case again to the government.

What can I do?

If you are writing to or meeting your M.P in the coming months, you should make reference to the following:

We urge the government to:

1. Review the current (DSA) guidance and include livestock within the definition of “materials” and to include an example of a farmer going to market, or a slaughterhouse, with his own produce as an example of where driving is not the driver’s principal activity.
2. Review the current (DSA) guidance so that those who are driving “not for hire or reward”, should be considered to be undertaking non-commercial driving, and therefore should be exempt from the requirements to hold Driver CPC.
3. Include an exemption in the Government guidance or regulations for incidental drivers in agriculture. Such an exemption could be worded as “vehicles used or hired, for carrying goods or passengers as part of an agricultural, horticultural, forestry undertaking, driving for no more than 4 hours a day, shall be considered as being in the course of the farmers own work and not a commercial activity.” (This is similar to the derogation used for tachographs and red diesel.)

If your M.P. is particularly interested in this issue, please send through their details and we will be in touch with further ways they can assist us.

Further information.

<https://www.gov.uk/driver-certificate-of-professional-competence-cpc/overview>

<http://www.nfuonline.com/business/transport/driver-cpc-what-you-need-to-know-have-your-say/>

<http://www.nfuonline.com/business/transport/deadline-approaches-for-driver-cpc/>

The NFU can take no responsibility for any consequences arising from individual circumstance which cannot be fully accounted for in this draft. It is advisable to seek professional advice. For free initial Legal and Professional advice call NFU CallFirst 0370 875 8458.