

The Train Driving Licences and Certificates (Amendment) Regulations 2022: draft legislation

As part of the government's EU transition programme, the Department for Transport (DfT), working with other government departments, has been negotiating bilateral arrangements with France to support the continuation of cross-border rail services, which provide significant economic and social benefit to the United Kingdom.

The purpose of these draft regulations, which are being published today (18 October 2021), is to provide for the continued recognition of EEA issued train driving licences ('European TDLs') in the UK section of Channel Tunnel cross-border area, so that a bilateral agreement (currently agreed in principle at a technical level) for the mutual recognition of British and European TDLs will be able to be ratified once in place.

Without making these regulations, and the proposed agreement they will implement, European TDLs would cease to be valid in the Channel Tunnel border area from 31 January 2022.

These regulations will provide for the continued recognition of European TDLs only in the UK section of the Channel Tunnel Fixed Link up to Ashford International Station and Dollands Moor freight terminal in Kent. This will be reciprocated in France with respect to British train driving licences up to Fréthun freight and passenger terminals in Calais.

The draft regulations make the necessary amendments to domestic train driving licensing legislation to support the implementation of the proposed bilateral agreement. This will be achieved by amending the Train Driving Licences and Certificates Regulations 2010.

The agreement, and by extension these regulations, are fully compatible with our fundamental red lines in these negotiations, which are to support the continuation of cross-border services, which provide economic and social benefit to the UK while conferring no role for the EU courts or the European Union Agency for Railways in UK territory and avoiding dynamic alignment with EU law.

The bilateral agreement has now been agreed in principle at a technical level and is expected to be ready for signature soon. Subject to approval by Parliament, the intention is that the regulations will be made and come into force after the bilateral agreement has been signed.

In the unlikely event that France is not subsequently able to ratify the bilateral agreement, we will look to revoke the changes and recognition of European TDLs put in place by these regulations.

The regulations are being published in draft 28 days before they are due to be laid for affirmative debate. This is required under paragraph 14 of Schedule 8 to the European Union (Withdrawal) Act 2018, because the Train Driving Licences and Certificates Regulations 2010 were made using powers under the European Communities Act 1972.

See the [Draft regulations and accompanying explanatory memorandum](#).