

Deputy Beatriz Porée  
Chair  
Scrutiny Work Permit Holder Welfare Review Panel

By email

13 April 2023

Dear Deputy Porée,

Thank you for your letter of 4<sup>th</sup> April regarding the use of Kenyan driving licences in Jersey.

Most jurisdictions require their drivers to have undertaken some form of practical driving test, the standard of which varies. All EU and UK tests are conducted to meet the standards described in Directive 2006/126/EC (the Third Directive).

Where drivers move to a new jurisdiction and become resident, to continue driving they are required to either undertake a driving test or, in certain cases, exchange their driving licence from their former jurisdiction without the need to take a further test.

Within the EU and UK, licences will only be accepted for exchange without the need for a driving test if they were originally issued in either the EU, UK or a select number of other jurisdictions that have been assessed to issue driving licences at similar standards to the Third Directive.

Jersey exchanges driving licences with jurisdictions which either meet the Third Directive requirements or have been assessed by the UK Department for Transport (DfT) as meeting similar standards.

Third Directive standards ensure that drivers have achieved a minimum competence which enhances safe driving in the Island. The Third Directive also sets standards for the physical characteristics, security features and administration of the driving licence, which prevent the licence from being used as a fraudulent identity document.

The UK do not exchange driving licences issued in Kenya and in 2013<sup>1</sup> UK laws were amended to prevent drivers from non-exchangeable jurisdictions obtaining a UK licence by first obtaining a licence in an accepted jurisdiction (known as third country circumvention).

If Jersey were to exchange licences not recognised by the UK, Jersey would be seen as providing a third country circumvention route to obtain a UK driving licence. This would be damaging to Jersey's reputation.

Being viewed as a potential third country circumvention route, our inclusion in current and future exchange agreements negotiated through the UK Department for Transport (DfT),

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<sup>1</sup> [Law on driving licence exchange tightened to improve road safety - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/law-on-driving-licence-exchange-tightened-to-improve-road-safety)

would be jeopardised, resulting in Jersey issued driving licences being accepted in fewer jurisdictions.

While neither the UK or Jersey accept Kenyan driving licences for exchange, Kenyan drivers visiting Jersey or the UK are permitted to circulate on their national licence, when accompanied by a valid International Driving Licence. This is possible as a non-resident under international circulation rules set out by the United Nations' Vienna Convention to which Jersey and Kenya are parties. This is the same basis on which visiting Jersey drivers can circulate around much of mainland Europe.

However, as with other many other nationalities, where Kenyan licence holders become resident in Jersey, they are subject to domestic law and are required to retake their test immediately to be able to continue to legally drive.

I have asked my officers to investigate the feasibility of a 12-month grace period from start of Jersey residency to provide new Island residents more time to take a Jersey driving test.

Yours sincerely,



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