

2006 No. 524

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2006**

Made - - - - - *27th February 2006*

Laid before Parliament *9th March 2006*

Coming into force

for all regulations other than regulation 9(3) 1st April 2006

for the purpose of regulation 9(3) 1st July 2007

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 89(3) and (4), 97(3), 105(1) and (3) of the Road Traffic Act 1988(a).

In accordance with section 195(2) of that Act, he has consulted with such representative organisations as he thinks fit.

Citation and commencement

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2006.

(2) Regulation 9(3) shall come into force on 1st July 2007 and all other regulations shall come into force on 1st April 2006.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

2. The Motor Vehicles (Driving Licences) Regulations 1999(b) are further amended in accordance with regulations 3 to 9.

3.—(1) Regulation 17 (meaning of “qualified driver”) is amended as follows.

(2) For paragraph (3)(c) to (f) and the Table substitute—

“(c) “relevant licence” means, subject to sub-paragraph (d), a full licence authorising—

(i) the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder, and

(ii) where sub-paragraph (f) applies—

(a) 1988 c.52; see section 108(1) for the definition of “regulations”; section 89(3) was amended by the Road Traffic Act 1991(c.40) Schedule 4, paragraph 63; section 97(3) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), sections 6(2), 16 and Schedule 6; the Transport Act 2000 (c.38), Schedule 31, Part 5(1); S.I. 1996/1974 and 1998/1420.

(b) S.I.1999/2864; relevant amending instruments are S.I. 2003/2003, 2005/1975, and 2005/2717.

- (aa) where that class of vehicle is included within any sub-category specified in column 1 of the table at the end of this regulation, the driving of vehicles in the sub-category specified in column 2 which is opposite that sub-category, or
- (bb) where sub-paragraph (aa) does not apply, the driving of vehicles in the category specified in column 2 of that table which is opposite the category specified in column 1 that includes the class of vehicle being driven by the provisional licence holder;
- (d) in the case of a disabled driver who holds a licence authorising the driving of vehicles in category B, a relevant licence must authorise the driving of vehicles other than vehicles in sub-category B1 or B1 (invalid carriages);
- (e) a person has relevant driving experience if—
 - (i) where sub-paragraph (c)(i) only applies, he has held the relevant licence for a period of 3 years, or
 - (ii) minimum where sub-paragraph (c)(ii) applies, he has held the relevant licence authorising the driving of vehicles—
 - (aa) of the same class as the vehicle being driven by the provisional licence holder for a minimum period of 1 year, and
 - (bb) in the category or sub-category specified in column 2 described in sub-paragraph (c)(ii) for a minimum period of 3 years;
- (f) this sub-paragraph applies where—
 - (i) a person holds a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder;
 - (ii) that class is included in a category or sub-category specified in column 1 of the table at the end of this regulation, and
 - (iii) that person has held that licence for less than a minimum period of 3 years;
- (g) for the purposes of sub-paragraphs (e) and (f), the minimum period of time for holding a full licence may be met either by holding that licence continuously for that period or for periods amounting in aggregate to not less than that period.

TABLE

<i>Column 1</i> <i>Categories and sub-categories which include the vehicle being driven by the provisional licence holder</i>	<i>Column 2</i> <i>Categories and sub-categories authorised by the relevant licence</i>
C	D
C1	D1
C+E	D+E
C1+E	D1+E
D	C

D1

C1

D+E

C+E

D1+E

C1+E”

4. In regulation 22 (interpretation of Part 3) after the definition of “motor bicycle instructor” insert—

““motor car instructor” means a person operating an establishment for providing instruction in the driving of vehicles included in category B, including an establishment which provides tuition to prepare persons for the theory test;”.

5.—(1) Regulation 26 (applications for theory tests: applicants in person) is amended as follows.

(2) For paragraph (1)(c) omit from “in the case of an application” to “day of the test and”.

(3) In paragraph (3), for “regulation 27 or 28” substitute “regulation 27, 28 or 28A”.

6. After regulation 28 (applications for theory tests: large vehicle instructors) insert the following new regulation—

“28A Applications for theory tests: motor car instructors

(1) A motor car instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category B to be conducted by an appointed person and to be taken by a person who has, or will have, received from that instructor tuition to prepare him for the theory test shall—

- (a) apply for such an appointment to the appointed person, specifying the date and time of the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to himself, the establishment and nature of the test as the appointed person may reasonably require,
- (c) pay the fee (recoverable from the person nominated under paragraph (4)) specified in regulation 30.

(2) The appointed person may refuse to accept an application from a motor car instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where any appointment specified in the application is unavailable, or where, in the opinion of the appointed person, it is reasonably necessary to do so in the general interests of applicants for theory tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the appointed person shall confirm to the motor car instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the appointed person receives from the motor car instructor the name and such further details relating to—

- (a) the person receiving tuition from that instructor who will at the appointment submit himself for that test, and
- (b) the nature of the test,

as the appointed person may reasonably require, the appointed person shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a motor car instructor pursuant to paragraph (4) for a theory test prescribed in respect of any category may neither be so nominated nor apply under regulation 26 for a further appointment for such a test unless—

- (a) the appointment made pursuant to the first nomination has been cancelled, or

(b) the test due on that appointment does not take place for any reason other than cancellation, or

(c) he has kept that appointment (whether or not the test is completed).

(6) The qualifying period for the purposes of paragraph (4) is the period ending at 16.00 hours on the day which allows one clear working day to elapse between that day and the day for which the appointment is made.”

7.—(1) Regulation 30(1) (fees for theory tests) is amended as follows.

(2) For “motor car” substitute “motor vehicle”.

(3) For “where the test is to be conducted”, in both places substitute “where the application is made”.

8. In regulation 35(3A) (fees in respect of practical or unitary tests) for “in the case of a test to be conducted” in both places substitute “in the case of an application made”.

9.—(1) Regulation 37 (test vehicles) is amended as follows.

(2) After paragraph (10B) insert—

“(10C) A person submitting himself for a practical test prescribed in respect of category C or C+E shall provide a motor vehicle in which any seat which is used by the person conducting the test and any seat used by any person authorised by the Secretary of State to attend the test for the purpose of supervising it or otherwise, are each fitted with a properly anchored and functioning two or three-point seat belt.

(10D) A person submitting himself for a practical test prescribed in respect of category B+E, C, C+E, D or D+E shall provide a motor vehicle which is fitted with an exterior nearside mirror and an exterior offside mirror providing adequate rearward vision from the seat occupied by the person conducting the test.”

(3) In paragraph (10C), for “C or C+E” substitute “C, C+E, D or D+E”.

Signed by authority of the Secretary of State

27th February 2006

Stephen Ladyman
Minister of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (the “principal Regulations”).

Regulation 3 concerns the minimum period for which a qualified driver who supervises a provisional licence holder must hold a licence authorising the driving of a category of vehicle in the same category as the vehicle being driven by the provisional licence holder. The principal Regulations introduced a requirement that this must be for a minimum three year period. The Motor Vehicles (Driving Licences) (Amendment) (No 2) Regulations 2005 (S.I. 2005/2717) amended this requirement by widening the categories of vehicle in respect of which any person supervising a provisional licence holder driving, broadly a coach, bus or lorry may hold a licence so that in some circumstances such a qualified driver need not hold such a licence for a minimum three year period. Those amending Regulations inadvertently removed the minimum three year requirement in respect of other categories of vehicle. Regulation 3 amends regulation 17 of the principal Regulations so as to restore this requirement in respect of such other vehicles. (Categories of motor vehicle and their sub-categories are described in Schedule 2 of the principal Regulations.)

Regulation 3 also amends regulation 17 of the principal Regulations concerning the circumstances in which a qualified driver supervising a provisional licence holder driving, broadly, a coach, bus or lorry, may hold a licence which does not authorise the driving of a class of vehicle in the same class as the vehicle being driven by the provisional licence holder. Broadly such a person must have held a licence of a type specified for a minimum period of three years provided that licence also authorises the driving of vehicles in the same category as the vehicle being driven by the provisional licence holder and he has held that entitlement for a minimum period of one year. For example, a person supervising a provisional licence holder driving a vehicle in category C could hold a licence which authorises the driving of category C vehicles which he has held for a minimum period of one year and which authorises the driving of category D vehicles which he has held for a minimum period of three years.

Finally *Regulation 3* concerns a transitional provision in the principal Regulations relating to qualified drivers supervising provisional licence holders of certain categories of vehicle (broadly, buses, lorries and coaches) who were permitted to hold licences in the same category as the vehicle driven by the provisional licence holder for less than the three year minimum period. This was on condition that the qualified driver had held such licence continuously from 6th April 1998 and had held a full licence authorising the driving of vehicles in category B (cars) for a three year minimum period. This provision became spent on 6th April 2001. From that date such drivers automatically met the requirement to have held for a minimum period of three years a licence in the same category as the vehicle being driven by the provisional licence holder. Regulation 3 removes this spent provision.

Regulations 4, 5 and 6 amend the principal Regulations so as to allow instructors of drivers of motor cars to make block bookings for theory driving tests for their pupils.

Regulation 5 also removes a spent provision concerning tests conducted before 4th January 2000.

Regulation 7 amends the principal Regulations by removing an error in the regulation specifying fees for theory tests by substituting “motor vehicle” for “motor car”.

Regulations 7 and 8 amend the principal Regulations so as to specify that the fee for taking theory and practical or unitary tests is determined according to whether the application for the test is made before 1st April 2006, or on or after that date, rather than according to whether the test is to be conducted before 1st April 2006, or on or after that date.

Regulation 9(2) amends the principal Regulations so as to require category C and C+E vehicles (broadly lorries with or without trailers) that are provided for practical driving tests to be fitted with seat belts for use by the examiner and any person authorised by the Secretary of State to be

present at the test for the purpose of supervising it or otherwise. It also amends the principal Regulations so as to require certain vehicles (broadly cars, lorries and buses with or without trailers) provided for practical driving tests to be fitted with nearside and offside mirrors that give the examiner adequate rearward vision.

Regulation 9(3) amends the principal Regulations so as to make the requirement relating to seatbelts introduced by regulation 9(2) apply also in respect of category D and D+E vehicles (broadly buses).

All the regulations come into force on 1st April 2006, except for regulation 9(3) which comes into force on 1st July 2007.

These Regulations are made in conjunction with the Motor Cars (Driving Instruction) (Amendment) Regulations 2006. A combined full regulatory impact assessment of the effect that these amendments will have on the costs of business is available from the Driving Standards Agency, Stanley House, Talbot Street, Nottingham NG1 5GU. The regulatory impact assessment may also be accessed on the Office of Public Information website www.opsi.gov.uk and on the Driving Standards Agency's web-site at www.dsa.gov.uk.

2006 No. 524

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2006**

£3.00

ISBN 0-11-074138-2

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0259 3/2006 160259T 19585

9 780110 741383