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 STATUTORY INSTRUMENTS
 

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## 1981 No. 952

## ROAD TRAFFIC

## The Motor Vehicles (Driving Licences) Regulations 1981

<i>Made</i> - - - -	1st July 1981
<i>Laid before Parliament</i>	22nd July 1981
<i>Coming into Operation</i>	12th August 1981

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The Secretary of State for Transport hereby makes these Regulations in exercise of the powers conferred by sections 84, 85, 86, 87, 88, 89, 96, 107 and 108 of the Road Traffic Act 1972(a), and now vested in him(b), and of all other enabling powers and after consultation with representative organisations in accordance with section 199(2) of the said Act of 1972, and, in the case of Regulations 6 and 17, with the approval of the Treasury.

#### PART I—PRELIMINARY

##### *Commencement and citation*

1. These Regulations shall come into operation on 12th August 1981, and may be cited as the Motor Vehicles (Driving Licences) Regulations 1981.

##### *Revocation and saving*

2. The Regulations specified in Schedule 1 are hereby revoked but, subject as hereinafter provided, any reference in any application or appointment made, notice or approval given, licence, certificate or other document granted or issued or other thing done under the said Regulations to any provision of the Regulations revoked by these Regulations, whether specifically or by means of a general description, shall, unless the context otherwise requires, be construed as a reference to the corresponding provision of these Regulations.

##### *Interpretation*

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Act of 1960” means the Road Traffic Act 1960(c);

“Act of 1972” means the Road Traffic Act 1972;

“clerk to the traffic commissioners” means the clerk to the traffic commissioners for any traffic area constituted for the purposes of Part III of the Act of 1960;

“controlled by a pedestrian” in relation to a vehicle means that the vehicle either—

(a) is constructed or adapted for use under such control; or

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(a) 1972 c. 20; section 84 was amended by the Road Traffic Act 1974 (c. 50) (“the Act of 1974”), section 13 and Schedule 3, paragraph 1 and by the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c. 3) (“the Act of 1976”), section 1 and Schedule 1, paragraph 1; section 85 was amended by the Act of 1976, section 1 and Schedule 1, paragraph 2; section 87 was amended by the Act of 1974, section 13 and Schedule 3, paragraph 2; section 88 was amended by the Act of 1974, section 13 and Schedule 3, paragraph 4 and by the Act of 1976, section 1 and Schedule 1, paragraph 3; section 89 was amended by the Act of 1974, section 13 and Schedule 3, paragraph 5; section 96 was substituted by the Act of 1976, section 1 and extended by the Transport Act 1980 (c. 34), section 37.

(b) S.I. 1979/571 and 1981/238.

(c) 1960 c. 16.

(b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it;

“disability” includes disease;

“full licence” means a licence other than a provisional licence;

“group” in relation to a class of motor vehicles means a group of motor vehicles of the classes specified in the second column of Schedule 3, and a group identified by a letter means the group corresponding to the letter in the first column of that Schedule;

“kerbside weight” has the same meaning as in Regulation 46(4) of the Motor Vehicles (Construction and Use) Regulations 1978(a);

“licence” means a licence to drive a motor vehicle granted under Part III of the Act of 1972;

“licensing authority” means the Secretary of State;

“maximum design speed” has the same meaning as in Regulation 46(4) of the Motor Vehicles (Construction and Use) Regulations 1978;

“moped” means—

(i) in the case only of motor cycles which are first used on or after 1st August 1977, a motor cycle (not being a motor vehicle of group K) which has a maximum design speed which does not exceed 30 mph, a kerbside weight which does not exceed 250 kg, and, if propelled by an internal combustion engine, an engine the cylinder capacity of which does not exceed 50 cc, or

(ii) in the case only of motor cycles which are first used before 1st August 1977, a motor cycle which has an engine with a cylinder capacity not exceeding 50 cc and is equipped with pedals by means of which the cycle is capable of being propelled;

“provisional licence” means a licence granted by virtue of section 88(2) of the Act of 1972;

“test” means a test of competence to drive conducted under section 85 of the Act of 1972;

“vehicle propelled by electrical power” means a vehicle of which the motive power is solely derived from any electrical storage battery carried on the vehicle and not connected to any source of power when the vehicle is in motion;

“vehicle with automatic transmission” means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(2) In determining for the purpose of these Regulations when a motor cycle is first used, the date of such first use shall be taken to be such date as is the earliest of the undermentioned relevant dates applicable to that cycle—

(a) in the case of a motor cycle registered under the Roads Act 1920(b), the Vehicles (Excise) Act 1949(c), the Vehicles (Excise) Act 1962(d) or the Vehicles (Excise) Act 1971(e), the relevant date is the date on which it was first so registered; and

(a) S.I. 1978/1017.

(c) 1949 c. 89.

(e) 1971 c. 10.

(b) 1920 c. 72.

(d) 1962 c. 13.

(b) in each of the following cases:—

- (i) in the case of a motor cycle which is being or has been used under a trade licence as defined in section 16 of the Vehicles (Excise) Act 1971 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);
- (ii) in the case of a motor cycle which belongs or has belonged to the Crown and which is or was used or appropriated for use for naval, military or air force purposes;
- (iii) in the case of a motor cycle which belongs or has belonged to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(a) applies;
- (iv) in the case of a motor cycle which has been used on roads outside Great Britain and has been imported into Great Britain; and
- (v) in the case of a motor cycle which has been used otherwise than on roads after being sold or supplied by retail and before being registered,

the relevant date is the date of manufacture of the cycle.

In this paragraph "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of re-sale or re-supply for a valuable consideration.

(3) The provisions of Regulation 46(5) of the Motor Vehicles (Construction and Use) Regulations 1978 shall apply for determining, for the purposes of the definition of "moped" in paragraph (1) above, whether the maximum design speed of a motor cycle does not exceed 30 mph.

(4) A reference in these Regulations to a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations except where otherwise expressly provided.

(5) In these Regulations references to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment.

## PART II—LICENCES

### *Minimum ages for holding or obtaining licences*

4.—(1) Subsection (1) of section 96 of the Act of 1972 (which specifies the minimum age for holding or obtaining a licence to drive certain classes of motor vehicles) shall have effect as if in the Table in that subsection—

- (a) in item 2, the age of 17 were substituted for the age of 16 in relation to all motor cycles other than—
  - (i) mopeds,
  - (ii) motor cycles which are mowing machines, or
  - (iii) motor cycles which are vehicles controlled by a pedestrian;

(b) in item 3, the age of 16 were substituted for the age of 17 in the case of a person to whom an award of a mobility allowance has been made in pursuance of section 37A of the Social Security Act 1975(a) provided that where the award was made before he attained the age of 16 it is in force when he attains that age;

(c) in item 4, in relation to an agricultural tractor which—

(i) is so constructed that the whole of its weight is transmitted to the road surface by means of wheels;

(ii) has an overall width not exceeding 8 feet;

(iii) is chargeable with duty under section 1 of the Vehicles (Excise) Act 1971 by reference to paragraph 1 of Schedule 3 to that Act as being an agricultural machine or, by virtue of the provisions of section 7(1) of that Act, is not chargeable with duty thereunder; and

(iv) is driven without a trailer attached to it, other than a trailer which has an overall width not exceeding 8 feet and which is either a two-wheeled or close-coupled four-wheeled trailer,

the age of 16 were substituted for the age of 17, but in the case of a person who has not passed the test of competence prescribed under section 85(2) of the Act of 1972 to drive such a tractor, only while taking, proceeding to or returning from, such a test;

(d) in item 6, the age of 17 were substituted for the age of 21 in relation to a road roller falling within that item if the roller—

(i) is propelled otherwise than by steam;

(ii) has an unladen weight not exceeding 11½ tons; and

(iii) is not constructed or adapted for the conveyance of a load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools, loose equipment and objects such as are mentioned in paragraph (3) below,

and if no wheel of the roller is fitted with a pneumatic, soft or elastic tyre;

(e) in item 6, the age of 18 were substituted for the age of 21 in the case of a person who fulfils the conditions—

(i) that he is employed by a registered employer, and

(ii) that he is a registered employee of such an employer,

in relation to any vehicle (other than a road roller) which is a heavy goods vehicle (hgv) of a class to which his training agreement applies and is owned by his employer or by a registered hgv driver training establishment;

(f) in item 6, the age of 18 were substituted for the age of 21 in relation to a large passenger vehicle where—

(i) the driver of the vehicle is not engaged in the carriage of passengers and either holds a licence to drive a public service vehicle granted under section 144 of the Act of 1960(b), is undergoing a test of his ability to drive a public service vehicle in pursuance of Regulations for the time being in force under that section, or is acting under the supervision of a person who holds such a licence; or

(a) 1975 c. 14; section 37A was inserted by section 22(1) of the Social Security Pensions Act 1975 (c. 60).

(b) Section 144 of the Act of 1960 was amended by paragraph 4(c) in Part I of Schedule 5 to the Transport Act 1980 (c. 34).

(ii) the driver holds such a licence and is engaged in the carriage of passengers—

(a) on a regular service over a route which does not exceed 50 kilometres; or

(b) on a national transport operation when the vehicle used is constructed and equipped to carry not more than 15 persons including the driver,

and in either case the operator of the vehicle holds a PSV operator's licence, granted under Part I of the Transport Act 1980, not being a licence which is of no effect by reason of its suspension;

(g) in items 5 and 6, the age of 17 were substituted for the ages of 18 and 21 respectively in the case of members of the armed forces of the Crown in relation to any vehicle when being used in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939 which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959(a), by section 2 of the Emergency Powers Act 1964(b).

(2) For the purposes of paragraph (1)(c) above any implement fitted to a tractor shall be deemed to form part of the tractor notwithstanding that it is not a permanent or essentially permanent fixture, and in that paragraph—

(i) “overall width”, in relation to a vehicle, means the width of the vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of any driving mirror and so much of the distortion of any tyre as is caused by the weight of the vehicle; and

(ii) “close-coupled”, in relation to a trailer, means that the wheels on the same side of the trailer are so fitted that at all times while it is in motion they remain parallel to the longitudinal axis of the trailer, and that the distance between the centres of their respective areas of contact with the road surface does not exceed 33 inches.

(3) For the purposes of paragraph 1(d) above the unladen weight of a vehicle shall be treated as including the weight of any object for the time being attached to the vehicle, being an object specially designed to be so attached for the purpose of temporarily increasing the vehicle's gross weight.

(4) In paragraph 1(e) above and in this paragraph—

“heavy goods vehicle” has the same meaning as in section 124 of the Act of 1972;

“registered” means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

“the Training Committee” means the committee which has been established by the employers' associations and the trade unions in the road goods transport industry with a constitution approved by the Secretary of State and which is known as the National Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry;

“the training scheme” means the scheme which has been established by the Training Committee with the approval of the Secretary of State for training young drivers of hgv's and which provides for—

(a) 1959 c. 19.

(b) 1964 c. 38.

- (a) the registration by the Training Committee of employers who are willing and able to provide hgv driver training for persons employed by them,
- (b) the registration by the Training Committee of persons operating establishments for providing hgv driver training,
- (c) a syllabus for hgv driver training, and
- (d) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, hgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;

and "training agreement", in relation to an individual who is undergoing, or is to undergo, such training as aforesaid, means his agreement therefor with his registered employer in pursuance of the training scheme.

(5) In paragraph (1)(f) above "large passenger vehicle" means a motor vehicle which is constructed solely to carry passengers and their effects and is adapted to carry more than nine persons inclusive of the driver' and expressions used which are also used in the Community Drivers' Ages and Hours of Work Regulation have the same meaning as in that instrument.

(6) In paragraph (5) above, "the Community Drivers' Ages and Hours of Work Regulation" means Council Regulation (EEC) 543/69 on the harmonisation of certain social legislation relating to road transport (a) as amended by Council Regulations (EEC) Nos. 514/72(b), 515/72(c) and 2827/77(d) as read with Regulation 3 of the Community Road Transport Rules (Exemptions) Regulations 1978(e).

(7) Subsections (2) and (3) of section 37 of the Transport Act 1980 are hereby repealed.

#### *Applications for the grant of licences*

5. Applications for the grant of a licence may be received and dealt with at any time within two months before the date on which the grant of the licence is to take effect.

#### *Fees for licences*

6. The fee payable for a licence shall be, in the case of a licence of a description (and in certain instances granted in particular circumstances) specified in column (1) of the Table in this Regulation, the fee specified in relation to that licence in column (2) of that Table.

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(a) O.J. No. L. 77/49 of 29.3.69.

(b) O.J. No. L. 67/1 of 20.3.72.

(c) O.J. No. L. 67/11 of 20.3.72.

(d) O.J. No. L. 334/1 of 24.12.77.

(e) S.I. 1978/1158.

TABLE

(1) Description of Licence	(2) Amount of Fee
1. The first full licence granted to a person on or after 1st January 1976.	£5·00
2. A full licence granted to a person who at no time during the period of 10 years ending on the date of coming into force of the licence has held a full licence, or an equivalent licence under a relevant external law (as defined in section 85(1) of the Act of 1972), authorising him to drive all of the classes of vehicles to which the licence granted relates.	£5·00
3. A provisional licence.	£2·00
4. A duplicate licence.	£2·00
5. A full or provisional licence granted in exchange for a subsisting licence (except where the licence— (a) is granted free of charge pursuant to section 87(5A)(b) or section 89(4) of the Act of 1972, or (b) is granted in exchange for a licence which was revoked under section 87(5) of that Act or could have been revoked under that section or the said section 87(5A)(b)).	£2·00

*Duration of provisional licences*

7. For the purposes of section 89(1)(c) of the Act of 1972, the period during which a provisional licence shall, unless previously revoked or surrendered, remain in force shall be one year.

*Conditions attached to provisional licences*

8.—(1) Subject to the provisions of paragraphs (2), (3) and (4) of this Regulation the holder of a provisional licence shall comply with the following conditions in relation to motor vehicles of a class which he is authorised to drive by virtue of the provisional licence, that is to say he shall not drive or ride such a motor vehicle—

- (a) otherwise than under the supervision of a qualified driver who is present with him in or on the vehicle;
- (b) unless a distinguishing mark in the form set out in Schedule 2 is displayed on the vehicle in such manner as to be clearly visible to other persons using the road from within a reasonable distance from the front and from the back of the vehicle;
- (c) while it is being used to draw a trailer; and
- (d) in the case of a motor bicycle not having attached thereto a side-car, while carrying on it a person who is not a qualified driver:

Provided that where the holder of a provisional licence has passed a test which authorises him to be granted a full licence to drive or ride a particular class of vehicles the above-mentioned conditions shall cease to apply in relation to the driving or riding (as the case may be) by him of motor vehicles of that class.



(2) The condition specified in paragraph (1)(a) of this Regulation shall not apply when the holder of the provisional licence—

- (a) is undergoing a test or a test of competence to drive heavy goods vehicles under Part IV of the Act of 1972; or
- (b) is driving a vehicle (not being a motor car) constructed to carry only one person and not adapted to carry more than one person; or
- (c) is driving a vehicle the unladen weight of which does not exceed 16 hundredweight, being a vehicle propelled by electrical power, constructed or adapted to carry only one person and constructed or adapted for the carriage of goods or burden of any description; or
- (d) is driving a road roller the unladen weight of which does not exceed 3 tons, being a vehicle constructed or adapted for the carriage of goods or burden of any description; or
- (e) is riding a motor bicycle, whether or not having attached thereto a side-car; or
- (f) is driving a motor vehicle on a road in an exempted island.

(3) The condition specified in paragraph (1)(c) of this Regulation shall not apply when the holder of the provisional licence is driving an agricultural tractor, nor shall it prevent the holder of a provisional licence from driving an articulated vehicle.

(4) The condition specified in paragraph (1)(d) of this Regulation shall not apply when the holder of the provisional licence is riding a pedal cycle of the tandem type to which additional means of propulsion by mechanical power are attached.

(5) In this Regulation—

“exempted island” means any island outside the mainland of Great Britain from which motor vehicles, unless constructed for special purposes, can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicles but this expression “exempted island” does not include any of the following islands, namely, the Isle of Wight, St. Mary’s (Isles of Scilly), the islands of Arran, Barra, Bute, Great Cumbrae, Islay, the island which comprises Lewis and Harris, Mainland (Orkney), Mainland (Shetland), Mull, the island which comprises North Uist, Benbecula and South Uist, Skye and Tiree;

“leg disability” means a disability which consists solely of any one or more of the following:—

- (a) the absence of a leg or legs,
- (b) the deformity of a leg or legs,
- (c) the loss of use of a leg or legs,

reference to a leg including reference to a foot or part of a leg or foot, and reference to loss of use, in relation to a leg or foot, including reference to a deficiency of movement or power in the leg or foot;

“qualified driver” means a person who holds—

- (i) in the case of the supervision of the driver of any vehicle including a motor car, a full licence authorising him to drive as a full licence holder the motor vehicle being driven by the holder of the provisional licence, or

- (ii) in the case only of the supervision of the driver of a motor car by a person whose licence is limited, in pursuance of an application in that behalf by him or under section 87(4)(ii) of the Act of 1972, solely on account of a leg disability to motor vehicles of a particular construction or design, a full licence authorising him so to drive motor cars of a class falling within the same group as the motor car being driven by the holder of the provisional licence.

*Restricted provisional licences*

9. A provisional licence shall be restricted so as to authorise only the driving of motor vehicles of a class included in group K in any case where the applicant is unable to read in good daylight (with the aid of glasses if worn) a registration mark fixed to a motor vehicle at a distance of 75 feet in the case of a registration mark containing letters and figures  $3\frac{1}{2}$  inches high or at a distance of 67 feet in the case of a registration mark containing letters and figures  $3\frac{1}{8}$  inches high.

*Full licences not carrying provisional entitlement*

10. A full licence which authorises its holder to drive certain classes of motor vehicles shall not authorise its holder to drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles if it is a licence which—

- (a) is limited to vehicles of a particular construction or design whether pursuant to an application in that behalf by the holder of the licence or pursuant to section 87(4)(ii) of the Act of 1972; or
- (b) authorises its holder to drive vehicles of a class included in group K only.

*Signature of licences*

11. Every person to whom a licence is granted shall forthwith sign it in ink with his usual signature.

*Lost or defaced licences*

12.—(1) If the holder of a licence satisfies the licensing authority that the licence has been lost or defaced the licensing authority shall, on payment of the fee prescribed in Regulation 6, issue to him a duplicate licence and shall endorse thereon any particulars endorsed upon the original licence and the duplicate so issued shall have the same effect as the original.

(2) If at any time while a duplicate licence is in force the original licence is found, the person to whom the original licence was issued, if it is in his possession, shall return it to the licensing authority, or if it is not in his possession, but he becomes aware that it is found, shall take all reasonable steps to obtain possession of it and if successful shall return it as soon as may be to the licensing authority.

PART III—TESTS OF COMPETENCE TO DRIVE

*Persons by whom tests may be conducted*

13. Tests may be conducted—

- (a) by examiners appointed by the licensing authority;
- (b) by the Secretary of State for Defence, in so far as concerns the testing of persons in the service of the Crown under his department;

- (c) in England and Wales, by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947(a) or, in Scotland, by the firemaster of such a brigade, in so far as concerns the testing of members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;
- (d) by any chief officer of police in so far as concerns the testing:—
  - (i) of members of a police force, or
  - (ii) of persons employed in the driving of motor vehicles for police purposes by a police authority or by the Receiver for the Metropolitan Police District;
- (e) by the Commissioner of Police of the Metropolis in so far as concerns the testing of any person who is the holder of or is an applicant for a licence to drive a motor cab by virtue of the Metropolitan Public Carriage Act 1869(b) and of any person residing in the Metropolitan Traffic Area who is the holder of, or an applicant for, a licence to drive a public service vehicle granted under section 144 of the Act of 1960; and
- (f) by any person appointed for the purpose by the licensing authority under the provisions of the next following Regulation.

**14.—(1)** Any person may apply to the licensing authority to be appointed to conduct tests of persons employed or proposed to be employed by him as drivers, and the licensing authority may, if he is satisfied that—

- (a) the number of drivers of motor vehicles ordinarily employed by the applicant exceeds 250;
- (b) proper arrangements will be made by the applicant for the conduct of such tests in accordance with these Regulations; and
- (c) proper records of such tests and the results thereof will be kept by the applicant,

grant the application subject to any special conditions which he may think fit to impose.

(2) The licensing authority may at any time revoke an appointment made by him under this Regulation and the authority to conduct tests shall thereupon cease.

**15.** Any person appointed by paragraph (b), (c), (d), (e) or (f) of Regulation 13 to conduct tests may, subject to the approval of the licensing authority, authorise suitable persons to act as examiners of those who submit themselves for a test.

*Appointments for tests and notice of cancellation thereof*

**16.—(1)** A person who desires to take a test to be conducted by an examiner appointed under paragraph (a) of Regulation 13 shall apply for an appointment for such a test to the clerk to the traffic commissioners.

(2) An applicant for such an appointment as aforesaid shall, when making the application, pay to the said clerk such fee in respect of the test as is specified in paragraph (3) of the following Regulation and the clerk shall make any arrangements necessary for the taking of the test.

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(a) 1947 c. 41.

(b) 1869 c. 115.

(3) For the purposes of paragraph (b) of section 86 of the Act of 1972 (which section specifies the only circumstances in which a fee paid on application for an appointment for a test may be repaid) notice cancelling an appointment for such a test as is mentioned in paragraph (1) of this Regulation shall be given to the clerk to the traffic commissioners by whom the appointment was made not less than three clear days (excluding Saturdays, Sundays, any bank holiday, Christmas Day or Good Friday) before the date of the appointment.

For the purposes of this paragraph "bank holiday" means a day which is, or is to be, observed as a bank holiday or a holiday under the Banking and Financial Dealings Act 1971(a), either generally or in the locality in which is situated the office of the clerk to the traffic commissioners to whom notice cancelling an appointment for a test falls to be given.

#### *Fees in respect of tests*

17.—(1) The following provisions of this Regulation shall apply in the case of a person who submits himself for a test or applies for an appointment for a test.

(2) No fee shall be payable in respect of a test conducted by a person appointed by paragraph (b), (c), (d) or (f) of Regulation 13.

(3) The fee payable in respect of a test to be conducted by an examiner appointed under paragraph (a) or a person appointed by paragraph (e) of Regulation 13 shall, except in the case of a test to be taken on a vehicle of a class in group J, in respect of which no fee is payable, be £10·30.

(4) The fee payable in respect of a test to be conducted by a person appointed by paragraph (e) of Regulation 13 shall be paid to that person to be retained by him as remuneration.

#### *Nature of tests*

18.—(1) Subject to the following provisions of this Regulation, the test which a person is required to pass before a licence can be granted to him authorising him to drive a motor vehicle of a class included in any particular group shall be a test carried out on a vehicle of that class which satisfies the person conducting the test:—

- (a) that the person taking the test is fully conversant with the contents of the Highway Code;
- (b) generally that the person taking the test is competent to drive, without danger to and with due consideration for other users of the road, the vehicle on which he is tested; and
- (c) that the person taking the test is able to comply with such of the additional requirements specified in Schedule 4 as are referred to in the third column of Schedule 3 in relation to the group which includes the class of vehicle on which he is tested:

Provided that the person conducting the test may be satisfied as to the matters specified in this paragraph where he concludes that the person being tested should only be passed in relation to vehicles of a particular construction or design despite the fact that the test was not conducted on a vehicle of that construction or design.

(2) A person who has passed a test to drive vehicles of a class included in any particular group shall be deemed for the purposes of the Act of 1972 and of

these Regulations competent to drive, in addition to vehicles of a class included in that particular group, also vehicles of a class included in any other group which is referred to in the fourth column of the said Schedule 3 as being an additional group in relation to that particular group.

*Production of vehicle for test etc.*

**19.—(1)** A person submitting himself for a test shall—

(a) provide for the purposes of the test a motor vehicle, which—

(i) is suitable for the purposes of the test,

(ii) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed; and

(b) sign the examiner's attendance record.

(2) Where a person submitting himself for a test fails to produce a vehicle which complies with the foregoing paragraph or fails to sign the examiner's attendance record the examiner may refuse to conduct the test.

*Evidence of results of tests*

**20.—(1)** A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 5.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 5.

(3) An applicant for a licence who before the licence is granted is required to satisfy the licensing authority that he has passed a test shall at the time when he applies for the licence deliver the certificate furnished to him under paragraph (1) of this Regulation to the licensing authority for retention.

*Period of ineligibility for a subsequent test*

**21.** Subject to the provisions of section 85(3) of the Act of 1972 the period during which a person who has submitted himself for a test and failed to pass that test shall be ineligible to submit himself for another test on a vehicle of a class included in the same group shall be one month.

PART IV—SUPPLEMENTARY

*Disabilities*

**22.—(1)** The following disabilities are prescribed for the purposes of section 87(1) of the Act of 1972:—

(a) epilepsy;

(b) severe subnormality as a result of which the applicant for the licence or, as the case may be, the holder of the licence is subject to guardianship under the Mental Health Act 1959(a) or is either resident in accommodation provided, or having effect as if provided, by or by arrangement with a local health authority under section 12 of the Health Services and Public Health Act 1968(b) or otherwise receiving care from a local health authority under that section;

(a) 1959 c. 72.

(b) 1968 c. 46.

- (c) mental deficiency such that the applicant for the licence or, as the case may be, the holder of the licence is incapable of living an independent life or of guarding himself against serious exploitation as a result of which he is—
- (i) liable to be detained under the Mental Health (Scotland) Act 1960(a) or the Criminal Procedure (Scotland) Act 1975(b), or
  - (ii) receiving treatment as an inpatient in a hospital within the meaning of the said Act of 1960, or
  - (iii) subject to guardianship under the said Acts of 1960 or 1975, or
  - (iv) resident in accommodation provided by arrangement with a local authority under section 27 of the National Health Service (Scotland) Act 1947(c) as read with section 1(4) of the Social Work (Scotland) Act 1968(d), or
  - (v) otherwise receiving care from a local authority under that section;
- (d) liability to sudden attacks of disabling giddiness or fainting, other than such attacks falling within sub-paragraph (e) below;
- (e) liability to sudden attacks of disabling giddiness or fainting which are caused by any disorder or defect of the heart as a result of which the applicant for the licence or, as the case may be, the holder of the licence has a device implanted in his body, being a device which, by operating on the heart so as to regulate its action, is designed to correct the disorder or defect; and
- (f) inability to read in good daylight (with the aid of glasses if worn) a registration mark fixed to a motor vehicle at a distance of 75 feet in the case of a registration mark containing letters and figures  $3\frac{1}{2}$  inches high or at a distance of 67 feet in the case of a registration mark containing letters and figures  $3\frac{1}{8}$  inches high:

Provided that in the case of an applicant for a licence authorising the driving of vehicles of a class included in group K only the reading distance shall be 45 feet in the case of a registration mark containing letters and figures  $3\frac{1}{2}$  inches high and 40 feet in the case of letters and figures  $3\frac{1}{8}$  inches high.

(2) Epilepsy is prescribed for the purpose of section 87(3)(b) of the Act of 1972 and an applicant for a licence suffering from epilepsy shall satisfy the conditions that—

- (a) he shall have been free from any epileptic attack whilst awake for at least three years from the date when the licence is to have effect;
- (b) in the case of an applicant who has had such attacks whilst asleep during that period he shall have been subject to such attacks whilst asleep but not whilst awake since before the beginning of that period;
- (c) the driving of a vehicle by him in pursuance of the licence is not likely to be a source of danger to the public.

(3) The disability prescribed in paragraph (1)(e) above is prescribed for the purpose of section 87(3)(b) of the Act of 1972 and an applicant for a licence suffering from that disability shall satisfy the conditions that—

- (a) the driving of a vehicle by him in pursuance of the licence is not likely to be a source of danger to the public; and

(a) 1960 c. 61.

(b) 1975 c. 21.

(c) 1947 c. 27.

(d) 1968 c. 49.

- (b) he has made adequate arrangements to receive regular medical supervision by a cardiologist (being a supervision to be continued throughout the period of the licence) and is conforming to those arrangements.

In this paragraph, the expression "cardiologist" means a registered medical practitioner (as that expression is construed by section 52(2) of the Medical Act 1956(a)), being a practitioner who specialises in disorders or defects of the heart and who, in that connection, holds a hospital appointment.

(4) The following disability is prescribed for the purposes of paragraphs (a) and (c) of section 87(3) of the Act of 1972 namely, a disability which is not progressive in nature and which consists solely of any one or more of the following:—

- (a) the absence of one or more limbs,
- (b) the deformity of one or more limbs,
- (c) the loss of use of one or more limbs.

In this paragraph reference to a limb includes reference to a part of a limb and reference to loss of use, in relation to a limb, includes reference to a deficiency of limb movement or power.

(5) The disability prescribed in paragraph (1)(f) of this Regulation is prescribed for the purposes of section 87A(2)(b) of the Act of 1972.

*Persons who become resident in Great Britain*

23.—(1) A person who becomes resident in Great Britain shall during the period of one year after he becomes so resident be treated for the purposes of section 84(1) and (2) of the Act of 1972 as the holder of a licence authorising him to drive motor vehicles of the classes which he is authorised to drive by any permit of which he is a holder, if he satisfies the conditions specified in paragraph (2) of this Regulation.

(2) The conditions mentioned in the last preceding paragraph are that:—

- (a) the person who becomes resident shall be the holder of a permit which is for the time being valid, and
- (b) he is not disqualified for holding or obtaining a licence in Great Britain.

(3) The following enactments relating to licences or licence holders shall apply in relation to permits or the holders of permits (as the case may be) subject to modifications, in accordance with the following provisions:—

- (a) section 105(2) of the Act of 1972 (which relates to the duties of a court when they order a disqualification or an endorsement) shall apply as if for the words "shall also on the production of the licence" onwards there were substituted the words "shall also on the production of the permit retain it and forward it to the licensing authority who shall keep the permit until the disqualification has expired or been removed or the person entitled to the permit leaves Great Britain and in any case has made a demand in writing for its return to him";
- (b) section 101(4) of the Act of 1972 (which relates to the duty of a licence holder to produce it to a court) shall apply as if the references to a licence included a reference to a permit, but with the omission of the words "before making any order under subsection (1) above" and the

words “then, unless he satisfies the court that he has applied for a new licence and has not received it”;

- (c) section 95(4) of the Act of 1972 (which relates to the duty of a court when they order a disqualification to be removed) shall apply in relation to the holder of a permit as if for the words “endorsed on the licence” onwards there were substituted the words “notified to the licensing authority”;
- (d) section 161(1) and (4) of the Act of 1972 (which authorise a police constable to require the production of a licence) shall apply as if the references to a licence included a reference to a permit;
- (e) section 164(2) of the Act of 1972 (which authorises a police constable to arrest a driver committing certain offences unless the driver gives his name and address or produces his driving licence) shall apply as if the references to a licence included a reference to a permit; and
- (f) section 169(1) of the Act of 1972 (which relates to the forgery and misuse of licences) shall apply as if the reference in paragraph (a) of subsection (2) of that section to a licence included a reference to a permit.

(4) In this Regulation “permit” means a “domestic driving permit”, a “Convention driving permit” or a “British Forces (B.F.G.) driving licence” as defined in Article 2(6) of the Motor Vehicles (International Circulation) Order 1975(a) not being a domestic driving permit or a British Forces (B.F.G.) driving licence in the case of which any order made, or having effect as if made, by the Secretary of State is for the time being in force under Article 2(5) of the said Order.

#### *Statement of date of birth*

24. The circumstances in which a person specified in section 161(1) of the Act of 1972 shall, on being required by a police constable, state his date of birth are as follows:—

- (1) where that person fails to produce forthwith for examination his licence on being required to do so by a police constable under the said section 161(1); or
- (2) where, on being so required, that person produces a licence—
  - (a) which the police constable in question has reason to suspect—
    - (i) was not granted to that person, or
    - (ii) was granted to that person in error, or
    - (iii) contains an alteration in the particulars entered on the licence (other than as described in paragraph (b) below) made with intent to deceive; or
  - (b) in which the driver number has been altered, removed or defaced.

For the purposes of this paragraph “driver number” means the number described as the driver number in the licence.

#### *Invalid carriages*

25. For the purposes of Part III of the Act of 1972 and all regulations made thereunder the maximum weight specified in section 190(5) (which defines the expression “invalid carriage” for the purposes of the Act) shall be varied from five hundredweight to ten hundredweight.

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(a) S.I. 1975/1208, amended by S.I. 1980/1095.



*Entitlement to groups*

26. The groups of vehicles specified in column 2 of the table in Schedule 3 are hereby designated as groups for the purposes of paragraphs (a) and (b) of section 85(1) of the Act of 1972.

*Effect of changes in classification of vehicles by reason of changed definition of "moped".*

27.—(1) In licences (whether full or provisional) issued before 1st August 1977—

- (a) any reference to motor vehicles of group E shall be construed as a reference to motor vehicles of new group E,
- (b) any reference to motor vehicles of group L shall be construed as references to motor vehicles of new group L,
- (c) any reference to motor vehicles of any other group the constitution of which was affected by the amendments made by the Motor Vehicles (Driving Licences) (Amendment) Regulations 1976(a) shall be construed as references to motor vehicles of the group in question as so amended in constitution, and
- (d) any reference to a moped shall be construed by reference to the revised definition of "moped".

(2) In relation to an application for the grant of a licence by a person who—

- (a) before 1st August 1977 held a licence granted under Part III of the Act of 1972, or under any enactment which the said Part III replaced, or under a relevant external law (as defined in section 85(1) of the Act of 1972) to drive motor vehicles of a class included in old group E, or
- (b) before that date passed a test to drive motor vehicles of a class included in old group E or a test which by virtue of Regulation 18(2) of these Regulations is regarded as a test to drive such motor vehicles,

and in relation to any licence issued in pursuance of such applications, the licence which he held, or the test which he passed, before that date shall for the purposes of section 85(1) and (4) of the said Act of 1972 (restrictions on grant of licences etc.) be regarded as a licence or test (as the case may be) to drive vehicles of a class included in new group E.

(3) A person whose entitlement to the grant of a licence to drive vehicles of new group E is preserved by this Regulation may, notwithstanding anything in section 84(1) and (2) of the said Act of 1972 (drivers of motor vehicles to have driving licences), at any time pending the grant of such a licence to him drive, and be employed in driving, such vehicles if—

- (a) his application in accordance with section 88(1)(a) of the said Act of 1972 (provisions as to grant of licences), together with the fee prescribed under that section, for the grant of such a licence has been received by the Secretary of State,
- (b) he satisfies the requirements of sub-section (1)(b) and (c) of that section,
- (c) he is not disqualified by reason of age or otherwise for obtaining the licence,
- (d) he is not a person to whom the Secretary of State is required by section 87(2) of the said Act of 1972 (requirements as to physical fitness of drivers) to refuse to grant the licence,

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(a) S.I. 1976/1764.

- (e) in the case of a person on whom notice under sub-section (4) of that section, or any enactment which that provision replaced, has been served, the vehicles are of the particular construction and design specified in the notice, and
- (f) he complies, in relation to that driving, with such of the conditions specified in Regulation 8(1) as will apply to the driving of those vehicles by him under the authority of that licence, when granted.

(4) In this Regulation references to “old group” and “new group” followed by a letter, are references respectively to the group in question as constituted before and after the coming into operation of the Motor Vehicles (Driving Licences) (Amendment) Regulations 1976, and the reference to the revised definition of “moped” is a reference to the definition of that word in Regulation 3(1), which was inserted in Regulation 3(1) of the Motor Vehicles (Driving Licences) Regulations 1976(a) by the said amendment Regulations.

*Effect of changes in classification of vehicles by reason of changed weight limit for motor tricycles*

**28.—(1)** In licences (whether full or provisional) issued before 12th August 1981 any reference to motor vehicles of a group identified by a letter shall be construed for all purposes on and after that date as a reference to motor vehicles of the new group as well as the old group identified by that letter.

(2) In relation to an application for the grant of a licence coming into force on or after 12th August 1981 by a person who—

- (a) before that date held a licence granted under Part III of the Act of 1972, or under any enactment which the said Part III replaced, or under a relevant external law (as defined in section 85(1) of the Act of 1972) to drive motor vehicles of a class included in an old group, or
- (b) before that date passed a test to drive motor vehicles of a class included in an old group or a test which by virtue of Regulation 18(2) is regarded as a test to drive such vehicles,

and in relation to any licence issued in pursuance of such an application, the licence which he held, or the test which he passed, before that date shall, for the purposes of section 85(1) and (4) of the Act of 1972 (restrictions on the grant of licences etc.), be regarded as a licence or test, as the case may be, to drive vehicles of a class included in the new group as well as the old group identified by the same letter.

(3) In this Regulation references to “old group” and “new group” are references respectively to the group in question as constituted before and after the coming into operation of these Regulations which change the weight limit for motor tricycles in group C.

1st July 1981.

*Norman Fowler,*  
Secretary of State for Transport.

We approve the making of Regulations 6 and 17 of these Regulations.

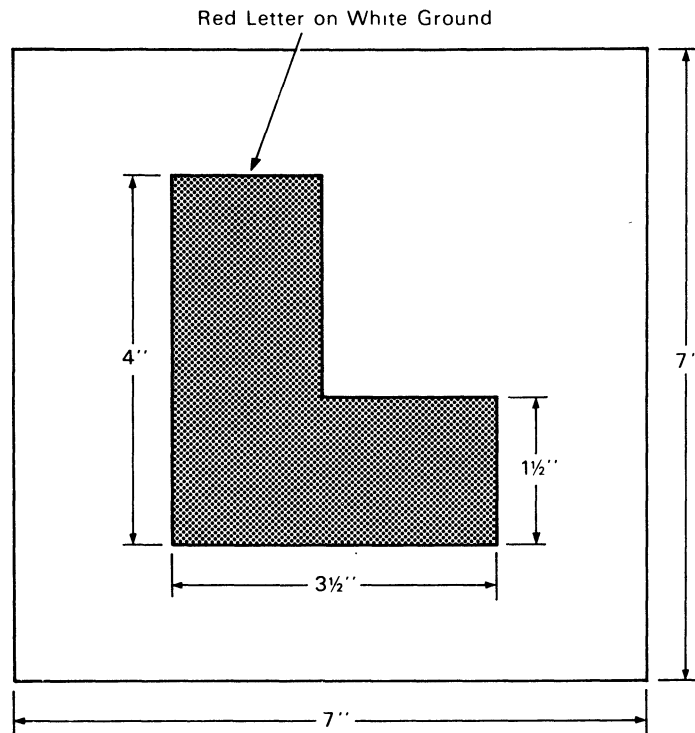
*Carol Mather,*  
*John Wakeham,*  
Two of the Lords Commissioners  
of Her Majesty's Treasury.

1st July 1981.

SCHEDULE 1  
(See Regulation 2)  
REGULATIONS REVOKED

Title	Year and Number
The Motor Vehicles (Driving Licences) Regulations 1976	S.I. 1976/1076
The Motor Vehicles (Driving Licences) (Amendment) Regulations 1976	S.I. 1976/1764
The Motor Vehicles (Driving Licences) (Amendment) Regulations 1977	S.I. 1977/871
The Motor Vehicles (Driving Licences) (Amendment) Regulations 1978	S.I. 1978/697
The Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 1978	S.I. 1978/1109
The Motor Vehicles (Driving Licences) (Amendment) Regulations 1979	S.I. 1979/1412
The Motor Vehicles (Driving Licences) (Amendment) Regulations 1980	S.I. 1980/180
The Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 1980	S.I. 1980/1734

SCHEDULE 2 (See Regulation 8)  
DIAGRAM OF DISTINGUISHING MARK  
TO BE DISPLAYED ON A MOTOR VEHICLE  
BEING DRIVEN UNDER A PROVISIONAL LICENCE



The corners of the white ground may be rounded off

## SCHEDULE 3

(See Regulations 18 and 26)

## GROUPS OF MOTOR VEHICLES FOR DRIVING TEST PURPOSES

Group	Class of vehicle included in the group	Additional requirements	Additional groups covered
A	A vehicle without automatic transmission, of any class not included in any other group.	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B, C, E, F, K and L
B	A vehicle with automatic transmission, of any class not included in any other group.	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	E, F, K and L
C	Motor tricycle weighing not more than 425 kg. unladen, but excluding any vehicle included in group E, J, K or L.	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	E, K and L
D	Motor bicycle (with or without side-car) but excluding any vehicle included in group E, K or L.	1, 2, 3, 4, 5, 6, 9 and 10	C, E and motor cycles in group L
E	Moped .....	1, 2, 3, 4, 5, 6, 9 and 10	—
F	Agricultural tractor, but excluding any vehicle included in group H.	1, 2, 3, 4, 5, 6, 7, 9 and 10	K
G	Road Roller .....	1, 2, 3, 4, 5, 6, 7, 9 and 10	—
H	Track-laying vehicle steered by its tracks.	1, 2, 3, 4, 5, 6, 9, 10 and 12	—
J	Invalid carriage .....	1, 2, 3, 4, 5, 6, 9 and 10	—
K	Mowing machine or pedestrian controlled vehicle.	1, 2, 3, 4, 5 and 6	—
L	Vehicle propelled by electrical power but excluding any vehicle included in group E, J or K.	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means of reversing, 7 and 8	K
M	Trolley vehicle .....	1, 2, 3, 4, 5, 6, 9, 10 and 11	—
N	Vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act 1971.	1, 2, 3, 4, 5 and 6	—

## SCHEDULE 4

(See Regulation 18)

## ADDITIONAL REQUIREMENTS FOR DRIVING TESTS

The additional requirements as to certain of which a candidate for a test must satisfy the person conducting the test in accordance with Regulation 18 and the preceding Schedule are his ability to do the following:—

1. Read in good daylight (with the aid of glasses if worn) a registration mark fixed to a motor vehicle at a distance of 75 feet in the case of a registration mark containing letters and figures  $3\frac{1}{2}$  inches high or at a distance of 67 feet in the case of a registration mark containing letters and figures  $3\frac{1}{8}$  inches high:

Provided that in the case of a driving test carried out on a vehicle of a class included in group K the reading distance shall be 45 feet in the case of letters and figures  $3\frac{1}{2}$  inches high and 40 feet in the case of letters and figures  $3\frac{1}{8}$  inches high;

2. Start the engine of the vehicle;
3. Move away straight ahead or at an angle;
4. Overtake, meet or cross the path of other vehicles and take an appropriate course;
5. Turn right-hand and left-hand corners correctly;
6. Stop the vehicle in an emergency and normally, and in the latter case bring it to rest at an appropriate part of the road;
7. Drive the vehicle backwards and whilst so doing enter a limited opening either to the right or to the left;
8. Cause the vehicle to face in the opposite direction by the use of forward and reverse gears;
9. Indicate his intended actions at appropriate times by giving appropriate signals in a clear and unmistakable manner:  
Provided that, in the case of a vehicle with a left-hand drive or a disabled driver for whom it is impracticable or undesirable to give signals by arm, there shall be no requirement to give signals which cannot be given by mechanical means;
10. Act correctly and promptly on all signals given by traffic signs and traffic controllers and take appropriate action on signs given by other road users;
11. Turn right-hand and left-hand corners without de-wiring;
12. Drive the vehicle backwards and cause it to face in the opposite direction by means of its tracks.

SCHEDULE 5

(See Regulation 20)

FORM OF CERTIFICATE AND STATEMENT OF DRIVING TEST RESULT

PART I

ROAD TRAFFIC ACT 1972

Form of certificate of passing of a test of competence to drive

.....  
has been examined and has passed the test of competence to drive .....  
.....prescribed for the purposes  
of section 85 of the Road Traffic Act 1972.

PART II

ROAD TRAFFIC ACT 1972

Form of statement of failure to pass test of competence to drive

.....  
has this day been examined and has failed to pass the test of competence to drive  
prescribed for the purposes of section 85 of the Road Traffic Act 1972.

EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate the Motor Vehicles (Driving Licences) Regulations 1976 with the Regulations which amended them specified in Schedule 1 to the Regulations. They also—

- (a) lower from 17 to 16 the minimum age for holding or obtaining a licence to drive a small passenger vehicle or a small goods vehicle in the case of certain persons to whom an award of a mobility allowance has been made under section 37A of the Social Security Act 1975 (Regulation 4(1)(b));
- (b) repeal and replace the provisions of section 37(2) and (3) of the Transport Act 1980 (Regulation 4(1)(f) and (7)); and
- (c) increase the weight limit for motor tricycles in group C from 410 kilograms unladen weight to 425 kilograms unladen weight (Schedule 3).

SI 1981/952  
ISBN 0-11-016952-2



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