
 STATUTORY INSTRUMENTS

1982 No. 937

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment) (No. 4)
Regulations 1982**

Made - - - -	6th July 1982
Laid before Parliament	19th July 1982
Coming into Operation	
Regulations 2, 3, 4, 5, 6, 8 and 9(a) and (e)	1st October 1982
Remainder	1st February 1983

The Secretary of State for Transport in exercise of the powers conferred by sections 88, 89 and 107 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 that Act, and, in the case of Regulation 4 with the approval of the Treasury, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1982.

(2) Regulations 2, 3, 4, 5, 6, 8 and 9(a) and (e) of these Regulations and this Regulation shall come into operation on the 1st October 1982 and all other Regulations shall come into operation on the 1st February 1983.

2. The Motor Vehicles (Driving Licences) Regulations 1981 (c) shall be amended in accordance with the following provisions of these Regulations.

3. After Regulation 5 (Applications for the grant of licences) there shall be inserted the following Regulation:—

“Refusal of provisional licence for group D

5A.—(1) Notwithstanding anything in section 88 of the Act of 1972 and subject to paragraph (2) below, the licensing authority shall refuse to grant a provisional licence authorising the driving of a motor cycle of a class included in Group D if the applicant has held such a licence and the licence applied for would come into force within the period of one year beginning—

- (i) except in the case mentioned in paragraph (ii) below, at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle;
- (ii) in the case of an applicant whose previous such licence was revoked under section 87 of the Act of 1972, or surrendered by him, because he was suffering from a relevant or prospective disability, when that licence was revoked or surrendered.

(a) 1972 c.20; sections 88 and 89 were amended by section 23 of the Transport Act 1981 (c.56) and section 107 was extended by section 1 of, and paragraph 4 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c.3).

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

(c) S.I. 1981/952; there is no relevant amending instrument.

(2) Paragraph (1) above shall not apply where the licence that the applicant has held was issued before 1st October 1982.”.

4. For Regulation 6 (Fees for licences) there shall be substituted the following Regulation:—

“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.

TABLE

(1) Description of Licence	(2) Amount of Fee
1. The first licence granted on or after 1st October 1982 to a person who has not before that date held a full licence (not being a licence granted in exchange for a subsisting licence) for any class of vehicles which was granted on or after 1st January 1976	£10.00
2. A licence (not falling within paragraph 1 above) 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 licence for any class of vehicle	£10.00
3. A licence (not being a first full licence or a licence falling within paragraph 1 or 2 above) which is— (a) a full licence authorising its holder to drive a class of vehicles for which he has not, during the period of 10 years ending on the date of coming into force of the licence, held a full licence, or (b) a full or provisional licence authorising its holder to drive as a provisional licence holder vehicles of any class in group D granted to a person whose last licence in force did not include such entitlement, or (c) a full or provisional licence granted in exchange for a subsisting licence, except where the licence— (i) is granted free of charge pursuant to section 87(5A)(b) or section 89(4) of the Act of 1972, or (ii) 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).	£3.00
4. A duplicate licence	£3.00”.

5. For Regulation 7 (Duration of provisional licences) there shall be substituted the following Regulation:—

“Duration of provisional licences

7. For the purposes of subsection (1A) of section 89 of the Act of 1972 there is hereby prescribed—

- (i) a motor cycle of a class falling within group D,
- (ii) a period of two years, and
- (iii) the circumstances that the applicant for the licence is a person whose previous provisional licence authorising the driving of a motor cycle of a class included in group D was revoked under section 87 of the Act of 1972, or surrendered by him, because he was suffering from a relevant or prospective disability and who applies for a licence to continue in force for a period equal to the remainder of the period for which that previous licence would have authorised the driving of such a motor cycle at the time of surrender or revocation.”.

6. For Regulation 10 (Full licences not carrying provisional entitlement) there shall be substituted the following Regulation:—

“Full licences not carrying provisional entitlement

10.—(1) Section 88(4) of the Act of 1972 shall not apply in the case of 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.

(2) Section 88(4) of the Act of 1972 in its application to a full licence granted on or after 1st October 1982 which does not authorise the driving of a vehicle of a class included in group A, B, C, or E shall have effect subject to the limitation that it shall not authorise the holder of such a licence to drive any motor cycle of a class included in group D subject to the same conditions as if he were authorised by a provisional licence to drive the last mentioned vehicles.”.

7. After Regulation 24 (Statement of date of birth) there shall be inserted the following Regulation:—

“Learner motor cycles

24A. For the purposes of section 88(2)(c) of the Act of 1972 (provisional licence not to authorize the driving of certain motor cycles) the first use of a motor cycle shall be taken to have occurred on the date of first use as determined in accordance with paragraph (2) of Regulation 3.”.

8. After Regulation 28 (Effect of changes in classification of vehicles by reason of changed weight limit for motor tricycles) there shall be inserted the following Regulation:—

“Effect of changes in classification of vehicles by reason of deletion of group M

29.—(1) The deletion of group M in Schedule 3 to these Regulations by Regulation 9(e) of the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1982 shall not affect—

- (a) any entitlement of a holder of a licence for vehicles of a class included in that group granted before the date of coming into operation of the said Regulation 9(e) to drive vehicles of that class, and vehicles of any other class included in that group, in pursuance of the licence, or

(b) any such licence ceasing to be in force whether before or after that date, any right that the person who held the licence would have had to the grant of a further licence on or after that date authorising him to drive such vehicles.

(2) In licences (whether full or provisional) issued before the date of coming into operation of Regulation 9(e) of the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1982 any reference to groups A or B shall be construed for all purposes on and after that date as a reference to the groups as prescribed in these Regulations on and after that date.”.

9. In Schedule 3 (Groups of motor vehicles for driving test purposes)—
- (a) in the entry in the fourth column relating to groups A and B, “, L and N” shall be substituted for “and L”;
 - (b) in the entry in the second column relating to group D for the words “, K or L” there shall be substituted the words “or K”;
 - (c) in the entry in the fourth column relating to that group for the words “, E and motor cycles in group L” there shall be substituted the words “and E”;
 - (d) in the entry in the second column relating to group L for the words “E, J or K” there shall be substituted the words “D, E, J or K”; and
 - (e) the entry relating to group M shall be deleted.

5th July 1982.

David Howell,
Secretary of State for Transport.

We approve the making of Regulation 4 of these Regulations.

6th July 1982.

P. L. Brooke,
Alastair Goodlad,
Two of the Lords Commissioners
of Her Majesty’s Treasury.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1981 ("the 1981 Regulations"). The following are the principal changes:—

- (a) The licensing authority is required to refuse to grant a provisional licence for any class of motor cycle in group D of the groups in Schedule 3 to the 1981 Regulations if less than a year has elapsed since a previous such licence held by the applicant expired or would, if not revoked or surrendered, have expired (Regulation 3). In the case of an applicant whose previous such licence was revoked or surrendered on health grounds the period of a year runs from the date of revocation or surrender.
- (b) In conjunction with the prohibition of the grant of a provisional licence for motor bicycles within a year of the expiry of a previous such licence, Regulation 5 inserts a new Regulation 7 in the 1981 Regulations which gives effect to Section 89(1A) of the Road Traffic Act 1972 ("the Act of 1972") as amended by section 23(5) of the Transport Act 1981 so as to limit the validity of a provisional licence for such a motor cycle to a period of two years or, in the case of a licence revoked or surrendered on health grounds, to a period equal to the remainder of the period for which the licence revoked or surrendered would have been valid.
- (c) Fees for the grant of licences are increased and a new fee of £3 is introduced for the addition of entitlement on the grant of a new licence in certain circumstances (paragraph 3 in the Table in the new Regulation 6 inserted by Regulation 4 in the 1981 Regulations). The fee for a first full licence is increased from £5 to £10 as is the fee for the grant of a full licence (not being a first licence) where the applicant has not within ten years held a licence for any class of vehicle. With coming into operation on 1st October 1982 of section 23(4) of the Transport Act 1981 (the Transport Act 1981 (Commencement No. 5) Order 1982 (S.I. 1982/866)) which amends section 89(1) of the Act of 1972 so that provisional licences are granted for a period running until the holder's seventieth birthday, the fee for a provisional licence granted in the circumstances specified above will also be £10 (with subsequent provisional licences and the first full licence being free) instead of the previous standard fee of £2. The fee for a duplicate licence and an exchange licence is increased from £2 to £3 (Regulation 4).
- (d) Section 23(2) of the Transport Act 1981 which modifies the description of a motor bicycle which in accordance with section 88(2)(c) of the Act of 1972 may be driven by the holder of a provisional licence who has not passed the test of competence to drive, comes into force on 1st February 1983 (the Transport Act 1981 (Commencement No. 5) Order 1982). Regulation 7 inserts a new Regulation in the 1981 Regulations to apply to section 88(2)(c) as so amended, the definition of first use in Regulation 3(2) of the 1981 Regulations.
- (e) Full licences granted on or after 1st October 1982 which do not include group A, B, C or E will not by virtue of section 88(4) of the 1972 Act authorise the holder to drive any motor cycle of a class included in group D as if he were the holder of a provisional licence for that class (Regulation 6).

- (f) Group M (Trolley vehicles) of the groups in Schedule 3 to the 1981 Regulations is deleted (Regulation 9(e)) and provision is made in Regulation 8 to preserve the validity of existing licences. For licences granted on or after 1st October 1982 such vehicles will fall into group A or B.

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