

1984 No. 274

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment) Regulations
1984**

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| <i>Made - - - -</i> | <i>5th March 1984</i> |
| <i>Laid before Parliament</i> | <i>14th March 1984</i> |
| <i>Coming into Operation</i> | <i>5th April 1984</i> |

The Secretary of State for Transport, in exercise of the powers conferred by sections 88, 89, 96 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 5 with the approval of the Treasury, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 5th April 1984 and may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 1984.

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

3. Regulation 4 (Minimum ages for holding or obtaining licences) shall be amended by adding at the end of paragraph (1) the following sub-paragraph:—

“(h) in items 5 and 6, the age of 17 were substituted for the ages of 18 and 21 respectively in the case of a member of the armed forces of the Crown when receiving instruction in the driving of heavy goods vehicles of any class in preparation for a test of competence prescribed under section 119 of the Act of 1972 to drive vehicles of that class, or when taking, proceeding to, or returning from any such test.”.

4. For Regulation 5A (Refusal of a provisional licence for Group D) there shall be substituted the following Regulation:—

“Refusal of a 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—

(a) except in the circumstances specified in sub-paragraph (b) below, within the period of one year beginning at the end of the period for

(a) 1972 c.20; sections 88 and 89 were amended by section 23 of the Transport Act 1981 (c.56) and section 96 was substituted by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c.3), section 1.

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

(c) S.I. 1981/952; the relevant amending instrument is S.I. 1982/937.

which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle, or

- (b) where the licence would be for a period of less than two years and the previous licence was surrendered or revoked, within the period of two months beginning on the date of such surrender or revocation.

(2) Paragraph (1) above shall not apply—

- (a) where the previous licence was granted before 1st October 1982, or
(b) where the applicant appears to the Secretary of State to be a person suffering from a relevant or prospective disability within the meaning of section 87 of the Act of 1972, or
(c) where the previous licence was surrendered or revoked in pursuance of section 89(2) or (3) of the Act of 1972.”.

5. In Regulation 6 (Fees for licences), in column 1 of the table, in paragraph 3, for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

“(b) a provisional licence, or a full licence not authorising the driving of vehicles of any class in groups A, B, C or E, and which authorises its holder to drive, as a provisional licence holder, vehicles of any class in group D—

- (i) where the period for which it authorises him to drive such vehicles is a period of two years ending before the date the licence would expire, or
(ii) where the holder’s last licence in force did not authorise him to drive such vehicles, or”.

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

“Duration of provisional licences

7.—(1) Subject to paragraph (2) below, for the purposes of subsection (1A) of section 89 of the Act of 1972 there is hereby prescribed—

- (a) a motor cycle of a class falling within group D,
(b) a period of two years, and
(c) in relation to a licence granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked, the circumstances—
(i) that the licence would come into force within the period of one year beginning on the date the previous licence was surrendered, revoked, or treated as being revoked, and
(ii) that the licence when granted would be for a period of one month or more.

(2) Paragraph (1) above shall not apply in the case of a licence granted in pursuance of section 89(1) (aa) or (4) of the Act of 1972.”.

Nicholas Ridley,
Secretary of State for Transport.

2nd March 1984.

We approve the making of Regulation 5 of these Regulations

Alastair Goodlad,
Donald Thompson,
Two of the Lords Commissioners
of Her Majesty's Treasury.

5th March 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

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

- (a) The minimum age for holding or obtaining a licence under Part III of the Road Traffic Act 1972 ("the Act of 1972") to drive vehicles specified in items 5 and 6 in the table in section 96(1) of that Act is reduced from 18 and 21 respectively to 17 in the case of members of the armed forces of the Crown when taking, proceeding to, or returning from, a test of competence to drive heavy goods vehicles (as defined in section 124 of that Act) or when receiving instruction in preparation for such a test (Regulation 3).
- (b) The circumstances in which the licensing authority is required to refuse to grant a provisional licence for group D (motor bicycles) of the groups in Schedule 3 to the 1981 Regulations are changed so that—
 - (i) he is required to refuse to grant the licence where it would be for a period of less than two years, the previous licence was surrendered or revoked and a period of two months has not elapsed since the date of surrender or revocation, and
 - (ii) he is no longer required to refuse to grant such a licence where the applicant is suffering from a relevant or prospective disability within the meaning of section 87 of the Act of 1972 or where the previous licence was surrendered or revoked pursuant to section 89(2) or (3) of that Act (Regulation 4).
- (c) The period prescribed for the purposes of section 89(1A) of the Act of 1972 as amended by section 23(5) of the Transport Act 1981 for the validity of a provisional licence for group D does not apply in the case of a short period licence granted on health grounds under section 89(1) (aa) of the Act of 1972 as amended by section 13 of, and Schedule 3 to, the Road Traffic Act 1974 (c.50), or an exchange licence granted under section 89(4) of that Act as so amended. In other cases the licence shall

be for the period prescribed for the purposes of section 89(1A), that is two years, or where the previous licence was surrendered or revoked or treated as being revoked, the remainder of the period for which the previous licence would have authorised the driving of vehicles in group D or for a period equal to that remainder at the time of surrender or revocation where the licence would come into force within the period of one year beginning on the date the previous licence was surrendered, revoked or treated as being revoked and would be for a period of at least one month (Regulation 6).

- (d) A fee of £3 is also required to be paid for the grant of a provisional licence, or a full licence not including groups A, B, C or E, which authorises its holder to drive vehicles in group D for a period of two years ending before the date of expiry of the licence (Regulation 5).

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