
STATUTORY INSTRUMENTS

1990 No. 2334

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences)
(Amendment) (No. 5) Regulations 1990**

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| <i>Made</i> | - - - - | <i>26th November 1990</i> |
| <i>Laid before Parliament</i> | | <i>26th November 1990</i> |
| <i>Coming into force</i> | - - | <i>1st December 1990</i> |

The Secretary of State for Transport, in exercise of the powers conferred by sections 89(2A) and (5A), 97(3A) and (3B), 98(4), 105 and 108(1)(1) of the Road Traffic Act 1988(2), and of all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act hereby makes the following Regulations:

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 5) Regulations 1990 and shall come into force on 1st December 1990.
2. The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1990(3) (are hereby revoked.
3. The Motor Vehicles (Driving Licences) Regulations 1987(4) shall be amended in accordance with the provisions of these Regulations.
4. The following Part shall be inserted after Part III—

“Part IIIA

APPROVED TRAINING COURSES FOR MOTOR CYCLISTS

Persons by whom approved training courses may be provided.

23A.—(1) Approved training courses for motor cyclists may be provided—

- (a) by the Secretary of State for Defence, in so far as concerns the training of persons in the service of the Crown under his department;

(1) See the definition of “prescribed” and “regulations”.

(2) 1988 c. 52; sections 89(2A) and (5A) and 97(3A) and (3B) were inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 6.

(3) (S.I. 1990/2229.

(4) S.I. 1987/1378, to which there are amendments not relevant to these Regulations.

- (b) in England and Wales, by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947⁽⁵⁾ or, in Scotland, by the firemaster of such a brigade, in so far as concerns the training of members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;
 - (c) by any chief officer of police, in so far as concerns the training of members of a police force or of persons employed in the driving of motor vehicles for police purposes by a police authority; and
 - (d) by any person approved for the purpose by the licensing authority.
- (2) Any person may apply to the licensing authority to be approved to provide an approved training course for motor cyclists under sub-paragraph (d) of paragraph (1) above, and the licensing authority may, if satisfied that—
- (a) proper arrangements will be made by the applicant for the conduct of the course in accordance with these Regulations; and
 - (b) proper records of the course and results thereof will be kept by the applicant,
- grant the application subject to any conditions which it thinks fit to impose.
- (3) Subject to paragraphs (4) to (10) below, a person who provides an approved training course for motor cyclists in pursuance of paragraph (1) above may authorise motor cycle instructors to conduct the motor cycle training on his behalf.
- (4) A motor cycle instructor may be authorised under paragraph (3) above if and only if—
- (a) he satisfies the conditions set out in sub-paragraphs (a), (b) and (c) of paragraph (5) below, in which case, on being authorised, he shall be known as a certified instructor; or
 - (b) he satisfies the conditions set out in sub-paragraphs (a) and (c) of paragraph (5) below, in which case, on being authorised, he shall be known as an assistant instructor.
- (5) The conditions referred to in paragraph (4) above are that—
- (a) he holds a full licence to drive vehicles in category A; and
 - (b) he has held that licence for a period of, or for periods amounting to, at least 2 years; and
 - (c) either—
 - (i) he has completed successfully the licensing authority's assessment course for motor cycle instructors, or
 - (ii) he has been trained by a motor cycle instructor who has completed such a course successfully.
- (6) Subject, in the case of a certified instructor, to paragraphs (7) to (9) below, and in the case of an assistant instructor, to paragraphs (7) and (8) below—
- (a) a certified instructor shall be entitled to conduct the training of motor cyclists and, provided he has completed successfully the licensing authority's assessment course for motor cycle instructors, to train other motor cycle instructors to conduct the training of motor cyclists; and
 - (b) an assistant instructor shall be entitled to conduct the training of motor cyclists save that he shall not be entitled to conduct the training of motor cyclists in practical on-road riding skills.

(5) 1947 c. 41.

- (7) Certified and assistant instructors shall not be entitled to conduct any training until—
- (a) the person giving the authorisation under paragraph (3) above has notified the licensing authority of the authorisation in writing; and
 - (b) the licensing authority has approved the authorisation in writing.
- (8) Where the licensing authority does not approve an authorisation given under paragraph (3) above that authorisation shall be of no effect.
- (9) A certified instructor shall not be entitled to conduct training as a certified instructor unless there is in force in respect of him a certificate, which shall be renewable every four years, issued by the licensing authority and obtained by the person who has authorised him under paragraph (3) above, in the form set out in Schedule 7.
- (10) An assistant instructor who, subsequent to his authorisation under paragraph (3) above, satisfies the condition set out in sub-paragraph (b) of paragraph (5) above, shall become a certified instructor on satisfying the condition, but he shall not be entitled to conduct training as a certified instructor unless paragraph (9) above is satisfied.
- (11) When conducting motor cycle training a certified instructor shall carry with him the certificate issued in respect of him by the licensing authority.
- (12) A person who is approved to provide an approved training course for motor cyclists in pursuance of sub-paragraph (d) of paragraph (1) above and who satisfies the conditions set out in sub-paragraphs (a), (b) and (c) of paragraph (5) above shall, in relation to training conducted by himself, be deemed for the purposes of this Part of these Regulations to be a certified instructor, and shall be entitled to conduct training as a certified instructor provided there is in force in respect of him a certificate, renewable every four years and issued to him by the licensing authority, in the form set out in Schedule 7, and he complies with paragraph (11) above.
- (13) A person who is approved to provide an approved training course for motor cyclists in pursuance of sub-paragraph (d) of paragraph (1) above and who satisfies the conditions set out in sub-paragraphs (a) and (c) of paragraph (5) above shall, in relation to training conducted by himself, be deemed for the purposes of this Part of these Regulations to be an assistant instructor and shall be entitled to conduct the training of motor cyclists save that he shall not be entitled to conduct the training of motor cyclists in practical on-road riding skills.
- (14) The licensing authority may at any time by notice in writing—
- (a) withdraw an approval made under sub-paragraph (d) of paragraph (1) above; or
 - (b) revoke an authorisation given under paragraph (3) above.
- (15) Where the licensing authority withdraws an approval made under sub-paragraph (d) of paragraph (1) above, the approval and the authority of any person to act as a certified or assistant instructor on behalf of the person whose approval has been withdrawn shall cease forthwith; and where the licensing authority revokes an authorisation given under paragraph (3) above, the authority of the person whose authorisation is revoked to act as a certified or assistant instructor, as the case may be, shall cease forthwith.
- (16) Where the licensing authority withdraws an approval made under sub-paragraph (d) of paragraph (1) above, the person whose approval is withdrawn shall, within 28 days from the date of that withdrawal, return to the licensing authority all certificates which were supplied to him under paragraphs (9) and (12) above and all forms for certificates which were supplied to him under regulation 23B(5) below.
- (17) Where the licensing authority revokes an authorisation given under paragraph (3) above in respect of a certified instructor, or where a certified instructor authorised under paragraph (3) above ceases to conduct training on behalf of the person who authorised him,

the certified instructor shall return to the person who authorised him the certificate he was required to carry under paragraph (11) above as soon as is reasonably practicable; and, on receiving it, the person who authorised him shall return that certificate to the licensing authority immediately.

Nature and approval of training courses

23B.—(1) A training course for motor cyclists shall comprise the elements A to E set out in Schedule 8 and shall be approved by the licensing authority.

(2) Before any practical training is given to motor cyclists on an approved training course the requirements of paragraphs 1 and 2 of Schedule 8 must be fulfilled.

(3) To complete an approved training course successfully, a motor cyclist must satisfy the person who provides the course of each of the following in sequence, commencing with sub-paragraph (a)—

- (a) that he has fulfilled the requirements set out in paragraph 3 of Schedule 8; and
- (b) that he can execute the manoeuvres set out in paragraph 4 of Schedule 8; and
- (c) that the requirements of paragraph 5 of Schedule 8 are fulfilled; and
- (d) that he rides safely on roads in a variety of road traffic situations, including as many as practicable of those set out in paragraph 6 of Schedule 8.

(4) On the successful completion of an approved training course a motor cyclist shall be issued with a certificate of completion signed on behalf of the person providing the course by a certified instructor, who may be the person providing the course, on a form supplied by the licensing authority as prescribed in Schedule 9.

(5) Forms for certificates evidencing the successful completion of an approved training course shall be supplied by the licensing authority to those authorised to provide approved training courses pursuant to paragraph (1) of regulation 23A above at a charge of £210 per form.

23C. When, during an approved training course, motor cyclists are receiving practical on site training or are undertaking practical on site riding there shall be no more than 4 motor cyclists in the charge of any one certified or assistant instructor at any one time; and when, during such a course, motor cyclists are undertaking practical on-road riding there shall be no more than 2 motor cyclists in the charge of any one certified instructor at any one time.

Exemptions and Transitional and Supplementary Provisions

23D.—(1) For the purposes of regulations 23E, 23F, 23G and 23H below—

“provisional licence holder” means a person who holds a valid provisional licence under which he drives and which, subject to section 97(3) of the Road Traffic Act 1988, authorises him to drive a vehicle of a class included in category A or category P; and

“provisional entitlement holder” means a person who holds and drives under a valid licence which, not being a provisional or full licence to drive a vehicle of a class included in category A or category P, authorises him (by virtue of Section 98(2) of the Road Traffic Act 1988) to drive a class of vehicle in one of those categories as if he were a provisional licence holder.

(2) For the purposes of regulation 23G below “exempted island” means an island outside the mainland of Great Britain other than—

- (a) the Isle of Wight, Lewis and Harris, North Uist, Benbecula and South Uist, Mainland Orkney, Mainland Shetland and Skye; and

- (b) an island from which motor vehicles, not constructed for special purposes, can at some time be conveniently driven to a road in any part of the mainland of Great Britain because of the presence of a bridge, tunnel, ford, or other way suitable for the passage of such motor vehicles.

23E.—(1) A person who was a provisional licence holder immediately before 1st December 1990 shall be exempt from the restriction imposed by section 97(3)(e) of the Road Traffic Act 1988 during the validity of that licence.

(2) A provisional licence holder who has passed Part I of the test for motor bicycles shall be exempt from the restriction imposed by section 97(3)(e) and from the requirement imposed by section 89(2A) of the Road Traffic Act 1988 for the period during which the certificate furnished to him under regulation 22(1) is valid.

(3) Section 98 (3)(c) of the Road Traffic Act 1988 shall not apply to a person who was a provisional entitlement holder immediately before 1st December 1990 or to a provisional entitlement holder who has passed Part I of the test for motor bicycles for the period during which the certificate furnished to him under regulation 22(1) is valid.

(4) A provisional entitlement holder who has passed Part I of the test for motor bicycles shall be exempt from the requirement imposed by section 89(2A) of the Road Traffic Act 1988 for the period during which the certificate furnished to him under regulation 22(1) is valid.

23F. A person who was a provisional licence or provisional entitlement holder immediately before 1st December 1990 and who applies to take and takes a test of competence to drive a vehicle of a class included in category P or a motor bicycle fitted with a side-car on or before 31st May 1991 shall be exempt from the requirement imposed by section 89(2A) of the Road Traffic Act 1988.

23G.—(1) A provisional licence or provisional entitlement holder who is resident on an exempted island shall be exempt from the requirement imposed by section 89(2A) of the Road Traffic Act 1988 in respect of a test of competence to drive a vehicle of a class included in category A or category P taken, or to be taken, on an island, whether or not that island is an exempted island.

(2) A provisional licence holder who is resident on an exempted island shall be exempt from the restriction imposed by section 97(3)(e) of the Road Traffic Act 1988 when he satisfies either of the conditions set out in paragraph (4) below.

(3) Section 98(3)(c) of the Road Traffic Act 1988 shall not apply to a provisional entitlement holder who is resident on an exempted island when he satisfies either of the conditions set in paragraph (4) below.

(4) The conditions referred to in paragraphs (2) and (3) above are—

- (a) that the holder is driving on an exempted island, whether or not he is also resident on that island; or
- (b) that the holder is driving on a non-exempted island for the purpose of getting to or from an approved training course or to a place where he is to take, or from a place where he has taken, a test of competence to drive a vehicle of a class included in category A or category P.

23H. Without prejudice to regulations 23F and 23G(1) above a person who, immediately before 1st December 1990, is a provisional licence or provisional entitlement holder may take Part I of the test for motor bicycles instead of an approved training course if, but for this provision, he would be required to take an approved training course, provided he takes Part I of the test for motor bicycles on or before 31st May 1991.”

5.—(1) Schedule 5 and the provisions specified in Schedule 1 to these Regulations are hereby revoked.

(2) In paragraph (1) of regulation 3 (Interpretation)—

(a) the words “part of a test means” and the definition of part of a test; and

(b) the words “and includes a reference to a part of a test” in the definition of the word “test”, shall be deleted.

(3) After paragraph (1)(c) of regulation 20 (Nature of tests) the semi-colon and the word “and” shall be deleted and replaced by a full stop.

(4) The foregoing provisions of this regulation shall not have effect in the case of a person who—

(a) has passed Part I of the test for motor bicycles for the period during which the certificate furnished to him under regulation 22(1) is valid; or

(b) pursuant to regulation 23H applies to the licensing authority to take and, by virtue of that regulation, is entitled to take and, in accordance with that regulation, takes Part I of the test for motor bicycles.

6. There shall be added the Schedules set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State

26th November 1990

Christopher Chope
Parliamentary Under Secretary of State,
Department of Transport

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SCHEDULE 1

Regulation 5(1)

PROVISIONS OF THE MOTOR VEHICLES(DRIVING LICENCES) REGULATIONS 1987 WHICH ARE REVOKED

- Regulation 14(2)
- Regulation 16
- Regulation 19(4)
- Regulation 20(1)(d), (2), (3), (4), (5)and (7)
- Regulation 22(3)and (5)
- Regulation 23(2)

SCHEDULE 2

Regulation 6

“SCHEDULE 7

Regulation 23A(9)

Road Traffic Act 1988

[Photograph of certificate holder]

Certified Motorcycle Instructor Certificate of Authorisation

Name of certificate holder

Instructor No.

Name and address of training establishment for which the certificate is valid

Date of expiry

SCHEDULE 8

Regulation 23B(1)

ELEMENTS OF AN APPROVED TRAINING COURSE

(A) INTRODUCTION

1. Trainees must be told and must understand:—
 - the aims of the approved training course;

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- the importance of having the right equipment and clothing;
- the need to be clearly visible to other road users (the use of conspicuity aids);
- the legal requirements for riding on the road;
- why motor cyclists are more vulnerable than most road users;
- the need to drive at the correct speed according to road and traffic conditions;
- the importance of reading and understanding the Highway Code.

2. Trainees eyesight must be tested. Trainees must be able to read, in good daylight, a vehicle registration mark containing letters and figures 79.4 mm high at a distance of 20.5 metres (with the aid of glasses or contact lenses if worn).

(B) PRACTICAL ON SITE TRAINING

3. Trainees must receive practical on site training at the conclusion of which they must fulfil the following requirements, that is to say they must—

- be familiar with the motor cycle, its controls and how it works;
- be able to carry out basic machine checks to a satisfactory standard and be able to take the bike on and off the stand satisfactorily;
- be able to wheel the machine around to the left and right showing proper balance and bring the motorcycle to a controlled halt by braking;
- be able to start and stop the engine satisfactorily.

(C) PRACTICAL ON SITE RIDING

4. Trainees must undertake practical on site riding at the conclusion of which they must be able to execute the following manoeuvres, that is to say they must be able to:—

- ride the machine under control in a straight line and bring the machine to a controlled halt;
- ride the machine round a figure of eight circuit under control;
- ride the machine slowly under control;
- bring the machine to a stop under full control as in an emergency;
- carry out controlled braking using both brakes;
- change gear satisfactorily;
- carry out rear observation correctly;
- carry out simulated left and right hand turns correctly using the Observation-Signal-Manoeuvre (OSM) and Position-Speed-Look (PSL) routines.

(D) PRACTICAL ON ROAD TRAINING

5. Before undertaking practical on road riding trainees must be told and must understand the need to:—

- ride defensively and anticipate the actions of other road users;
- use rear observation at appropriate times;
- assume the correct road position when riding;
- leave sufficient space when following another vehicle;

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- pay due regard to the effect of varying weather conditions when riding;
- be aware of the various types of road surface that can be encountered.

(E) PRACTICAL ON ROAD RIDING

6. Trainees must undertake on road riding. They must ride safely in a variety of situations including as many of the following as practicable:—

- roundabouts
- junctions
- pedestrian crossings
- traffic lights
- gradients
- bends
- obstructions.

SCHEDULE 9

Regulation 23B(4)

Road Traffic Act 1988
**Certificate of Completion of an Approved Training
Course for Motor Vehicles in Categories A and P**

Driver Number
of Candidate

Date and time of course completion

Current name

Current address

Postcode

has successfully completed an approved training course for motor vehicles in categories A and P, prescribed for the purpose of Section 97 of the Road Traffic Act 1988 as amended by Section 6 of the Road Traffic (Driver Licensing and Information Systems) Act 1989.

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations insert a new Part—Part IIIA—into the Motor Vehicles (Driving Licences) Regulations 1987 (“the 1987 Regulations”). They also revoke and re-enact the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1990, which were intended to insert Part IIIA into the 1987 Regulations but which, on being found to contain three incorrect references to provisions, were revoked before they came into force. Part IIIA implements section 6 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 which was brought into force on 1st December 1990 by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (Commencement No. 3) Order 1990 (S.I. 1990/2228). In the light of the introduction of Part IIIA, these Regulations also make consequential amendments to the 1987 Regulations.

Section 6 of the 1989 Act inserts a number of new provisions into the Road Traffic Act 1988. These new provisions require a person who drives a motor bicycle but who does not hold a full licence to do so to undergo a course of off-road and on-road basic training (“compulsory basic training”) before he can drive on a public road unsupervised, or before he can take a test of competence to drive a motor bicycle. Part IIIA makes provision with regard to the training in the driving of motor bicycles of such persons, and also sets out exemptions from the requirement to undergo training in certain circumstances. Compulsory basic training replaces Part I of the test for motor bicycles which, after 31st May 1991, will cease to exist. References to Part I and Part II of the test for motor bicycles in the 1987 Regulations are deleted by these Regulations: see regulation 5.

Regulation 23A(1) of Part IIIA sets out the persons who may provide compulsory basic training courses for motor cyclists. These persons include anyone approved for the purpose by the Secretary of State. Approval can be granted on such terms as the Secretary of State thinks fit: regulation 23A(2).

Persons who provide compulsory basic training courses may authorise motor cycle instructors to conduct the training on their behalf: regulation 23A(3). However, a person can only be authorised to act as a motor cycle instructor if he satisfies certain conditions, and any authorisation is subject to the Secretary of State’s approval: regulation 23A(4) to (11). A person approved to provide compulsory basic training by the Secretary of State may, of course, conduct the training himself: regulation 23A(12) and (13).

The Secretary of State has the power to withdraw an approval he has given to a person to provide a compulsory basic training course, and he has the power to revoke a motor cycle instructor’s authority to conduct training on another’s behalf: regulation 23A(14). The effect of such action by the Secretary of State is set out in regulation 23A(15) to (17).

A compulsory basic training course must comprise the elements set out in Schedule 8: regulation 23B(1) and (2). To complete a course successfully the motor cyclist must satisfy the person who provides the course of the matters set out in regulation 23B(3). On successful completion of the course, the motor cyclists will be issued with a certificate of completion: regulation 23B(4). Forms for such certificates will be supplied by the Secretary of State to the person providing the course at a charge of £210 each.

Regulation 23C sets out the permitted ratio of motor cyclists to motor cycle instructor in certain given circumstances.

Exemptions and transitional and supplementary provisions are contained in regulations 23D to 23H. The main points to note are as follows—

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- (a) Persons who have passed Part I of the test for motor bicycles are not required to undergo compulsory basic training before riding on a public road unaccompanied or being able to take a test of competence to drive a motor bicycle: regulation 23E.
- (b) Persons who, immediately before 1st December 1990, enjoyed a provisional entitlement to ride a motor bicycle, but who have not passed Part I of the test for motor bicycles, are entitled to continue riding under their licence without undergoing compulsory basic training first (regulation 23E(1) and (3)) and, before applying to take a test of competence to drive a motor bicycle, other than a moped or a motor bicycle fitted with a side car, may take Part I of the test for motor bicycles instead of a compulsory basic training course—provided they do so on or before 31st May 1991: regulation 23H.
- (c) Persons with provisional entitlement to ride mopeds or motor bicycles fitted with side cars are not required to undergo compulsory basic training before taking a test of competence to drive such vehicles—provided the test is taken on or before 31st May 1991: regulation 23F.
- (d) Persons who live on certain islands are not required to undergo compulsory basic training in certain circumstances: regulation 23G.