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STATUTORY INSTRUMENTS

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**1999 No. 2864**

**The Motor Vehicles (Driving Licences) Regulations 1999**

**PART II**

**LICENCES**

*Provisional licences*

**Duration of provisional licences authorising the driving of motor bicycles**

**15.**—(1) Subject to paragraph (2), there is prescribed for the purposes of section 99(2) of the Traffic Act—

- (a) a motor bicycle of any class, and
- (b) a period of two years.

(2) There are prescribed for the purposes of section 99(2)(b)(ii) of that Act the circumstances that—

- (a) the previous licence was surrendered or revoked, otherwise than under subsection (3) or (4) of section 99 of the Traffic Act, or treated as being revoked under section 37(1) of the Offenders Act,
- (b) if it has not been so surrendered or revoked, a period of at least one month, commencing on the date of surrender or revocation, would have elapsed before the previous licence would have expired, and
- (c) the licence when granted would come into force within the period of one year beginning on the date of surrender or revocation of the previous licence.

**Conditions attached to provisional licences**

**16.**—(1) A provisional licence of any class is granted subject to the conditions prescribed in relation to a licence of that class in the following paragraphs.

(2) Subject to the following paragraphs, the holder of a provisional licence shall not drive a vehicle of a class which he is authorised to drive by virtue of that licence—

- (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 Part 1 of Schedule 4 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, or
- (c) while it is being used to draw a trailer.

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

- (a) is driving a motor vehicle of a class included in sub-category B1 or B1 (invalid carriages) or in category F, G, H or K which is constructed to carry only one person and not adapted to carry more than one person;
  - (b) is riding a moped or a motor bicycle with or without a side-car; or
  - (c) is driving a motor vehicle, other than a vehicle of a class included in category C, C+E, D or D+E, on a road in an exempted island.
- (4) The condition specified in paragraph (2)(b) shall not apply—
- (a) when the holder of the provisional licence is driving a motor vehicle on a road in Wales, and
  - (b) a distinguishing mark in the form set out in Part 2 of Schedule 4 is displayed on the motor vehicle in the manner described in paragraph (2)(b).
- (5) The condition specified in paragraph (2)(c) shall not apply to the holder of a provisional licence authorising the driving of a vehicle of a class included in category B+E, C+E, D+E or F, in relation to motor vehicles of that class.
- (6) The holder of a provisional licence authorising the driving of—
- (a) a moped, or
  - (b) a motor bicycle with or without a side-car,
- shall not drive such a vehicle while carrying on it another person.
- (7) The holder of a provisional licence authorising the driving of a motor bicycle other than a learner motor bicycle shall not drive such a vehicle otherwise than under the supervision of a certified direct access instructor (within the meaning of regulation 64(2)) who is—
- (a) present with him on the road while riding another motor bicycle,
  - (b) able to communicate with him by means of a radio which is not hand-held while in operation,
  - (c) supervising only that person or only that person and another person who holds such a provisional licence, and
  - (d) carrying a valid certificate issued in respect of him by the Secretary of State under regulation 65(4),
- while he and the instructor are wearing apparel which is fluorescent or (during hours of darkness) is either fluorescent or luminous.
- (8) The holder of a passenger-carrying vehicle driver's provisional licence shall not drive a vehicle which he is authorised to drive by that licence while carrying any passenger in the vehicle other than—
- (a) the person specified in paragraph (2)(a), or
  - (b) a person who holds a passenger-carrying vehicle driver's licence and either is giving or receiving instruction in the driving of passenger-carrying vehicles, or has given or received or is to give or receive, such instruction.
- (9) The conditions specified in paragraphs (2)(a), (7) and (8) shall not apply when the holder of the provisional licence is undergoing a test.
- (10) The conditions specified in paragraphs (2), (6), (7) and (8) shall not apply in relation to the driving of motor vehicles of a class in respect of which the provisional licence holder has been furnished with a valid test pass certificate stating that he has passed a test for the grant of a licence authorising him to drive vehicles of that class.
- (11) The condition specified in paragraph (7)(b) shall not apply in the case of a provisional licence holder who is unable, by reason of impaired hearing, to receive directions from the supervising

instructor by radio where the licence holder and the instructor are employing a satisfactory means of communication which they have agreed before the start of the journey.

(12) In the case of an LGV trainee driver's licence issued as a provisional licence, this regulation shall apply as modified by regulation 54.

(13) In this regulation—

- (a) “exempted island” means any island outside the mainland of Great Britain from which motor vehicles, unless constructed or adapted specially for that purpose, cannot at any 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 excluding 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 and Tiree;
- (b) “provisional licence”, in relation to a class of vehicles, includes a full licence which is treated, by virtue of section 98 of the Traffic Act, as authorising its holder to drive vehicles of that class as if he held a provisional licence therefor;
- (c) “qualified driver” shall be interpreted in accordance with regulation 17.

### **Meaning of “qualified driver”**

17.—(1) Subject to paragraph (2), a person is a qualified driver for the purposes of regulation 16 if he—

- (a) is 21 years of age or over,
- (b) holds a relevant licence,
- (c) has the relevant driving experience, and
- (d) in the case of a disabled driver, he is supervising a provisional licence holder who is driving a vehicle of a class included in category B and would in an emergency be able to take control of the steering and braking functions of the vehicle in which he is a passenger.

(2) In the case of a person who is a member of the armed forces of the Crown acting in the course of his duties for naval, military or air force purposes sub-paragraphs (a) and (c) of paragraph (1) shall not apply.

(3) For the purposes of this regulation—

- (a) “disabled driver” means a person who holds a relevant licence which is limited by virtue of a declaration made with his application for the licence or a notice served under section 92(5)(b) of the Traffic Act to vehicles of a particular class;
- (b) “full licence” includes a full Northern Ireland licence and a Community licence;
- (c) “relevant licence” means—
  - (i) in the case of a disabled driver, a full licence authorising the driving of a class of vehicles in category B other than vehicles in sub-category B1 or B1 (invalid carriages), and
  - (ii) in any other case, a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder;
- (d) a person has relevant driving experience if he satisfies either of the following requirements—
  - (i) he has held the relevant licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years, or

- (ii) he is supervising a provisional licence holder driving a vehicle in category C, D, C+E or D+E, held the relevant licence on 6th April 1998, has held it continuously since that date and has held a full licence authorising the driving of vehicles in category B for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years; and
- (e) for the purposes of sub-paragraph (d)(ii) a person shall be regarded as holding a relevant licence during any period in which he holds a provisional licence and a valid test pass certificate entitling him to a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder.

**Conditions attached to provisional licences: holders of driving permits other than licences granted under Part III of the Traffic Act**

**18.** A holder of a provisional licence authorising the driving of vehicles of any class who also holds a permit by virtue of which he is at any time—

- (a) treated, by virtue of regulation 80, as the holder, for the purposes of section 87 of the Traffic Act, of a licence authorising the driving of vehicles of that class, or
- (b) entitled, pursuant to article 2(1) of the Motor Vehicles (International Circulation) Order 1975(1), to drive motor vehicles of that class,

need not comply with regulation 16 at that time.

**Full licences not carrying provisional entitlement**

**19.—**(1) The application of sections 98(2) and 99A(5) of the Traffic Act is limited or excluded in accordance with the following paragraphs.

(2) Subject to paragraphs (3), (4), (5), (6), (11) and (12), the holder of a full licence which authorises the driving of motor vehicles of a class included in a category or sub-category specified in column (1) of the table at the end of this regulation may drive motor vehicles—

- (a) of other classes included in that category or sub-category, and
- (b) of a class included in each category or sub-category specified, in relation to that category or sub-category, in column (2) of the table,

as if he were authorised by a provisional licence to do so.

(3) Section 98(2) shall not apply to a full licence if it authorises the driving only of motor vehicles adapted on account of a disability, whether pursuant to an application in that behalf made by the holder of the licence or pursuant to a notice served under section 92(5)(b) of the Traffic Act.

(4) In the case of a full licence which authorises the driving of a class of standard motor bicycles, other than bicycles included in sub-category A1, section 98(2) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21 before the expiration of the standard access period.

(5) In the case of a full licence which authorises the driving of motor bicycles of a class included in sub-category A1 section 98(2) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21.

(6) In the case of a full licence which authorises the driving of a class of vehicles included in category C or C+E, paragraph (2) applies subject to the provisions of regulation 54.

(7) Subject to paragraphs (8), (9), (10), (11) and (12), the holder of a Community licence to whom section 99A(5) of the Traffic Act applies and who is authorised to drive in Great Britain motor

(1) [S.I. 1975/1208](#). Article 2(1) was substituted by [S.I. 1989/993](#) and amended by [S.I. 1991/771](#).

vehicles of a class included in a category or sub-category specified in column (1) of the Table at the end of this regulation may drive motor vehicles—

- (a) of other classes included in that category or sub-category, and
- (b) of a class included in each category or sub-category specified, in relation to that category or sub-category, in column (2) of the Table,

as if he were authorised by a provisional licence to do so.

(8) Section 99A(5) shall not apply to a Community licence if it authorises the driving only of motor vehicles adapted on account of a disability.

(9) In the case of a Community licence which authorises the driving of a class of standard motor bicycle other than bicycles included in sub-category A1, section 99A(5) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21 before the expiration of the period of two years commencing on the date when that person passed a test for a licence authorising the driving of that class of standard motor bicycle (and in calculating the expiration of that period, any period during which that person has been disqualified for holding or obtaining a licence shall be disregarded).

(10) In the case of a Community licence which authorises the driving only of motor bicycles of a class included in sub-category A1 section 98(2) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21.

(11) Except to the extent provided in paragraph (12), section 98(2) shall not apply to a full licence, and section 99A(5) shall not apply to a Community licence, in so far as it authorises its holder to drive motor vehicles of any class included in category B+E, C+E, D+E or K or in sub-category B1 (invalid carriages), C1 or D1 (not for hire or reward).

(12) A person—

- (a) who holds a full licence authorising the driving only of those classes of vehicle included in a category or sub-category specified in paragraph (11) which have automatic transmission (and are not otherwise adapted on account of a disability), or
- (b) who holds a Community licence, to whom section 99A(5) of the Traffic Act applies and who is authorised to drive in Great Britain only those classes of vehicle included in a category or sub-category specified in paragraph (11) which have automatic transmission (and are not otherwise adapted on account of a disability),

may drive motor vehicles of all other classes included in that category or sub-category which have manual transmission as if he were authorised by a provisional licence to do so.

TABLE

(1) Full licence held	(2) Provisional entitlement included
A1	A, B, F and K
A	B and F
B1	A, B and F
B	A, B+E, G and H
C	C1+E, C+E
D1	D1+E
D	D1+E, D+E
F	B and P

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**Status:** This is the original version (as it was originally made).

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(1) Full licence held	(2) Provisional entitlement included
G	H
H	G
P	A, B, F and K