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STATUTORY INSTRUMENTS

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**1999 No. 2864**

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

**PART VII**

**SUPPLEMENTARY**

*Transitional provisions*

**Effect of change in classification of vehicles for licensing purposes**

**76.**—(1) In a licence (whether full or provisional) granted before 1st January 1997, a reference to motor vehicles in an old category shall be construed as a reference to motor vehicles in the new category corresponding thereto and a reference to motor vehicles of a class included in an old category shall be construed as a reference to vehicles of the corresponding class included in the new category.

(2) Where a licence granted before 1st January 1997 authorises only the driving of a class of motor vehicles included in an old category having automatic transmission, it shall authorise the driving of the corresponding class of vehicles in the new category having automatic transmission.

(3) For the purposes of paragraphs (1) and (2), a reference in a licence to motor vehicles in an old category (or a class included in that category) includes a reference in a licence granted before 1st June 1990 to a group or class of motor vehicles which is, by virtue of any enactment, to be construed as a reference to vehicles in the old category (or a class included in that category).

(4) In this regulation—

“old category” and “class included in an old category” mean respectively a category and a class of vehicles specified in column (1) of the table at the end of this regulation,

“new category” and “class included in a new category”, in relation to an old category, mean respectively the category (or, as the case may be, the sub-category) and the class of vehicles specified in column (2) of the table as corresponding to the relevant old category or class included therein, and

“section 19 permit” means a permit granted under section 19 of the 1985 Act.

TABLE

| <i>(1) Old category or class</i> | <i>(2) Corresponding new category or class</i> |
|----------------------------------|--|
| A                                | A  |
| B1                               | B1   |
| B1, limited to invalid carriages | B1 (invalid carriages)                         |
| B                                | B  |
| B plus E                         | B+E  |

| <i>(1) Old category or class</i>                          | <i>(2) Corresponding new category or class</i>  |
|---|---|
| C1  | C1  |
| C1 plus E   | C1+E (8.25 tonnes)  |
| C   | C   |
| C plus E  | C+E   |
| C plus E, limited to drawbar trailer combinations only    | Vehicles in category C+E which are drawbar trailer combinations   |
| D1  | D1 (not for hire or reward)   |
| D1 plus E   | D1+E (not for hire or reward)   |
| D, limited to 16 seats                                    | D1  |
| D, limited to vehicles not more than 5.5 metres in length | D1 and vehicles in category D not more than 5.5 metres in length  |
| D, limited to vehicles not driven for hire or reward      | Vehicles in category D which are either driven while being used in accordance with a section 19 permit or, if not being so used, driven otherwise than for hire or reward |
| D   | D   |
| D plus E  | D+E   |
| F   | F   |
| G   | G   |
| H   | H   |
| K   | K   |
| L   | L   |
| P   | P   |

### **Saving in respect of entitlement to Group M**

77.—(1) Where a person was authorised by virtue of regulations revoked by these Regulations (whether or not he is also the holder of a licence granted before 1st October 1982) to drive, or to apply for the grant of a licence authorising the driving of, vehicles of a class included in the former group M (trolley vehicles used for the carriage of passengers with more than 16 seats in addition to the driver's seat), he shall continue to be so authorised and any licence granted to such a person shall be construed as authorising the driving of vehicles of that class.

(2) A person who is authorised to drive vehicles of a class included in the former group M shall, to the extent that he is so authorised, be deemed to be the holder of a Group 1 licence.

### **Saving in respect of entitlement to former category N**

78.—(1) Where on 31st December 1996 a person was, by virtue of regulations then in force, the holder of, or entitled to apply for the grant of, a licence authorising the driving of vehicles included in—

- (a) the former category N (vehicles exempt from vehicle excise duty under section 7(1) of the Vehicles (Excise) Act 1971) alone, or

(b) category F or A and the former category N,  
the Secretary of State may, notwithstanding anything otherwise contained in these Regulations, grant to such a person a licence authorising the driving of vehicles in the former category N (with or without vehicles in either or both of the other categories as the case may be) and a person holding such a licence shall be authorised to drive such vehicles.

(2) Where on 31st December 1996 a person was the holder of, or entitled to apply for the grant of, a licence authorising the driving of vehicles included in category B and the former category N, he shall continue to be authorised to drive vehicles in that former category and any licence granted to such a person authorising the driving of vehicles included in category B shall be construed as authorising also the driving of vehicles in that former category.

### **Saving in respect of entitlement to drive mobile project vehicles**

**79.** In relation to a person who was at a time before 1st January 1997 the holder of a licence authorising the driving of vehicles of a class included in category B (except a licence authorising only the driving of vehicles included in sub-category B1 or B1 (invalid carriages)), regulation 7(5) shall apply as if paragraphs (b) and (c) and the words “on behalf of a non-commercial body” were omitted.

### *Miscellaneous*

#### **Persons who become resident in Great Britain**

**80.**—(1) A person who becomes resident in Great Britain who is—

- (a) the holder of a relevant permit, and
- (b) not disqualified for holding or obtaining a licence in Great Britain

shall, during the period of one year after he becomes so resident, be treated for the purposes of section 87 of the Traffic Act as the holder of a licence authorising him to drive all classes of small vehicle, motor bicycle or moped which he is authorised to drive by that permit.

(2) A person who becomes resident in Great Britain who is—

- (a) the holder of a British external licence granted in the Isle of Man or Jersey authorising the driving of large goods vehicles of any class, and
- (b) not disqualified for holding or obtaining a licence in Great Britain

shall, during the period of one year after he becomes so resident, be treated for the purposes of section 87 of the Traffic Act as the holder of a licence authorising him to drive large goods vehicles of all classes which he is authorised to drive by that licence.

(3) A person who becomes resident in Great Britain who is—

- (a) the holder of a British external licence granted in the Isle of Man or Jersey authorising the driving of passenger-carrying vehicles of any class, and
- (b) not disqualified for holding or obtaining a licence in Great Britain

shall, during the period of one year after he becomes so resident, be treated for the purposes of section 87 of the Traffic Act as the holder of a licence authorising him to drive passenger-carrying vehicles of all classes which he is authorised to drive by that licence.

(4) The enactments mentioned in paragraph (5) shall apply in relation to—

- (a) holders of relevant permits and holders of British external licences of the classes mentioned in paragraphs (2) and (3), or
- (b) (as the case may be) those licences and permits,

with the modifications contained in paragraph (5).

- (5) The modifications referred to in paragraph (4) are that—
- (a) section 7 of the Offenders Act(1) shall apply as if—
    - (i) the references to a licence were references to a relevant permit or a British external licence, and
    - (ii) the words after paragraph (c) thereof were omitted;
  - (b) section 27(1) and (3) of the Offenders Act(2) shall apply as if—
    - (i) the references to a licence were references to a relevant permit or a British external licence,
    - (ii) the references to the counterpart of a licence were omitted, and
    - (iii) in subsection (3) the words “, unless he satisfies the Court that he has applied for a new licence and has not received it” were omitted;
  - (c) section 42(5) of the Offenders Act shall apply as if for the words “endorsed on the counterpart of the licence” onwards there were substituted the words “notified to the Secretary of State”;
  - (d) section 47 of the Offenders Act shall apply as if for subsection (2)(3) there were substituted—
 

“(2) Where a court orders the holder of a relevant permit or a British external licence to be disqualified it must send the permit or the licence, on its being produced to the court, to the Secretary of State who shall keep it until the disqualification has expired or been removed or the person entitled to it leaves Great Britain and in any case has made a demand in writing for its return to him.

“Relevant permit” has the meaning given by regulation 80 of the Motor Vehicles (Driving Licences) Regulations 1999.”;
  - (e) section 164(1), (6) and (8) of the Traffic Act(4) shall apply as if the references therein to a licence were references to a relevant permit or a British external licence and the references to a counterpart of a licence were omitted; and
  - (f) section 173 of the Traffic Act(5) shall apply as if after paragraph (aa) there were added—
    - “(ab) a relevant permit (within the meaning of regulation 80 of the Motor Vehicles (Driving Licences) Regulations 1999,
    - (ac) a British external licence,”.
- (6) In this regulation “relevant permit” means—
- (i) a “domestic driving permit”,
  - (ii) a “Convention driving permit”, or
  - (iii) a “British Forces (BFG) driving licence”,

within the meaning of article 2(7)—of the Motor Vehicles (International Circulation) Order 1975(6) which is—

- (a) for the time being valid for the purposes for which it was issued, and

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(1) The relevant amendment is by the 1991 Act, Schedule 4, paragraph 83.

(2) The relevant amendments are by the 1990 Regulations and the 1991 Act, Schedule 4, paragraph 91.

(3) Section 47(2) was amended by the 1990 Regulations and the 1991 Act, Schedule 4, paragraph 100.

(4) The relevant amendments are by the 1990 Regulations and the 1991 Act, Schedule 4, paragraph 68, and Schedule 8.

(5) The relevant amendment is by the 1996 Regulations.

(6) [S.I. 1975/1208](#).

- (b) is not a domestic driving permit or a British Forces (BFG) driving licence in respect 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(6) of that Order.

### **Service personnel**

**81.** The traffic commissioner for the South Eastern and Metropolitan Traffic Areas is hereby prescribed for the purposes of section 183(6) of the Traffic Act (discharge of Part IV functions in relation to HM Forces).

### **Northern Ireland licences**

**82.**—(1) The traffic commissioner for the North Western Traffic Area is hereby prescribed for the purposes of section 122(2)(7) of the Traffic Act.

(2) For the purposes of section 122(4) of the Traffic Act, the magistrates' court or sheriff to whom an appeal shall lie by the holder of a Northern Ireland licence, being a person who is not resident in Great Britain and who is aggrieved by the suspension or revocation of the licence or by the ordering of disqualification for holding or obtaining a licence, shall be—

- (a) such a magistrates' court or sheriff as he may nominate at the time he makes the appeal; or
- (b) in the absence of a nomination of a particular court under sub-paragraph (a), the magistrates' court in whose area the office of the traffic commissioner for the North Western Traffic Area is situated.

### **Statement of date of birth**

**83.**—(1) The circumstances in which a person specified in section 164(2) of the Traffic Act shall, on being required by a police constable, state his date of birth are—

- (a) where that person fails to produce forthwith for examination his licence on being required to do so by a police constable under that section; or
- (b) where, on being so required, that person produces a licence—
  - (i) which the police constable in question has reason to suspect was not granted to that person, was granted to that person in error or contains an alteration in the particulars entered on the licence (other than as described in paragraph (ii)) made with intent to deceive; or
  - (ii) in which the driver number has been altered, removed or defaced;
- (c) where that person is a person specified in subsection (1)(d) of that section and the police constable has reason to suspect that he is under 21 years of age.

(2) In paragraph (1), “driver number” means the number described as the driver number in the licence.