

**2005 No. 2717**

**ROAD TRAFFIC**

**The Motor Vehicles (Driving Licences) (Amendment) (No 2)  
Regulations 2005**

<i>Made</i> - - - -	<i>29th September 2005</i>
<i>Laid before Parliament</i>	<i>6th October 2005</i>
<i>Coming into force</i> - -	<i>1st November 2005</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 89(3), 105(1) and (3) of the Road Traffic Act 1988(a), after consulting with representative organisations in accordance with section 195(2) of the Road Traffic Act 1988, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No 2) Regulations 2005 and shall come into force on 1st November 2005.

**Amendment of the Motor Vehicles (Driving Licences) Regulations 1999**

2. The Motor Vehicles (Driving Licences) Regulations 1999(b) are further amended in accordance with regulations 3 to 11.

3.—(1) Regulation 17 (meaning of “qualified driver”) shall be amended as follows.

(2) In paragraph (1)(d), for “category B” there shall be substituted “categories B, C, D, C+E, or D+E”.

(3) For paragraph (3)(c)(i) there shall be substituted—

“(i) in the case of a disabled driver, a full licence authorising the driving of a class of vehicles in the same category as the provisional licence holder whose driving the disabled driver is supervising provided that, in the case of a licence authorising the driving of vehicles in category B, that licence authorises the driving of vehicles other than vehicles in sub-category B1 or B1 (invalid carriages), and”.

(4) For paragraph (3)(d)(i) there shall be substituted—

“(i) he holds a full licence for the minimum period of time specified in column 2 of the table at the end of this regulation opposite the category in column 1 of that table which includes the vehicle that is being driven by the provisional licence holder whom that person is supervising, or”.

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(a) 1988 c.52; see section 108(1) for the definition of “regulations”; section 89(3) was amended by the Road Traffic Act 1991 (c.40) Schedule 4, paragraph 63.

(b) S.I. 1999/2864, to which there are amendments not relevant to these Regulations

(5) For paragraph (3)(e) there shall be substituted—

- “(e) for the purposes of sub-paragraph (d)(i), a person may meet the requirement for holding a full licence for a minimum period of time either by holding that licence continuously for that period or for periods amounting in aggregate to not less than that period; and
- (f) 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 both 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.

**TABLE**

<i>Column (1)</i> <i>Category which includes the vehicle being driven by the provisional licence holder</i>	<i>Column (2)</i> <i>Minimum period for holding a full licence</i>
C	3 years for C; or 1 year for C and 2 years for D
C1	3 years for C1; or 1 year for C1 and 2 years for D1
C+E	3 years for C+E; or 1 year for C+E and 2 years for D+E
C1+E	3 years for C1+E; or 1 year for C1+E and 2 years for D1+E
D	3 years for D; or 1 year for D and 2 years for C
D1	3 years for D1; or 1 year for D1 and 2 years for C1
D+E	3 years for D+E; or 1 year for D+E and 2 years for C+E
D1+E	3 years for D1+E; or 1 year for D1+E and 2 years for C1+E

4. In regulation 22, in the definition of “working day”, “Saturday,” shall be omitted.

5. In regulations 27(6) and 28(6), for “on the day which is three clear working days before” there shall be substituted “at 16.00 hours on the day which allows one clear working day to elapse between that day and”.

6. In regulations 32(6) and 33(6), for “midday on the day which is two working days before” there shall in both places occurring be substituted “16.00 hours on the day which allows one clear working day to elapse between that day and”.

7. In regulation 36(a), for “ten” there shall be substituted “three”.

8. For regulation 38(5)(c) there shall be substituted—

- “(c) sign, on the Driving Test Report Form produced to him by the person conducting the test, a declaration to the effect that—
  - (i) there is in force, in relation to the use of the vehicle provided for the test, a policy of insurance which complies with the requirements of Part VI of the Traffic Act, and

(ii) he satisfies the residence requirement as described in paragraph (1).”

9. For regulation 38(6) there shall be substituted—

“(6) For the purposes of this regulation, a person conducting a test may be satisfied as to a person’s identity –

- (a) from a valid passport, or
- (b) where the person conducting the test is a person to whom regulation 23(1)(b) or regulation 24(1)(b) applies, from such evidence as that person considers appropriate.”

10. In Schedule 2, Part 2—

(a) in the entry relating to C1+E (8.25 tonnes) for column (2) there shall be substituted—

“A sub-category of category C+E comprising combinations of a motor vehicle and trailer in sub-category C1+E where:

- (a) the maximum authorised mass of the trailer exceeds 750 kilograms and may exceed the unladen weight of the tractor vehicle, and
- (b) the maximum authorised mass of the combination does not exceed 8.25 tonnes.”;

(b) in the entry relating to D1+E (not for hire or reward) for column (2) there shall be substituted:

“A sub-category of category D+E comprising motor vehicles in sub-category D1+E where:

- (a) the motor vehicles are driven otherwise than for hire or reward, and
- (b) the maximum authorised mass of the trailer exceeds 750 kilograms and may exceed the unladen weight of the tractor vehicle.”.

11. Schedule 6 shall be omitted.

Signed by authority of the Secretary of State

29th September 2005

*S J Ladyman*  
Minister of State  
Department for Transport

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (the “principal Regulations”).

*Regulation 3* amends regulation 17 of the principal Regulations so as to broaden the categories of vehicle in which a disabled driver may supervise a provisional licence holder to include not only cars, but also other categories and sub-categories of vehicles (broadly, coaches, buses and lorries).

Also, *regulation 3* amends regulation 17 of the principal Regulations so as to broaden the categories of vehicle in respect of which any person supervising a provisional licence holder must hold a full licence for a minimum three year period. For example, a person supervising a provisional licence holder driving a category C vehicle must either hold a licence for at least three years authorising the driving of a category C vehicle, or a category C licence for one year minimum and a category D licence for two years minimum.

*Regulation 4* amends regulation 22 of the principal Regulations so as to broaden the definition of “working day” to include Saturday.

*Regulations 5 and 6* concern the arrangements for taking tests, both theory and practical, in respect of motor bicycles and large vehicles that are arranged by instructors on behalf of applicants. These regulations amend the principal Regulations so as to reduce the period of time that must elapse between the date the instructor supplies an applicant’s details to the examiner and the test day itself to one clear working day.

*Regulation 7* concerns the fees that may be repaid upon cancellation of a test. It amends the principal Regulations so as to reduce the period of notice required for a cancellation without loss of a fee from 10 to 3 clear working days.

*Regulation 8* amends regulation 38 of the principal Regulations so as to require a candidate to sign a declaration on the Test Report Form before a practical or unitary test to the effect that he or she meets the necessary residency requirement.

*Regulations 9 and 11* concern the documentation that a candidate for a test must produce in order to verify his or her identity and apply where a candidate does not have a driving licence with a photograph. These regulations amend the principal Regulations so that, except in relation to the armed forces, the only evidence that will be accepted for verification purposes is a valid passport.

*Regulation 10* corrects an error in Schedule 2, Part 2 in the principal Regulations relating to the eligibility for a licence of a person who has held a licence or passed a driving test before 1st January 1997. The correction makes it clear that there is no requirement with respect to the classes of vehicle included in sub-categories C1+E and D1+E to the effect that the maximum authorised mass of the trailer must be the same or less than the unladen weight of the tractor vehicle (“the ratio requirement”). Although the ratio requirement was introduced into the Principal Regulations in order to implement Council Directive 29th July 1991 on driving licences (Directive 91/439/EEC), there was no intention to change the position with respect to those persons holding licences for these categories before 1st January 1997. The correction made by these Regulations now reflects their original intention.

These Regulations are made in conjunction with the Motor Cars (Driving Instruction) (Amendment) Regulations 2005. A combined full regulatory impact assessment of the effect that these amendments will have on the costs of business is available from the Driving Standards Agency, Stanley House, Talbot Street, Nottingham NG1 5GU. The regulatory impact assessment may also be accessed on the Office of Public Sector Information website [www.opsi.gov.uk](http://www.opsi.gov.uk) and on the Driving Standards Agency’s web-site at [www.dsa.gov.uk](http://www.dsa.gov.uk).

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