

2008 No. 1435

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment) (No. 4)
Regulations 2008**

<i>Made</i> - - - -	<i>4th June 2008</i>
<i>Laid before Parliament</i>	<i>10th June 2008</i>
<i>Coming into force</i> - -	<i>7th July 2008</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by sections 89(3)(a), (4)(b), (5)(c) and (5ZA)(d) and 105(1), (2), (3) and (4)(e) of the Road Traffic Act 1988(f) and, in the case of regulations 4, 6, 7, 10 and 11, with the approval of the Treasury under section 105(4) of that Act.

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of that Act.

The Secretary of State for Transport, in exercising the powers conferred by section 89(4)(b), has taken into account the functions and matters specified in respect of that section in the Department of Transport (Fees) Order 1988(g).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 and come into force on 7th July 2008.

(2) In these Regulations “the 1999 Regulations” means the Motor Vehicles (Driving Licences) Regulations 1999(h).

Amendment of the 1999 Regulations

2. The 1999 Regulations are amended in accordance with regulations 3 to 21.

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- (a) Section 89(3) was amended by the Road Traffic Act 1991 (c. 40) (paragraph 63 of Schedule 4) and the Road Safety Act 2006 (c. 49) (“the 2006 Act”) (section 36).
 - (b) Section 89(4) was amended by the Driving Licences (Community Driving Licences) Regulations 1996 (S.I. 1996/1974) (Schedule 1) and by the 2006 Act (section 36).
 - (c) Section 89(5) was amended by the 2006 Act (section 36).
 - (d) Section 89(5ZA) was inserted by the 2006 Act (section 36).
 - (e) Section 105(4) was amended by regulation 10(3) of the Driving Licences (Community Driving Licence) Regulations 1998 (S.I. 1998/1420).
 - (f) 1988 c. 52. See section 108(1) for the definitions of “prescribed” and “regulations”.
 - (g) S.I. 1988/643, amended by S.I. 1995/1684; there are other amending instruments but none is relevant. The functions and matters are specified in columns (2) and (3) respectively of item 5 in Table III (Road Traffic Act) in Schedule 1 to the Order.
 - (h) S.I. 1999/2864; relevant amending instruments are S.I. 2002/2641, 2003/2003, 2005/2717, 2007/698 and 2008/508.

Meaning of “theory test” etc.

3.—(1) In regulation 3 (interpretation)—

- (a) after the definition of “large motor bicycle” insert—
 - ““large vehicle test of driving theory” means the test of driving theory described in regulation 40B(2);
 - “large vehicle test of hazard perception” means the test of hazard perception described in regulation 40B(4);
 - “large vehicle theory test pass certificate” means a certificate in the form specified in regulation 47B(1);”;
- (b) in the definition of “practical test” after “two” insert “or three”;
- (c) after the definition of “standard motor bicycle” insert—
 - ““standard test of driving theory” means the test described in regulation 40B(1);
 - “standard test of hazard perception” means the test described in regulation 40B(3);
 - “standard theory test pass certificate” means a certificate in the form specified in regulation 47(2)(a);”;
- (d) omit the definitions of “theory test” and “theory test pass certificate”.

(2) After regulation 3, insert—

“Meaning of “theory test”

3A.—(1) In these Regulations, “theory test” means—

- (a) where a test is to be conducted, by virtue of regulation 40(2), in two parts, the part, described in regulation 40(2)(a), which consists of the standard test of driving theory and the standard test of hazard perception; and
- (b) in any other case, each of the large vehicle test of driving theory and the large vehicle test of hazard perception.

(2) Any reference in these Regulations to a “theory test” includes such a test conducted as part of an extended driving test.”.

Interpretation of Part III of the 1999 Regulations

4. In regulation 22 (interpretation of Part III)—

- (a) after the definition of “appointed person” insert—
 - ““the CPC subjects” means the list of subjects set out in section 1 of Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC(a) in so far as these subjects are not already covered by the matters specified in regulation 40C(5) in respect of a vehicle of the relevant class”; and
- (b) in the definition of “working day” after “means” insert “(other than in regulation 35)” and for “the Bank and Financial Dealings Act 1971” substitute “the Banking and Financial Dealings Act 1971”(b).

(a) O.J. L226, 10.9.2003, p.4.

(b) c.80. Schedule 1 to the Banking and Financial Dealings Act 1971 was amended by the St. Andrew’s Day Bank Holiday (Scotland) Act 2007 (asp 2) (section 1).

Persons by whom theory tests may be conducted

5. In regulation 23 (persons by whom theory tests may be conducted), after paragraph (3) insert—

“(3A) The Secretary of State may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.”.

6. After regulation 23 insert—

“**23A.**—(1) The Secretary of State shall, on request, supply (by electronic or other means) a test set to any person who has appointed another person or class of persons to conduct theory tests under sub-paragraph (b), (c), (da), (db), (e) or (f) of regulation 23(1) or under regulation 23(2)(b).

(2) For each test set supplied under paragraph (1) the Secretary of State may make a charge —

- (a) in respect of a test in relation to a motor vehicle in a category of A, B or P, of £18.50; or
- (b) in respect of a test in relation to a motor vehicle in a category of C or D –
 - (i) of £20 for a large vehicle test of driving theory; and
 - (ii) of £9 for a large vehicle test of hazard perception.

(3) The charge referred to in paragraph (2) is payable by the person who has appointed a person or class of persons to conduct the theory test for which a test set has been supplied.

(4) In this regulation, a “test set” means—

- (a) in respect of the test referred to in paragraph (2)(a), a set of theory test questions and film clips, each as described in regulation 40B, for each person taking the test; and
- (b) in respect of the test referred to in paragraph (2)(b), a set of theory test questions, in the case of the large vehicle test of driving theory or a set of film clips, in the case of the large vehicle test of hazard perception, the set of questions or clips each being as described in regulation 40B, for each person taking the test.”.

Persons by whom practical and unitary tests may be conducted

7. In regulation 24 (persons by whom practical and unitary tests may be conducted)—

(a) after paragraph (3) insert—

“(3A) The Secretary of State may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.”; and

(b) after paragraph (6) insert—

“(7) Each person who has appointed a person to conduct tests under sub-paragraph (ca), (cb), (d), (f) or (g) of paragraph (1) shall pay an annual charge of £950 during the currency of the appointment to the Secretary of State in accordance with paragraph (8) in respect of each person so appointed.

(8) In the case of an appointment made—

- (a) on or after 4 August 2008, the annual charge is payable on the making of the appointment and on each anniversary of the appointment; and
- (b) before 4 August 2008, the annual charge is payable on 4 August 2008 and on each anniversary of that date.”.

Applications for theory tests: motor bicycle instructors

8. In regulation 27 (applications for theory tests: motor bicycle instructors)—

(a) at the end of sub-paragraph (1)(b), add “and”; and

- (b) omit sub-paragraph (1)(c).

Applications for theory tests: large vehicle instructors

9. In regulation 28 (applications for theory tests: large vehicle instructors)—
- (a) at the end of sub-paragraph (1)(b) add “and”; and
 - (b) omit sub-paragraph (1)(c).

Fees

10. In regulation 30 (fees for theory tests), for paragraph (1) substitute—
- “(1) The fee payable for a large vehicle test of driving theory to be conducted by an appointed person is £35 and the fee payable for a large vehicle test of hazard perception to be conducted by an appointed person is £15.”.

Fees in respect of practical or unitary tests

11. In regulation 35 (fees in respect of practical or unitary tests), at the end add—
- “(7) In this regulation “working day” means a day other than a Saturday, Sunday, bank holiday, Christmas Day or Good Friday (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971).”.

Further requirements at tests

12. In regulation 38(4) (further requirements at tests)—
- (a) for “regulation 40(3)” substitute “regulation 40(4)”; and
 - (b) for “a valid theory test pass certificate” substitute “a valid standard theory test pass certificate or a valid large vehicle theory test pass certificate”.

Nature and conduct of tests

13. For regulation 40 (nature of tests other than extended tests), substitute—

“Nature of tests other than extended tests

40.—(1) This regulation and regulations 40A to 40C apply to tests other than extended driving tests and are subject to regulation 42.

(2) The test for a licence authorising the driving of a motor vehicle of a class included in category A, B or P shall be conducted in two parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception, and
- (b) a practical test of driving skills and behaviour,

and a person taking such a test must pass both parts.

(3) Subject to paragraph (4), the test for a licence authorising the driving of a motor vehicle of a class included in category C or D shall be conducted in three parts, namely—

- (a) the large vehicle test of driving theory,
- (b) the large vehicle test of hazard perception, and
- (c) a practical test of driving skills and behaviour,

and a person taking such a test must pass all three parts.

(4) The test for a licence authorising the driving of a motor vehicle of a class included in category B+E, C+E and D+E—

- (a) in a case where the test is for a licence authorising the driving of vehicles in sub-category C1+E and the applicant is the holder of a full licence which was in force

at a time before 1st January 1997 and authorises the driving of motor vehicles included in sub-category C1+E (8.25 tonnes) but not the driving of any other vehicles included in category C+E, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category C, the large vehicle hazard perception test and the specified requirements prescribed in respect of the practical test for category C+E, and

(b) in any other case, shall consist of a practical test only.

(5) The test for a licence authorising the driving of a motor vehicle of a class included in category F, G, H or K shall be a unitary test and a person taking such a test shall be treated as having passed it if he satisfies the person conducting the test that he is—

- (a) generally competent to drive a vehicle of that class without danger to, and with due consideration for, other road users,
- (b) fully conversant with the Highway Code, and
- (c) able to comply with the requirements specified in regulation 40C(6) in respect of a vehicle of that class.”.

14. After regulation 40, insert—

“**40A.**—(1) Where a test is required to be conducted in two parts, a person taking the test—

- (a) must pass the theory test before he takes the practical test, and
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 32(4)) for a practical test in respect of a motor vehicle of a class included in category A, B or P until he has been furnished with—
 - (i) a valid standard theory test pass certificate stating that he has passed the theory test prescribed in respect of that category, or
 - (ii) a certificate corresponding to such a certificate furnished under the laws of Northern Ireland stating that he has during the relevant period passed the theory test in respect of the same category.

(2) Where a test is required to be conducted in three parts, a person taking the test—

- (a) must pass the large vehicle test of driving theory and the large vehicle test of hazard perception before he takes the practical test;
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 33(4)) for a practical test in respect of a motor vehicle of a class included in category C or D until he has been furnished with —
 - (i) a valid large vehicle theory test pass certificate in respect of that category; or
 - (ii) a certificate corresponding to such a certificate furnished under the law of Northern Ireland.

Content of the tests

40B.—(1) The standard test of driving theory shall—

- (a) be conducted as an approved form of examination consisting of 50 questions, the questions being in either multiple choice or multiple response form and testing a candidate on the matters specified in regulation 40C(4) in respect of a vehicle of the relevant class; and
- (b) have a duration of 57 minutes or, in the circumstances specified in paragraph (6), 114 minutes.

(2) The large vehicle test of driving theory shall—

- (a) be conducted as an approved form of examination consisting of 100 questions, the questions being in either multiple choice or multiple response form and testing the

candidate on the matters specified in regulation 40C(5) in respect of a vehicle of the relevant class and the CPC subjects applicable to that class; and

- (b) have a duration of 115 minutes or, in the circumstances specified in paragraph (6), 230 minutes.

(3) The standard test of hazard perception shall—

- (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
- (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard to traffic on the road.

(4) The large vehicle test of hazard perception shall comply with the requirements set out in paragraph (3) for the standard test of hazard perception and shall be in a form considered appropriate by the Secretary of State for testing the candidate's competence in hazard perception in relation to vehicles in categories C and D.

(5) The practical test and the unitary test shall each be conducted so that—

- (a) subject to paragraph (b), the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads,
- (b) in the case of a test for a licence authorising the driving of a class of vehicle included in category A or P, the person undertaking the test undertakes the activities and manoeuvres specified in paragraphs 7 to 15 of Section D of Part I of Schedule 8 on a special testing ground, and
- (c) the time during which that person is required to drive on roads is—
 - (i) in the case of a test taken before 1st September 2008 for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 50 minutes;
 - (ii) in the case of a test taken on or after 1st September 2008 for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 60 minutes;
 - (iii) in the case of a test for a licence authorising the driving of a class of vehicle included in category B+E, C1+E, C+E, D1+E or D+E, not less than 50 minutes; and
 - (iv) in the case of any other test, not less than 30 minutes.

(6) The circumstances referred to in paragraphs (1) and (2) are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.

(7) For the purposes of this regulation—

“an approved form of examination” means a form of examination which is conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate; and

“film clip” means a sequence of visual images displayed electronically.

Passing the test

40C.—(1) A person shall be treated as having passed the theory test described in regulation 40(2)(a) if he satisfies the person conducting the test—

- (a) in respect of the standard test of driving theory, of his knowledge and understanding of the specified matters; and
- (b) in respect of the standard test of hazard perception, that his performance in the test demonstrates an ability to perceive hazards on the road.

(2) A person shall be treated as having passed—

- (a) the large vehicle test of driving theory if he satisfies the person conducting the test of his knowledge and understanding of the specified matters and the CPC subjects; and
- (b) the large vehicle test of hazard perception if he satisfies the person conducting the test that his performance in the test demonstrates an ability to perceive hazards on the road.

(3) A person shall be treated as having passed the practical test if he satisfies the person conducting it of his ability to drive safely and to comply with the specified requirements.

(4) The specified matters for a standard test of driving theory in respect of a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table at the end of this regulation are the matters specified in relation to that category in column (2) of the table.

(5) The specified matters for a large vehicle test of driving theory in respect of a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table at the end of this regulation are the matters specified in relation to that category in column (2) of the table.

(6) The specified requirements for a practical or unitary test in respect of a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table are the requirements specified in relation to that category in column (3) of the table.

Table

<i>(1) Category</i>	<i>(2) Specified matters</i>	<i>(3) Specified requirements</i>
A	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.
B	Matters specified in Part 2 of Schedule 7.	Requirements specified in Part 2 of Schedule 8.
B + E	—	Requirements specified in Part 2 of Schedule 8.
C	Matters specified in Part 3 of Schedule 7.	Requirements specified in Part 3 of Schedule 8.
D	Matters specified in Part 4 of Schedule 7.	Requirements specified in Part 4 of Schedule 8.
C + E	—	Requirements specified in Part 3 of Schedule 8.
D + E	—	Requirements specified in Part 4 of Schedule 8.
F	—	Requirements specified in Parts 5 and 6 of Schedule 8.
G	—	Requirements specified in Parts 5 and 6 of Schedule 8.
H	—	Requirements specified in Parts 5 and 7 of Schedule 8.
K	—	Requirements specified in Part 5 of Schedule 8.
P	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.”.

Nature of extended driving tests

15. In regulation 41 (nature of extended driving tests)—

- (a) in paragraph (1), for “paragraphs (2) to (11) of regulation 40” substitute “regulations 40 to 40C”; and
- (b) for paragraph (2), substitute—
 - “(2) For the purposes of an extended driving test, the provisions of regulations 40 to 40C shall apply as if regulation 40(1) were omitted and as if for sub-paragraph (c) of regulation 40B(5) there were substituted—
 - “(c) the time during which that person is required to drive on roads is not less than 60 minutes.”.

Evidence of result of theory test

16. In regulation 47 (evidence of result of theory test)—

- (a) in the heading, at the end add “: vehicles other than category C or D”;
- (b) for “theory test pass certificate” wherever it occurs substitute “standard theory test pass certificate”;
- (c) for paragraph (1), substitute—
 - “(1) The person conducting a theory test described in regulation 40(2)(a) shall arrange for the test to be marked on the day of the test.”; and
- (d) in paragraph (8), omit the words after “the Secretary of State”.

17. After regulation 47 insert—

“Evidence of result of theory test: category C and D

47(A).—(1) The person conducting—

- (a) a large vehicle test of driving theory; or
- (b) a large vehicle test of hazard perception,

shall arrange for the test to be marked on the day of the test.

(2) The person conducting a large vehicle test of driving theory shall, upon completion of the marking of the test, furnish—

- (a) a person who passes the test with a statement of performance in the form set out in Part 1 of Schedule 10A;
- (b) a person who fails to pass the test with a statement of performance in the form set out in Part 2 of Schedule 10A.

(3) The person conducting a large vehicle test of hazard perception shall, upon completion of the test, furnish—

- (a) a person who passes the test with a statement of performance in the form set out in Part 1 of Schedule 10B;
- (b) a person who fails to pass the test with a statement of performance in the form set out in Part 2 of Schedule 10B.

(4) Where a person who has conducted a large vehicle test of driving theory or a large vehicle test of hazard perception is satisfied that a statement of performance has been furnished in error to a person who took the test, he shall, upon receipt of that document from that person, and subject to paragraph (5), furnish that person with a correct statement.

(5) Where the person who took the test alleges that a statement of performance has been furnished under paragraph (2)(b) or (3)(b) in error he may return the statement not later than 14 days after it is furnished to him to the person who conducted the test with a request in writing that the test be remarked.

(6) The person who conducted the test shall comply with a request under paragraph (5) for the purpose of ascertaining whether an error has been made but otherwise shall not be obliged to remark any test.

(7) A statement of performance is not valid for the purposes of regulation 47B(1)—

- (a) if the person to whom it is furnished is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take the test to which the statement relates; or
- (b) if the statement is furnished in error or with an error in the particulars required to be specified in it.

Large vehicle theory test pass certificates

47B.—(1) Where a person has obtained statements of performance under regulation 47A(2)(a) and (3)(a) he shall be entitled to be furnished with a large vehicle theory test pass certificate in the form set out in Schedule 10C.

(2) The large vehicle theory test pass certificate shall be furnished as soon as practicable to a person entitled to it under paragraph (1) by the person who conducted the test to which the later of the two statements relates.

(3) A large vehicle theory test pass certificate furnished in error, or with an error in the particulars required to be specified in it, may not be presented in support of an application for a licence as evidence that the person has passed the tests mentioned in such a certificate.

(4) A large vehicle theory test pass certificate shall be valid for the purposes of regulation 38(4) for a period commencing on the earlier of the dates on which a person passes the large vehicle test of driving theory or the large vehicle hazard perception test and ending—

- (a) two years later, or
- (b) on the date on which that person is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test,

whichever is the earlier.

(5) A large vehicle theory test pass certificate is not valid for the purposes of regulation 38(4) if —

- (a) it is furnished in error or with an error in the particulars required to be specified in it; or
- (b) the person to whom it is furnished is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take any test to which the certificate relates.

(6) Where a person who has furnished a large vehicle theory test pass certificate is satisfied that it has been furnished with an error in the particulars specified in it, he shall upon receipt of that document from the person to whom it was furnished, furnish that person with a correct certificate.

(7) A large vehicle theory test pass certificate shall cease to be valid if the person to whom it is furnished is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test.

(8) A person authorised to conduct theory tests by virtue of paragraphs (b), (c), (da), (db), (e) or (f) of regulation 23(1) or regulation 23(2)(b) shall issue large vehicle theory test pass certificates using forms supplied by the Secretary of State.”.

Evidence of the result of practical or unitary test

18. In regulation 48 (evidence of the result of practical or unitary test)—

- (a) in paragraph (2)(b), for “theory test pass certificate” substitute “standard theory test pass certificate”;

(b) after paragraph (2)(b), insert—

“; or

(ba) at the time when it is issued, the large vehicle theory test pass certificate produced to the person conducting the test in accordance with regulation 38(4) is invalid by virtue of regulation 47B(5).”; and

(c) in paragraph (3), omit the words after the words “Secretary of State”.

Specified matters for theory test

19. In Schedule 7 (specified matters for theory test), for “Regulation 40” substitute “Regulation 40C”.

Forms of statements of performance and certificate

20. In Schedule 10 (forms of certificate and statement of theory test result), in Part 1, in the heading to that Part, for “Theory Test” substitute “Standard Theory Test”.

21. After Schedule 10 insert—

“SCHEDULE 10A

Regulation 47A(2)

Large vehicle test of driving theory

PART 1

Statement of performance: pass

Name of candidate.....

Driver number.....

Date of test.....

You have passed the large vehicle test of driving theory prescribed under section 89 of the Road Traffic Act 1988 in respect of category/categories....

Test centre [Number or location of centre]

PART 2

Statement of performance: fail

Name of candidate.....

Driver number.....

Date of test.....

You have failed the large vehicle test of driving theory prescribed under section 89 of the Road Traffic Act 1988 in respect of category/categories....

Test centre [Number or location of centre]

SCHEDULE 10B

Regulation 47A(3)

Large vehicle test of hazard perception

PART 1

Statement of performance: pass

Name of candidate.....

Driver number.....

Date of test.....

You have passed the large vehicle test of hazard perception prescribed under section 89 of the Road Traffic Act 1988 in respect of category/categories....

Test centre [Number or location of centre]

PART 2

Statement of performance: fail

Name of candidate.....

Driver number.....

Date of test.....

You have failed the large vehicle test of hazard perception prescribed under section 89 of the Road Traffic Act 1988 in respect of category/categories....

Test centre [Number or location of centre]

SCHEDULE 10C

Regulation 47B(1)

Large vehicle theory test pass certificate

Name of candidate.....

Driver number.....

Certificate number.....

You have passed the large vehicle test of driving theory and the large vehicle test of hazard perception prescribed under section 89 of the Road Traffic Act 1988 in respect of category/categories.... . You will need to produce this certificate when you take your practical test.

You have two years from [date] to take your practical test. If you do not pass your practical driving test on or before [date] you will have to pay for and take further tests.”

Savings and transitional provision

22.—(1) The 1999 Regulations shall have effect in relation to—

- (a) a theory test for which application has been made before the coming into force of these Regulations; and
- (b) a theory test to be taken on or after the date on which these Regulations come into force but before 4th August 2008,

without the amendments made by these Regulations.

(2) In this regulation “theory test” has the same meaning as in regulation 3 of the 1999 Regulations but without the amendments made by these Regulations.

Signed by authority of the Secretary of State

28th May 2008

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

We approve the making of these Regulations

4th June 2008

Dave Watts
Frank Roy
Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (the “1999 Regulations”). The Regulations come into force on 7th July 2008, although the 1999 Regulations continue to apply in respect of theory tests booked before 7th July 2008 or taken before 4th August 2008.

In respect of the driving test for (broadly) lorries and buses, these Regulations replace the existing theory test with a theory test consisting of two parts (a large vehicle test of driving theory and a large vehicle test of hazard perception) (regulations 13 and 14). The additional requirement to pass a practical test makes this a three part driving test.

The scope of the matters to be covered by the large vehicle test of driving theory is also increased so as to include subjects required to be tested under Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (O.J. No. L226, 10.9.2003, p.4). Directive 2003/59/EC has been implemented by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (S.I. 2007/605) which, in this respect, these Regulations supplement (new regulations 40B(2)(a) and 40C(2)(a), as inserted by regulation 14). Regulation 4 inserts a new definition of “CPC subjects” for the purposes of Part III of the 1999 Regulations.

A person required to take this three part driving test must pass the large vehicle test of driving theory and the large vehicle test of hazard perception before taking the practical test, and is not entitled to apply for an appointment for a practical test before obtaining a valid large vehicle theory test pass certificate (new regulation 40A, as inserted by regulation 14).

The fee for the new large vehicle test of driving theory is £35 and the fee for the new large vehicle test of hazard perception is £15 (regulation 10). This represents an increase of 56% over the fee of £32 for the former combined large vehicle theory and hazard perception test.

Examiners who conduct large vehicle tests of driving theory or large vehicle tests of hazard perception must provide a person who has taken such a test with a statement of performance (new regulation 47A, as inserted by regulation 17). A person who has obtained statements of performance for both parts of the theory test is entitled to a large vehicle theory test pass certificate (new regulation 47B, as inserted by regulation 17). That certificate is valid for the purposes of eligibility to take a practical test (under regulation 38 of the 1999 Regulations) for a period of 2 years from the earlier of the dates on which the large vehicle test of driving theory or large vehicle test of hazard perception was passed. There are prescribed forms for the statements of performance and the large vehicle theory test pass certificate (regulation 21).

The Regulations introduce new charging arrangements in relation to driving examiners other than those directly appointed by the Driving Standards Agency. They introduce a charge for each set of theory test questions and hazard perception clips provided to persons and organisations authorised to appoint theory test examiners to conduct theory tests in relation to members of the armed forces, drivers employed by the police, the fire and rescue authorities and some bus and goods vehicle operators. The charge for each test issued is £18.50 in respect of car, motor bicycle and moped tests and £29 (£20 for the large vehicle test of driving theory and £9 for the large vehicle test of hazard perception) in respect of bus and lorry tests (regulation 6). The charge for each pass certificate issued is revoked (regulation 16(d)).

They also introduce an annual charge of £950 in respect of each examiner similarly appointed to conduct practical or unitary tests (although this charge does not apply to examiners for the armed forces). The charge, which is payable by the appointing person or organisation, is first payable on 4th August 2008 or the date on which the appointment is made, if later (regulation 7). The charge for each pass certificate issued is revoked (regulation 18(c)).

The Secretary of State is given a new power to vary the conditions of approval applying to persons and organisations authorised to appoint such examiners (regulations 5 and 7(a)).

The Regulations amend the definition of “working day” for the purposes of calculating test fees (regulations 4(b) and 11).

Full impact assessments of the effect that these Regulations will have on the costs of business and the voluntary sector are available from the Driving Standards Agency, Policy Branch, The Axis, Upper Parliament Street, Nottingham NG1 6LP and on the Driving Standards Agency’s website at www.dsa.gov.uk. The impact assessments are annexed to the explanatory memorandum which is available alongside the instrument on the Office of Public Sector Information website at www.opsi.gov.uk.

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