
STATUTORY INSTRUMENTS

2008 No. 1435

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

Evidence of result of theory test

17. After regulation 47 insert—

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

47.—(A) 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.”.