

2009 No. 788

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2009**

<i>Made</i>	- - - -	<i>24th March 2009</i>
<i>Laid before Parliament</i>		<i>27th March 2009</i>
<i>Coming into force</i>		
<i>For all purposes other than regulation 28</i>		<i>30th March 2009</i>
<i>For the purpose of regulation 28</i>		<i>6th April 2009</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by sections 89(3)(a), (4)(b) and (5)(c), 91(b)(d), 97(1)(e), 99(7ZA)(f) and 105(1), (2)(a), (e) and (ea)(g), (3) and (4)(h) of the Road Traffic Act 1988(i) and, in the case of regulations 9, 13(e) and (f), 28 and 29, with the approval of the Treasury in accordance with section 105(4) of the 1988 Act.

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the 1988 Act.

The Secretary of State for Transport, in exercising the powers conferred by section 89(4)(b) of the 1988 Act, has taken into account the functions and matters specified in respect of that section in the Department of Transport (Fees) Order 1988(j) and, in exercising the powers conferred by sections 97(1)(a), 99(7ZA) and 105(2)(e) has taken into account the functions and matters

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- (a) Section 89(3) was amended by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 63 and by 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) (“the 1996 Regulations”), Schedule 1, and by the 2006 Act, section 36.
- (c) Section 89(5) was amended by the 2006 Act, section 36 and Schedule 7.
- (d) Section 91 was amended by the 2006 Act, section 36.
- (e) Section 97(1) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) (“the 1989 Act”), sections 6, 7 and 16, Schedule 3 paragraph 9 and Schedule 6; by the Road Traffic (New Drivers) Act 1995 (c.13), section 10 and Schedule 2, paragraph 2; by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 6 and by the Crime (International Co-operation) Act 2003 (c.32) (“the 2003 Act”), sections 78 and 91 and Schedule 5, paragraphs 17 and 21.
- (f) Section 99(7ZA) was inserted by the 2006 Act, section 40.
- (g) Section 105(2) was amended by the 1989 Act, section 7 and Schedule 3, paragraph 14; by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144), regulation 2 and Schedule 1, paragraph 6; by the 1991 Act, section 83 and Schedule 8; by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 17; by the Driving Licences (Community Driving Licence) Regulations 1998 (S.I. 1998/1420) (“the 1998 Regulations”), regulations 2, 10, and 17 and the Schedule and by the 2003 Act, section 91 and Schedule 5, paragraphs 17 and 23.
- (h) Section 105(4) was amended by the 1998 Regulations, regulations 2 and 10.
- (i) 1988 c.52.
- (j) S.I. 1988/643; relevant amending instrument is S.I. 1995/1684. The functions and matters are specified in columns (2) and (3) of item 5 in Table III (Road Traffic Act) of Schedule 1 and in Schedule 2 to the Order.

specified in respect of those sections in the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2009.

(2) The Regulations shall come into force on 30th March 2009 other than for the purposes of regulation 28 which shall come into force on 6th April 2009.

(3) In these Regulations, the “principal Regulations” means the Motor Vehicles (Driving Licences) Regulations 1999(b).

Amendment of the principal Regulations

2. The principal Regulations shall be amended in accordance with regulations 3 to 32 subject to regulation 33 (savings and transitional provisions).

3. In regulation 3 (interpretation)—

(a) after the definition of “LGV trainee driver’s licence” insert—

““manoeuvres test” means a test consisting of the activities and manoeuvres specified in Schedule 8A and includes such a test conducted as part of an extended driving test;”;

(b) after the definition of “mobile project vehicle” insert—

““module 1 pass certificate” means a certificate relating to the passing of a manoeuvres test in the form set out in Part 1 of Schedule 10D;

“module 1 statement of failure” means a statement in the form set out in Part 2 of Schedule 10D regarding the failing of a manoeuvres test;”;

(c) in the definition of “practical test” for “the part” to the end substitute

“the part of it consisting of that test; and the term—

(a) includes such a test conducted as part of an extended driving test; and

(b) excludes the manoeuvres test”.

4. In regulation 3A (meaning of “theory test”)—

(a) at the end of paragraph (1)(a) omit “and”; and

(b) after paragraph (1)(a) insert—

“(aa) where a test is to be conducted, by virtue of regulation 40(1A), in three parts, the part, described in regulation 40(1A)(a), which consists of the standard test of driving theory and the standard test of hazard perception; and”.

5. In regulation 22 (interpretation of Part III) in the definition of “DSA examiner” for “practical” substitute “manoeuvres tests, practical tests”.

6. In regulation 23 (persons by whom theory tests may be conducted) in paragraph (5) after “conduct” insert “manoeuvres tests or”.

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

(a) in the heading after “whom” insert “manoeuvres,”;

(b) in paragraph (1) for “practical” in the first place where it appears substitute “manoeuvres test, practical test”;

(a) S.I. 2003/2994, amended by S.I. 2008/908. The functions and matters are specified in articles 2 and 3 respectively of the Order.

(b) S.I. 1999/2864, relevant amending instruments are S.I. 2000/3157, 2001/53 and 236, 2002/2641, 2003/2003, 2004/3168, 2005/2717 and 2929, 2007/698, 2008/508, 1312, 1435 and 2508 and S.S.I. 2005/344.

- (c) in paragraph (2) for “practical” substitute “manoeuvres test, practical test”;
- (d) at the beginning of paragraph (2A) add “A manoeuvres test or”; and
- (e) in paragraph (3) for “practical” substitute “manoeuvres tests, practical tests”.

8. In regulation 25 (revocation of authority to conduct tests) in paragraph (1) for “unitary, practical” substitute “unitary tests, manoeuvres tests, practical tests”.

9. In regulation 30 (fees for theory tests) in paragraph (2) for “£30” substitute “£31”.

10. In regulation 31 (applications for practical and unitary tests: applicants in person)—

- (a) in the heading after “for” insert “manoeuvres,”;
- (b) in paragraph (1) for “practical” substitute “manoeuvres test, practical test”; and
- (c) in paragraph (3) for “practical or, as the case may be, a unitary test” substitute “manoeuvres test, practical test or unitary test, as the case may be,”.

11. In regulation 32 (applications for practical tests: motor bicycle instructors)—

- (a) in the heading after “for” insert “manoeuvres or”;
- (b) in paragraph (1) after “appointment for” insert “a manoeuvres test or”;
- (c) in paragraph (2) for “practical” substitute “manoeuvres tests, practical tests”; and
- (d) in paragraph (5)—
 - (i) after “paragraph (4) for” insert “a manoeuvres test or”;
 - (ii) after “for a test” insert “of the same sort”.

12. In regulation 34 (eligibility to reapply for practical or unitary test)—

- (a) in the heading after “for” insert “manoeuvres,”;
- (b) in paragraph (1) for “practical” substitute “manoeuvres test, practical test”; and
- (c) in paragraph (3) before sub-paragraph (a) insert—
 - “(za) in the case of a manoeuvres test, 3 clear working days,”.

13. In regulation 35 (fees in respect of practical or unitary tests)—

- (a) in the heading after “of” insert “manoeuvres,”;
- (b) in paragraph (1) for “practical” substitute “manoeuvres test, practical test”;
- (c) in paragraph (2) after “(3ZA),” insert “(3ZB), (3ZC),”;
- (d) in paragraph (3) after “(3ZA)” insert “(3ZB), (3ZC),”;
- (e) for paragraph (3ZA) substitute—
 - “(3ZA) Subject to paragraphs (3C) and (4), in the case of a manoeuvres test or practical test which—
 - (a) is to be conducted by a DSA examiner,
 - (b) is not, or does not form part of, an extended driving test,
 - (c) is for a licence authorising the driving of a motor vehicle of a class included in category A or P,
 the fee payable is that specified in relation to that test in column (2) of the Table in Schedule 5A.”; and
- (f) before paragraph (4) insert—
 - “(3ZB) Subject to paragraphs (3ZC) and (4), in the case of a manoeuvres test or practical test which—
 - (a) is to be conducted by a DSA examiner,
 - (b) is, or forms part of, an extended driving test,

- (c) is for a licence authorising the driving of a motor vehicle of a class included in category A or P,

the fee payable is that specified in relation to that test in column (3) of the Table in Schedule 5A.

(3ZC) In paragraphs (3ZA) and (3ZB), where reference is made to the Table in Schedule 5A, that reference is to—

- (a) the Table in Part 1 of that Schedule where the test is conducted before 5th October 2009; and
- (b) the Table in Part 2 of that Schedule where the test is conducted on or after 5th October 2009.”.

14. In regulation 36 (cancellation of tests) for “practical” substitute “manoeuvres test, practical test”.

15. In regulation 37 (test vehicles)—

- (a) in paragraph (1) for “practical” substitute “manoeuvres test, practical test”;
- (b) in paragraph (2) after “prescribed” insert “manoeuvres test or”;
- (c) in paragraph (3) after “for a” where those words first appear insert “manoeuvres test or”;
- and
- (d) in paragraph (4) for “practical” substitute “manoeuvres test, practical test”.

16. In regulation 38 (further requirements at tests)—

- (a) in paragraph (1) after “theory test,” insert “manoeuvres test,”;
- (b) in paragraph (4) after “for a” insert “manoeuvres test or”;
- (c) in paragraph (5) for “practical” substitute “manoeuvres test, practical test”;
- (d) in paragraph (5A) after “theory test” insert “manoeuvres test”;
- (e) in paragraph (7) for “practical” substitute “manoeuvres test, practical test”;
- (f) in paragraph (8) after “for a” insert “manoeuvres test or”;
- (g) after paragraph (8) insert—

“(8A) Subject to paragraph (8B), before commencement of a practical test in relation to a vehicle of a class included in category A or P the person submitting to the test shall produce to the person conducting the test a module 1 pass certificate which—

- (a) is valid;
- (b) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken; and
- (c) save in a case where sub-paragraph (a) of paragraph (4) applies, records as the date of the theory test the same date as is recorded for that test in the valid standard theory test pass certificate which is produced in accordance with that paragraph.

(8B) In the case of a person who is exempt from the requirement to pass a theory test by virtue of regulation 42(1), the certificate produced in accordance with paragraph (8A) shall be dated no earlier than six months before the date on which it is produced.”; and

- (h) in paragraph (9) for “practical” substitute “manoeuvres test, practical test”.

17. In regulation 39 (examiner’s right to refuse to conduct test)—

- (a) in paragraph (1)(b)—
 - (i) after “practical” insert “test (other than in relation to a vehicle of a class included in category A or P)”;
 - and
 - (ii) for “(7) or (8)” substitute “or (7)”;
- (b) after paragraph (1) insert—

“(1A) Subject to paragraphs (2) and (3), the person authorised to conduct a test in relation to a vehicle of a class included in category A or P must refuse to do so where—

- (a) a person submitting to a manoeuvres test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7) or (8) of regulation 38 or by paragraph (1A)(a) of regulation 40A has been complied with; or
- (b) a person submitting to a practical test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7), (8), (8A) or (8B) of regulation 38 or by paragraph (1A)(c) of regulation 40A has been complied with.”; and
- (c) in paragraph (2)(b)—
 - (i) for “practical” substitute “manoeuvres test, practical test”; and
 - (ii) for “under paragraph (4) or (8)” substitute “in accordance with paragraph (4), (8), (8A) or (8B)”.

18. In regulation 40 (nature of tests other than extended tests)—

- (a) after paragraph (1) insert—

“(1A) The test for a licence authorising the driving of a motor vehicle in category A or P, or in sub-category A1, shall be conducted in three parts, namely—

 - (a) the standard test of driving theory and the standard test of hazard perception;
 - (b) the manoeuvres test; and
 - (c) the practical test.

(1B) A person taking the test referred to in paragraph (1A) must—

 - (a) pass all three parts; and
 - (b) take all three parts in the same category or sub-category of vehicle.”; and
- (b) in paragraph (2) for “category A, B or P” substitute “category B”.

19. In regulation 40A—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a) after “theory test” insert “or have passed, within the last 2 years, that part of a Northern Ireland test concerning the theory of driving vehicles in category B and corresponding to the theory test”; and
 - (ii) in sub-paragraph (b)—
 - (aa) omit the brackets and the words therein;
 - (bb) for “category A, B or P” substitute “category B”; and
 - (cc) for paragraph (ii) substitute—

“(ii) a certificate relating to the passing of the part of the Northern Ireland test referred to in sub-paragraph (a).”;
- (b) after paragraph (1) insert—

“(1A) Where a test is required to be conducted in three parts pursuant to regulation 40(1A) a person—

 - (a) must, pass the theory test in respect of a vehicle in category A or P or have passed, within the last 2 years, that part of a Northern Ireland test concerning the theory of driving vehicles in category A or P before taking the manoeuvres test;
 - (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 32(4)) for the manoeuvres test in respect of a vehicle in category A or P until that person has been furnished with—
 - (i) a valid standard theory test pass certificate stating that the person has passed the theory test in respect a vehicle in category A or P; or

- (ii) a certificate relating to the passing of the part of the Northern Ireland test referred to in sub-paragraph (a); and
 - (c) must, before taking a practical test in relation to a vehicle in category A or P, or in sub-category A1, pass the manoeuvres test in respect of a vehicle in the same category or sub-category as that in respect of which the practical test is to be taken.”; and
 - (c) in paragraph (2)—
 - (i) after “three parts” insert “pursuant to regulation 40(3)”;
 - (ii) in sub-paragraph (a) after “perception” insert “or have passed, within the last 2 years, those parts of a Northern Ireland test concerning the theory of driving vehicles in category C or D (including hazard perception),”; and
 - (iii) in sub-paragraph (b) for paragraph (ii) substitute—
 - “(ii) a certificate or certificates relating to the passing of those parts of the Northern Ireland test referred to in sub-paragraph (a).”.
- 20.** In regulation 40B (content of the tests)—
- (a) in paragraph (5)—
 - (i) in sub-paragraph (a) omit “subject to paragraph (b),”; and
 - (ii) omit sub-paragraph (b);
 - (b) after paragraph (5) insert—
 - “(5A) The manoeuvres test may be conducted on a special testing ground or on roads.”.
- 21.** In regulation 40C (passing the test)—
- (a) in paragraph (3) after “passed the” insert “manoeuvres test or”;
 - (b) in paragraph (6) omit “Subject to paragraph (7)”; and
 - (c) for paragraph (7) substitute—
 - “(7) The specified requirements for the manoeuvres test are those specified in Schedule 8A.”.
- 22.** In regulation 43 (entitlement upon passing a test other than an appropriate driving test)—
- (a) in paragraphs (2) and (3) for “or, as the case may be, the practical test” in each place where those words appear substitute “, practical test (other than in relation to a vehicle of a class included in category A or P) or two-part practical test, as the case may be,”; and
 - (b) after paragraph (6) add—
 - “(7) In this regulation “two-part practical test” means—
 - (a) in relation to a vehicle of a class included in category A or P, the manoeuvres test and the practical test in respect of a vehicle of a class included in category A or P, as appropriate;
 - (b) in relation to a vehicle of a class included in sub-category A1, the manoeuvres test and the practical test in respect of a vehicle of a class included in sub-category A1.”.
- 23.** In regulation 44 (entitlement upon passing a test other than an appropriate driving test: category A) in paragraph (2) for “practical test” in each place where those words appear substitute “manoeuvres test and practical test”.
- 24.** In regulation 46 (entitlement upon passing an appropriate driving test)—
- (a) in paragraphs (2) and (3) for “or, as the case may be, the practical test” in each place where those words appear substitute “practical test (other than in relation to a vehicle of a class included in category A or P) or two-part practical test, as the case may be,”;
 - (b) in paragraph (6) for “practical test” substitute “two-part practical test”;

(c) after paragraph (8) add—

“(9) In this regulation “two-part practical test” means—

- (a) in relation to a vehicle of a class included in category A or P, the manoeuvres test and the practical test in respect of a vehicle of a class included in category A or P, as appropriate;
- (b) in relation to a vehicle of a class included in sub-category A1, the manoeuvres test and the practical test in respect of a vehicle of a class included in sub-category A1.

25. In regulation 47 (evidence of result of theory test: vehicles other than category C or D) in paragraphs (6) and (7) after “regulation 38(4)” insert “or 40A(1)(b)(i) or (1A)(b)(i)”.

26. In regulation 47B (large vehicle theory test pass certificates) in paragraphs (4) and (5) after regulation 38(4) insert “or 40A(2)(b)(i)”.

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

(a) in the heading after “result of” insert “manoeuvres,”

(b) before paragraph (1) insert—

“(ZA1) A person conducting a manoeuvres test shall upon completion of the test furnish—

- (a) a person who passes the test with a module 1 pass certificate which, save where the person is exempt from the requirement to pass a theory test by virtue of regulation 42, shall record the date of the standard theory test as recorded in the standard theory test pass certificate which was produced in accordance with regulation 38(4) when that person submitted to the manoeuvres test;
- (b) a person who fails to pass the test with a module 1 failure statement;”;

(c) after paragraph (1) insert—

“(1A) A module 1 pass certificate is invalid if—

- (a) the person to whom it is issued is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take the manoeuvres test to which the certificate relates; or
- (b) at the time when it was issued, the standard theory test pass certificate produced to the person conducting the test in accordance with regulation 38(4) is invalid by virtue of regulation 47(7).

(1B) A module 1 pass certificate is not valid for the purpose of regulation 38(8A)(a) if—

- (a) it is furnished in error or with an error in the particulars required to be specified in it; or
- (b) it is invalid by virtue of paragraph (1A)”;

(d) in paragraph (2)—

(i) before sub-paragraph (a) insert—

“(za) it is furnished in error or with an error in the particulars required to be specified in it;”;

(ii) at the end of sub-paragraph (b) omit “or”; and

(iii) after sub-paragraph (ba) insert—

“; or

(bb) it was issued in relation to a vehicle of a class included in category A or P and at the time when it was issued the module 1 pass certificate produced to the person conducting the test in accordance with regulation 38(8A) is invalid by virtue of paragraph (1B).”.

28. In Schedule 3 (licence fees), in Part 1, in the third column of the Table for “£17.50”, in each place where it occurs, substitute “£20”.

29. For Schedule 5 substitute the content of Schedule 1.

30. In Schedule 8 (specified requirements for practical or unitary test) in Part 1 in Section D omit paragraphs 7 to 15.

31. After Schedule 8 insert the content of Schedule 2.

32. After Schedule 10C (large vehicle theory test pass certificate) insert the content of Schedule 3.

Savings and transitional provision in respect of tests conducted before 27th April 2009

33.—(1) Subject to paragraphs (2) to (4), the principal Regulations shall apply in relation to a relevant test without the amendments made by these Regulations and, save where a contrary intention is expressed, references in paragraphs (2) to (5) to “the principal Regulations” mean the principal Regulations without the amendments made by these Regulations.

(2) Regulation 34 of the principal Regulations (eligibility to reapply for practical or unitary test) shall apply to a relevant test taken after 13th April 2009 with the amendments made by these Regulations and, for the purposes of that regulation, a person who takes, and fails to pass, such test after that date shall be regarded as having failed to pass the manoeuvres test on 22nd April 2009.

(3) Regulation 40B(5)(b) of the principal Regulations shall not apply in relation to a relevant test.

(4) Regulation 40C(7) of the principal Regulations shall apply as if for “30th March” were substituted “27th April”.

(5) In this regulation—

- (a) “manoeuvres test” has the same meaning as in the principal Regulations as amended by these Regulations;
- (b) “relevant test” means a practical test in respect of a vehicle included in category A or P which is taken on or after 30th March 2009 and before 27th April 2009; and
- (c) “practical test” has the same meaning as in the principal Regulations.

Signed by authority of the Secretary of State

19th March 2009

We approve the making of these Regulations

24th March 2009

Jim Fitzpatrick
Parliamentary Under Secretary of State,
Department for Transport

Dave Watts
Tony Cunningham
Two of the Lords Commissioners
of her Majesty’s Treasury

SCHEDULE 1

Regulation 29

“SCHEDULE 5

Regulation 35

FEES FOR PRACTICAL TESTS OR UNITARY TESTS: VEHICLES OF CATEGORIES OTHER THAN A OR P

<i>(1) Category or sub-category of vehicle</i>	<i>(2) Test, other than extended driving test, commencing:</i>		<i>(3) Extended driving test commencing:</i>	
	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>
1. B1, B, F, G, H, and K	£62	£75	£124	£150
2. B+E, C1, C1+E, D1, D1+E, C, C+E, D and D+E	£115	£141	—	—

SCHEDULE 5A

Regulation 35

FEES FOR THE MANOEUVRES TEST AND THE PRACTICAL TEST FOR VEHICLES OF CATEGORY A OR P

PART 1

TESTS CONDUCTED BEFORE 5TH OCTOBER 2009

<i>(1) Test</i>	<i>(2) Test, other than extended driving test, commencing:</i>		<i>(3) Extended driving test commencing:</i>	
	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>
1. Manoeuvres test	£10	£10	£10	£10
2. Practical test in relation to a vehicle of a class included in category A or P	£70	£82	£140	£164

PART 2

TESTS CONDUCTED ON OR AFTER 5TH OCTOBER 2009

<i>(1) Test</i>	<i>(2) Test, other than extended driving test, commencing:</i>		<i>(3) Extended driving test commencing:</i>	
	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>
1. Manoeuvres test	£15.50	£15.50	£15.50	£15.50
2. Practical test in relation to a vehicle of a class included in category A or P	£75	£88.50	£150	£177

SCHEDULE 2

Regulation 31

“SCHEDULE 8A Regulations 3 and 40C(7)

SPECIFIED REQUIREMENTS FOR MANOEUVRES TEST

- (1) The person conducting the test must be satisfied as to the ability of the candidate to—
- (a) carry out properly the activities, and
 - (b) perform competently, without danger to and with due consideration for other road users, the manoeuvres

specified in paragraph 2 in all respects in accordance with that paragraph.

(2) The activities and manoeuvres referred to in paragraph 1 as being specified in this paragraph are to—

- (a) park the vehicle on its stand;
- (b) remove the vehicle from its stand and move it, without the aid of the engine, by walking alongside it;
- (c) cause the vehicle to face in the opposite direction by driving it forward (a “U-turn”);
- (d) execute a slalom manoeuvre at slow speed;
- (e) execute a figure of eight manoeuvre at slow speed;
- (f) drive the vehicle at a steady walking pace, as if in slow moving traffic, making correct use of the vehicle to maintain a good level of balance;
- (g) execute a manoeuvre avoiding an obstacle whilst driving the vehicle at a speed of no less than—
 - (i) 31.25 miles per hour, in the case of a vehicle in category A; or
 - (ii) 18.75 miles per hour, in the case of a vehicle in category P;
- (h) execute a further manoeuvre whilst driving the vehicle in second or third gear at a speed of no less than 18.75 miles per hour;
- (i) execute two braking exercises, one of which must be an emergency stop, whilst driving the vehicle at a speed of no less than—
 - (i) 31.25 miles per hour, in the case of a vehicle in category A; or

(ii) 18.75 miles per hour, in the case of a vehicle in category P.”

SCHEDULE 3

Regulation 32

“SCHEDULE 10D

Regulation 3

FORMS OF CERTIFICATE AND STATEMENT

PART 1

MODULE 1 PASS CERTIFICATE

Certificate of passing the manoeuvres test

Driver number.....

Date of standard theory test.....

Date of manoeuvres test.....

Test centre.....

I certify that [name of candidate] has been examined and has PASSED the manoeuvres test prescribed for the purposes of section 89 of the Road Traffic Act 1988 *and for the purposes of section 36 of the Road Traffic Offenders Act 1988** in respect of the vehicles in category/categories A and P.

Whether vehicle fitted with automatic transmission.....Y/N

Whether vehicle modified/other restrictions.....

Signature of examiner.....

Signature of candidate.....

*Words in italics to be omitted where inapplicable

PART 2

MODULE 1 FAILURE STATEMENT

Statement of failure to pass the manoeuvres test

(To be endorsed on the front or the reverse of the Driving Test Report Form)

Name of candidate.....

Category/ies of vehicle.....

Driver number.....

Date of test.....

The candidate [named herein] has been examined and FAILED to pass the manoeuvres test prescribed for the purposes of section 89 of the Road Traffic Act 1988 *and for the purposes of section 36 of the Road Traffic Offenders Act 1988**.

*Words in italics to be omitted where inapplicable.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The Regulations—

- (a) provide that the practical test for motor bicycles and mopeds is divided into two parts consisting of part 1 being a new set of manoeuvres (“manoeuvres test”) replacing some of those in the old practical test and part 2 being the remainder of what was the old practical test (“part 2 practical test”) (*regulations 3(a) and (c), 18(a), 20(b), 21(a) and (c) and 31 and Schedule 2*) and make consequential amendments (*regulations 4, 6, 18(b), 20(a), 21(b) and 30*);
- (b) provide, in respect of motor bicycles and mopeds, for the furnishing of test pass certificates and test failure statements in relation to the manoeuvres test (*regulations 3(b), 27(a) and (b) and 32 and Schedule 3*);
- (c) make provision regarding the appointment of persons to conduct manoeuvres tests and part 2 practical tests, who is to conduct such tests and the revocation of authority to conduct such tests (*regulations 5, 7 and 8*);
- (d) increase the fee for the theory test for motor bicycles, cars and mopeds from £30 to £31 (an increase of 3.3%) (*regulation 9*);
- (e) provide that where an appointment has been made for a manoeuvres test, an application or nomination for a part 2 practical test may be made whether or not the manoeuvres test has been taken at the time of making the application or nomination, as appropriate (*regulations 10 and 11*);
- (f) provide that a person who has failed to pass a manoeuvres test is not eligible to reapply for such test until after three working days have elapsed and that a person who has failed to pass a part 2 practical test is not eligible to reapply until ten working days have elapsed (*regulation 12*);
- (g) subject to the transitional provisions referred to in sub-paragraph (u) below, increase on and from 30th March 2009 the fees for practical and unitary tests in respect of vehicles other than motor bicycles and mopeds (details of which are set out below) and, in respect of motor bicycles and mopeds, prescribe the fees for the manoeuvres test and the part 2 practical test and increase those fees (details of which are set out below) on and from 5th October 2009 (*regulations 13 and 29 and Schedule 1*);
- (h) prescribe the required period of notice for cancelling an appointment for a manoeuvres test or a part 2 practical test for the purpose of repayment of the fee paid (*regulation 14*);
- (i) prescribe the specification and description of vehicles in which the manoeuvres test or the part 2 practical test is to be conducted (*regulation 15*) and the further requirements upon the conduct of such tests (including the production of a valid theory test pass certificate and an appropriate driving licence) (*regulation 16(a) to (f) and (h)*);
- (j) require, before commencement of a part 2 practical test, production of a manoeuvres test pass certificate which bears the same theory test date as that of the theory test pass certificate and which is in respect of the same category of vehicle as that of the part 2 practical test vehicle (*regulation 16(g)*);
- (k) require those who are exempt from the theory test in respect of a motor bicycle or moped (including because they hold a full licence for a moped or for another class of motor bicycle) to have passed a manoeuvres test no earlier than six months before taking the part 2 practical test and in respect of the same category of vehicle as the part 2 practical test vehicle (*regulation 16(g)*);

- (l) provide for circumstances in which an examiner must refuse to conduct a manoeuvres test or a part 2 practical test (*regulation 17(a) and (b)*) and in which an examiner may conduct such tests notwithstanding that specified documentation (including a certificate of basic training) is not produced (*regulation 17(c)*);
- (m) provide, regarding the two-part driving test for cars, that a person may take the practical test if that person has passed a car driving theory test in Northern Ireland and a person may apply for a practical test appointment if furnished with a certificate regarding the passing of that test in Northern Ireland (*regulation 19(a)*);
- (n) provide, regarding the three-part test for motor bicycles and mopeds, that a person—
 - (i) must pass the theory test for motor bicycles and mopeds or have passed, within the last 2 years such similar test in Northern Ireland before taking a part 2 practical test;
 - (ii) cannot apply, or be nominated, for an appointment for a manoeuvres test until furnished with a certificate regarding the passing of the theory test for motor bicycles and mopeds or the passing of that similar test in Northern Ireland; and
 - (iii) before taking a part 2 practical test, must pass a manoeuvres test in respect of the same category of vehicle as that of the part 2 practical test vehicle (*regulation 19(b)*);
- (o) provide, regarding the three-part driving test for buses and lorries, that a person may take the practical test if that person has passed, within the last 2 years, a bus or lorry driving theory test in Northern Ireland and a person may apply, or be nominated, for a practical test appointment if furnished with one or more certificates regarding the passing of that test in Northern Ireland (*regulation 19(c)*);
- (p) provide, in relation to motor bicycles and mopeds, that upon passing a driving test or a driving test taken after expiry of a period of disqualification from driving, for a vehicle with automatic transmission or which has been adapted on account of a disability, a person is entitled to drive only such vehicles as have automatic transmission or are adapted on account of a disability, as appropriate (*regulations 22 and 24*);
- (q) provide, in relation to motor bicycles, that where the manoeuvres test and the part 2 practical test were passed on a specified type of motor bicycle the licence granted may authorise the driving of all classes of motor cycle or standard motorcycles, and in either case with or without a side-car, as appropriate (*regulation 23*);
- (r) provide that for the purposes of applying for a practical test or, in the case of motor bicycles and mopeds, a manoeuvres test (for which a valid theory test pass certificate is required) a theory test pass certificate is valid for two years from the date of the theory test or, in the case of large vehicles, from the date of the earlier of the driving theory test and the hazard perception test (*regulations 25 and 26*);
- (s) make provision as to the invalidity of manoeuvres test pass certificates (*regulation 27(c)*) and of practical test and unitary test pass certificates (*regulation 27(d)*);
- (t) increase by 14% (from £17.50 to £20) the fees for the grant of licences in exchange for existing licences and for the replacement of licences lost or destroyed (*regulation 28*); and
- (u) provide that, save as specified otherwise, the principal Regulations shall apply to practical tests undertaken before 27th April 2009 without the amendments made by these Regulations (*regulation 33*).

In relation to cars, tractors, track laying vehicles, road rollers and mowing machines, the fee for a practical or unitary test (other than an extended test) increases for tests booked on or after 30th March 2009 from £56.50 to £62 (an increase of 9.7%) when conducted during normal hours and from £67 to £75 (an increase of 11.9%) when conducted outside those hours. The fee for an extended practical test booked on or after 30th March 2009 increases from £113 to £124 (an increase of 11.9%) when conducted during normal hours and from £134 to £150 (an increase of 11.9%) when conducted outside those hours.

In relation to lorries, buses and coaches and the combination of such vehicles with trailers, as well as cars with trailers, the fee for a practical or unitary test booked on or after 30th March 2009

increases from £105 to £115 (an increase of 9.5%) when conducted during normal hours and from £125 to £141 (an increase of 12.8%) when conducted outside those hours.

The fee for a manoeuvres test conducted on or after 5th October 2009 increases from £10 to £15.50 (an increase of 55%).

The fee for a part 2 practical test (other than an extended test) conducted on or after 5th October 2009 increases from £70 to £75 (an increase of 7.1%) when conducted during normal hours and from £82 to £88.50 (an increase of 7.9%) when conducted outside those hours. The fee for an extended part 2 practical test conducted on or after 5th October 2009 increases from £140 to £150 (an increase of 7.1%) when conducted during normal hours and from £164 to £177 (an increase of 7.9%) when conducted outside those hours.

The Regulations implement points 6.2.3 to 6.2.5 of Annex II to Directive 91/439/EEC on driving licences (OJ No. L237, 24.8.91, p.1) as amended by Directives 2000/56/EC and 2008/65/EC. These points set out special manoeuvres which have a bearing on safety and are to be included in the test of driving skills and behaviour in respect of motorcycles. This Explanatory Note incorporates the Transposition Note that would otherwise have been provided separately. Copies of the Directives referred to above may be obtained from the Stationery Office.

A full impact assessment of the effect that this instrument (save for regulation 28) will have on the costs of business and the voluntary sector is available from the Driving Standards Agency, The Axis Building, 112 Parliament Street, Nottingham, NG1 6LP or from the Agency's website, www.dsa.gov.uk. A full impact assessment of the effect that regulation 28 (driver licence fees) will have on the costs of business and the voluntary sector is available from the Driver and Vehicle Licensing Agency, Policy and External Communications Directorate, Longview Road, Swansea, SA6 7JL or from the Agency's website, www.dvla.gov.uk. Both assessments are annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website, www.opsi.gov.uk.

A copy of each assessment has been placed in the library of each House of Parliament.

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STATUTORY INSTRUMENTS

2009 No. 788

ROAD TRAFFIC

The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2009

£5.50