

2015 No. 1797

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment) (No. 4)
Regulations 2015**

<i>Made</i>	- - - -	<i>15th October 2015</i>
<i>Laid before Parliament</i>		<i>22nd October 2015</i>
<i>Coming into force</i>	- -	<i>31st December 2015</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 89(2A)(a), (3)(b) and (6)(c)(c), 105(1), (2)(a)(d) and (ee)(e) and (3), and 108(1)(f) of the Road Traffic Act 1988(g).

The Secretary of State has consulted with representative organisations as required by section 195(2) of the Road Traffic Act 1988.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015 and come into force on 31st December 2015.

Amendments to the Motor Vehicles (Driving Licences) Regulations 1999

2. The Motor Vehicles (Driving Licences) Regulations 1999(h) are amended as set out in regulations 3 to 10.

3. In regulation 3A(1)(a) (meaning of “theory test”)—

- (a) for “40(2)” substitute “40(2A)”; and
- (b) for “40(2)(a)” substitute “40(2A)(a)”.

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

- (a) at the end of paragraph (8) insert—

-
- (a) Section 89(2A) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), section 6(1).
 - (b) 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), section 36, subsections (1) and (2).
 - (c) Section 89(6) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), Schedule 3, paragraph 8(b) and by the Road Safety Act 2006 (c.49), Schedule 7, part 19.
 - (d) Section 105(2)(a) was substituted by S.I. 1996/1974, Schedule 1, paragraph 17(a), and amended by the Crime (International Co-operation) Act 2003 (c.32), Schedule 5, paragraphs 17 and 23(a)(i).
 - (e) Section 105(2)(ee) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), Schedule 3, paragraph 14, and was amended by the Road Traffic Act 1991 (c.40), Schedule 8.
 - (f) See the definitions of “prescribed”, “regulations” and “test of competence to drive” in section 108(1).
 - (g) 1988 c.52.
 - (h) S.I. 1999/2864; relevant amending instruments are S.I. 2001/53, 2003/636, 2003/2003, 2008/1435, 2009/788 and 2012/977.

“, or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland.”; and

(b) for paragraph (8A) substitute—

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

(a) a module 1 pass certificate which—

(i) is valid;

(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken; and

(iii) save in a case where sub-paragraph (a) of paragraph (4A) 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 paragraph (4); or

(b) a certificate, furnished under the law of Northern Ireland, indicating that the person submitting to the practical test has passed that part of a Northern Ireland test corresponding to the manoeuvres test, which—

(i) is valid; and

(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken.”.

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

(a) omit paragraph (4); and

(b) in paragraph (5) omit sub-paragraph (a).

6. At the end of regulation 40A(1A)(c) insert—

“, or have passed that part of a Northern Ireland test corresponding to 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.”.

7. In regulation 40C(1) (passing the test) for “40(2)(a)” substitute “40(2A)(a)”.

8. In regulation 43 (entitlement upon passing a test other than an appropriate driving test)—

(a) for paragraph (5)(a)(ii) substitute—

“(ii) the person concerned held at the date on which he passed the test either—

(aa) the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was at that time valid in accordance with regulation 68(2), or

(bb) a valid certificate corresponding to such a certificate which was furnished to him under the law of Northern Ireland; or”; and

(b) for paragraph (5)(a)(iii) substitute—

“(iii) the person concerned holds either—

(aa) the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was furnished to him after the date on which he passed the test, and was valid in accordance with regulation 68(2) when furnished, or

(bb) a certificate corresponding to such a certificate which was furnished to him under the law of Northern Ireland after the date on which he passed the test and was valid when so furnished, and”.

9. In Schedule 7 (specified matters for theory test) in Parts 1, 2, 3 and 4, in section C (the road) of each of those Parts, after paragraph 3 insert—

“**4.** Safe driving in road tunnels.”.

10. In Schedule 8 (specified requirements for practical or unitary test) in Parts 1 and 2, in section E (behaviour in traffic) of each of those Parts, and in Parts 3 and 4, in section D (behaviour in traffic) of each of those Parts, after paragraph 12(d) insert—

“(e) Negotiate roundabouts.

(f) Pass bus or tram stops.

(g) Approach and cross pedestrian crossings.

(h) Drive up or down long inclines on roads.”.

Signed by authority of the Secretary of State for Transport

15th October 2015

T. Ahmad of Wimbledon
Parliamentary Under Secretary 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 1999 Regulations”) in relation to tests of competence to drive as follows.

Regulations 3 and 7 rectify discrepancies in certain paragraph references made in regulations 3A and 40C of the 1999 Regulations.

Regulation 4(a) provides that the requirement for a person submitting himself for a manoeuvres test, or a practical test, for a licence authorising the driving of a motor vehicle of a class included in category AM (mopeds and light quadricycles) or A (motor bicycles) to produce to the examiner before the test commences a valid certificate of completion of an approved training course for riders of such vehicles may be satisfied by production of the Northern Ireland equivalent of such a certificate.

Regulation 4(b) restates paragraph (8A) of regulation 38 of the 1999 Regulations with the addition of wording to provide that the requirement (for a person submitting himself for a practical test in relation to a vehicle of a class included in category AM or A) to produce to the examiner before the test commences a “manoeuvres test pass certificate” may be satisfied by production of the Northern Ireland equivalent of such a certificate. It also rectifies a discrepancy in a paragraph reference made in paragraph (8A).

Regulation 5 revokes provisions of the 1999 Regulations which refer to a person attending at a theory test with an interpreter, and to the giving of advance notice to examiners of a need for language assistance at a test.

Regulation 6 provides that the requirement for a person to pass the manoeuvres test in relation to a vehicle in category AM or A before taking a practical test in relation to such a vehicle may be satisfied by the passing of the Northern Ireland equivalent of such a manoeuvres test for such vehicles.

Regulation 8 restates paragraphs (5) (a) (ii) and (iii) of regulation 43 of the 1999 Regulations with the addition of wording to provide that if a driver with a category B licence (cars) has a Northern Ireland equivalent of a valid “certificate of completion of an approved training course for motor cyclists” then that licence will also authorise the driving of vehicles in categories Q (low speed two wheeled vehicles), or AM, if certain criteria are satisfied. It clarifies, for such certificates of completion furnished in Great Britain after the driving test is passed, that the certificate must be valid when furnished.

Regulations 9 and 10 implement in part Commission Directive 2014/85/EU (OJ No L 194, 2.7.14, p.40) which amends Directive 2006/126/EC of the European Parliament and of the Council on driving licences. *Regulation 9* implements paragraph 1(a) of the Annex to the Directive by adding “safe driving in road tunnels” to the list of specified matters which a candidate may be tested on in the theory test. *Regulation 10* implements paragraph 1(c) to (e) of the Annex to the Directive by adding more items to the list of specified requirements, in relation to behaviour in traffic, which a candidate may be tested on in the practical or unitary test.

An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum and a Transposition Note are published alongside the instrument on www.legislation.gov.uk.

The Directive referred to above is published at <http://eur-lex.europa.eu>.

£4.25

UK201510164 10/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1797>

ISBN 978-0-11-113999-8



9 780111 139998