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STATUTORY INSTRUMENTS

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**2021 No. 1128**

**ROAD TRAFFIC**

**The Motor Vehicles (Driving Licences)  
(Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>7th October 2021</i>
<i>Laid before Parliament</i>		<i>11th October 2021</i>
<i>Coming into force</i>	- -	<i>1st November 2021</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 89(3)(b) and (c) and (5ZA) and 105(1), (3) and (4) of the Road Traffic Act 1988(1) and in the case of regulations 5 and, to the extent it relates to a fee in 6(c), with the approval of the Treasury in accordance with section 105(4) of that Act.

The Secretary of State has consulted such representative organisations as the Secretary of State thinks fit in accordance with section 195(2) of that Act.

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2021.

(2) These Regulations come into force on 1st November 2021.

(3) These Regulations extend to England and Wales and Scotland.

**Amendments to the Motor Vehicles (Driving Licences) Regulations 1999**

2. The Motor Vehicles (Driving Licences) Regulations 1999(2) are amended in accordance with regulations 3 to 10.

**Amendment of regulation 3**

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

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(1) 1988 c. 52. Section 89(3) was amended by the Road Safety Act 2006 (c. 49), section 36(1) and 2(b) and (c). Section 89(5ZA) was inserted by the Road and Safety Act 2006, section 36(1) and (5). Section 105(4) was amended by S.I. 1998/1420. Under section 108(1) of the Road Traffic Act 1988 “prescribed” means prescribed by regulations and “regulations” means regulations made under section 105.

(2) S.I. 1999/2864; relevant amending instruments are S.I. 2000/3157, 2002/2641, 2003/2003, 2004/3168, S.S.I. 2005/344, S.I. 2005/2929, 2007/698, 2008/508, 2008/1435, 2009/788, 2010/1203, 2011/3058, S.S.I. 2013/119, S.I. 2013/602, 2014/1816, 2014/3190, 2018/1251.

- (a) after the definition of “extended driving test” insert—
  - ““fire and rescue authority” has the same meaning as in section 1 of the Fire and Rescue Services Act 2004(3);”;
- (b) in the definition of “fire engine” remove “(as determined under section 1 of the Fire and Rescue Services Act 2004)”.

### **Amendment of regulation 23**

- 4. In regulation 23 (persons by whom theory tests may be conducted)—
  - (a) after paragraph (1)(db) insert—
    - (dc) in England or Wales, a person appointed by any ambulance service NHS trust, or ambulance service NHS foundation trust, for the purpose of testing employees of any of those trusts;
    - (dd) in Scotland, a person appointed by the Scottish Ambulance Service Board(4), for the purpose of testing employees of that Board;
    - (de) a person who, or a member of a class of persons which—
      - (i) has been appointed to conduct theory tests under sub-paragraph (b) of paragraph (1), and
      - (ii) has the prior written approval of the Secretary of State for the purpose of testing employees of one or more emergency services;
    - (df) a person who—
      - (i) is appointed to conduct theory tests under any one of sub-paragraphs (c) to (dd) of paragraph (1), and
      - (ii) has the prior written approval of the Secretary of State for the purpose of testing either or both—
        - (aa) defence personnel;
        - (bb) employees of one or more other emergency services;”;
  - (b) after paragraph (1) insert—
    - “(1A) The Secretary of State may grant approval under paragraph (1)(de)(ii) or (df)(ii) subject to such conditions as the Secretary of State thinks fit and may vary any such conditions by notice in writing given to the person to whom the approval was granted.”;
  - (c) in paragraphs (3), (5) and (8) after “(db),” insert “(dc), (dd),”;
  - (d) for paragraph (8A) substitute—
    - “(8A) The following persons may not conduct a theory test within the meaning of regulation 3A(1)(ab)—
      - (a) a person appointed under paragraph (1)(da), (db), (dc), (dd), (e) or (f);
      - (b) a person to whom paragraph 1(df) applies on grounds that included prior appointment under paragraph 1(da) to (dd).”;
  - (e) in paragraph (9)—
    - (i) before the definition of “chief officer of police” insert—
      - ““ambulance service NHS trust” or “ambulance service NHS foundation trust” means—

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(3) 2004 c. 21. Section 1 was amended by The Policing and Crime Act 2017 c. 3, Schedule 1, Part 1, paragraphs 1 and 3, Schedule 2, Part 2, paragraphs 110 and 111 and article 12 of S.I. 2017/469.

(4) The Scottish Ambulance Service Board is a Special Health Board constituted under article 3 of S.I. 1999/686.

- (i) in England, a National Health Service trust or NHS foundation trust established under the National Health Service Act 2006<sup>(5)</sup> which has a function of providing ambulance services;
- (ii) in Wales, a National Health Service trust established under the National Health Service (Wales) Act 2006<sup>(6)</sup> which has a function of providing ambulance services;”;
- (ii) after the definition of “company”, insert—
  - ““defence personnel” means members of the armed forces of the Crown and persons in the public service of the Crown under the department of the Secretary of State for Defence;”;
- (iii) after the definition of “eligible person”, insert—
  - ““emergency services” means—
    - (i) a police force, and a reference to employees of a police force includes a reference to members of the force and persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;
    - (ii) a fire and rescue authority;
    - (iii) the Scottish Fire and Rescue Service<sup>(7)</sup>;
    - (iv) an ambulance service NHS Trust or ambulance service NHS Foundation Trust;
    - (v) the Scottish Ambulance Service Board;”.

#### **Amendment of regulation 23A**

5. In regulation 23A (supply of and charge for test set), in paragraph (1) after “(db),” insert “(dc), (dd),”.

#### **Amendment of regulation 24**

6. In regulation 24 (persons by whom manoeuvres, practical and unitary tests may be conducted)

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- (a) after paragraph (1)(cb) insert—
    - “(cc) in England or Wales, a person appointed by any ambulance service NHS trust, or ambulance service NHS foundation trust, for the purpose of testing employees of any of those trusts;
    - (cd) in Scotland, a person appointed by the Scottish Ambulance Service Board for the purpose of testing employees of that Board;
    - (ce) a person who, or a member of a class of persons which, —
      - (i) has been appointed to conduct manoeuvres, practical or unitary tests under sub paragraph (b) of paragraph (1), and
      - (ii) has the prior written approval of the Secretary of State for the purpose of testing employees of one or more emergency services;
  - (cf) a person who—

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(5) 2006 c. 41.

(6) 2006 c. 42.

(7) The Scottish Fire and Rescue Service is a body corporate established under section 1A of the Fire (Scotland) Act 2005 asp 5. Section 1A was inserted by section 101(1) of the Police and Fire Reform (Scotland) Act 2012 asp 8.

- (i) is appointed to conduct manoeuvres, practical or unitary tests under any one of sub paragraphs (ca) to (cd) or (d) of paragraph (1), and
- (ii) has the prior written approval of the Secretary of State for the purpose of testing either or both—
  - (aa) defence personnel;
  - (bb) employees of one or more other emergency services;”;
- (b) after paragraph (1D) insert—
  - “(1E) The Secretary of State may grant approval under paragraph (1)(ce)(ii) or (cf)(ii) subject to such conditions as the Secretary of State thinks fit, and may vary any such conditions by notice in writing given to the person to whom the approval was granted.”;
- (c) in paragraphs (3), (5) and (7) after “(cb)” insert “(cc), (cd),”.

#### **Amendment of regulation 25**

- 7. In regulation 25 (revocation of authority to conduct tests)—
  - (a) in paragraph (1)(b)—
    - (i) after “regulation 23” insert “(1)(de)(ii), (1)(df)(ii),”;
    - (ii) after “regulation 24” insert “(1)(ce)(ii), (1)(cf)(ii)”;
  - (b) in paragraph (2), for “23(3) or 24(3)” substitute “23(1)(de)(ii), (1)(df)(ii), (3), 24(1)(ce)(ii), (1)(cf)(ii) or (3)”.

#### **Amendment of regulation 35**

- 8. In regulation 35(1) (fees in respect of manoeuvres, practical or unitary tests)—
  - (a) after “(cb),” insert “(cc), (cd)”;
  - (b) after “(2)(b)” insert “or approved under regulation 24(1)(ce)(ii) or (cf)(ii)”.

#### **Amendment of regulation 47**

- 9. In regulation 47(8) (evidence of result of theory test: vehicles other than category C or D) and 47B(8) (large vehicle theory test pass certificates), after “(db),” insert “(dc), (dd), (de), (df),”.

#### **Amendment of regulation 48**

- 10. In regulation 48(3) (evidence of the result of manoeuvres, practical or unitary test) after “(cb),” insert “(cc), (cd), (ce), (cf),”.

Signed by authority of the Secretary of State for Transport

7th October 2021

*Vere*  
Parliamentary Under Secretary of State  
Department for Transport

We approve regulations 5 and, to the extent that it relates to a fee in 6(c)

29th September 2021

*Alan Mak*  
*Rebecca Harris*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations relate to the conduct of theory, manoeuvres, practical and unitary tests for driving licenses in Great Britain. They expand the existing provision, in Part III of the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864), which enables the police, and the fire and rescue services, to appoint examiners to conduct such tests for the purposes of testing employees of those services.

These Regulations enable the following—

- (a) ambulance service NHS trusts and ambulance service NHS foundation trusts, in England and Wales, to appoint invigilators to conduct theory tests and examiners to conduct manoeuvres, practical and unitary tests for their, and each other's, employees;
- (b) the Scottish Ambulance Service Board to appoint invigilators to conduct theory tests and examiners to conduct manoeuvres, practical and unitary tests for their employees;
- (c) invigilators of theory tests and examiners of manoeuvres, practical and unitary tests, duly appointed by any of the emergency services (police, fire and rescue, and ambulance), to conduct such tests anywhere in Great Britain, for employees of each other's services and, or, defence personnel; and
- (d) invigilators of theory tests and examiners of manoeuvres, practical and unitary tests, duly appointed by the Secretary of State for Defence, to conduct such tests, anywhere in Great Britain, for employees of one or more emergency services.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen. An Explanatory Memorandum is published alongside these Regulations on the UK legislation website [www.legislation.gov.uk](http://www.legislation.gov.uk).