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STATUTORY INSTRUMENTS

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**2021 No. 1128**

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

**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<sup>(1)</sup>, 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)—

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<sup>(1)</sup> The Scottish Ambulance Service Board is a Special Health Board constituted under article 3 of S.I. 1999/686.

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*Status: This is the original version (as it was originally made).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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- (i) before the definition of “chief officer of police” insert—
- ““ambulance service NHS trust” or “ambulance service NHS foundation trust” means—
- (i) in England, a National Health Service trust or NHS foundation trust established under the National Health Service Act 2006<sup>(2)</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>(3)</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>(4)</sup>;
  - (iv) an ambulance service NHS Trust or ambulance service NHS Foundation Trust;
  - (v) the Scottish Ambulance Service Board;”.

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(2) 2006 c. 41.

(3) 2006 c. 42.

(4) 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](#).