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STATUTORY INSTRUMENTS

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**2005 No. 1902**

**The Motor Cars (Driving Instruction) Regulations 2005**

**PART 2**

**Examination of Ability to Give Instruction**

**General provisions**

**3.—(1)** A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Secretary of State may determine.

(2) The examination shall consist of—

- (a) the written examination;
- (b) the driving ability and fitness test; and
- (c) the instructional ability and fitness test.

(3) Where a person has passed the written examination (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

(4) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case—

- (a) he has on the same day passed both the written examination and the element of the driving ability and fitness test that tests hazard perception;
- (b) he has passed the remaining elements of the driving ability and fitness test on his first, second or third attempt after he had passed the written examination and the element of the driving ability and fitness test that tests hazard perception;
- (c) within 2 years after passing the written examination and having passed all of the elements of the driving ability and fitness test he made an application to take the instructional ability and fitness test; and
- (d) he has passed the instructional ability and fitness test on his first, second or third attempt after he had passed the written examination and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(5) Where a person has—

- (a) passed the written examination before 14th November 2002;
- (b) passed the elements of the driving ability and fitness test, other than the test of hazard perception, on his first, second or third attempt after he had passed the written examination; and
- (c) fulfilled the conditions specified in sub-paragraphs (c) and (d) of regulation 3(4), he shall be regarded as having passed the examination.

(6) For the purposes of this regulation and regulation 13—

- (a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having

failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;

- (b) subject to sub-paragraph (c), a reference to the passing of the written examination or the driving ability and fitness test (including paragraph (4)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions;
- (c) if a person takes the written examination on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(7) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

### **Candidate to produce particulars**

4.—(1) Without prejudice to the generality of regulation 3(1) a person shall, before submitting himself to any part of the examination, produce to the examiner the particulars specified in paragraphs (2) to (5) below.

(2) Subject to paragraph 3, in the case of the written examination and the driving ability and fitness test, the person must produce either—

- (a) a licence in the form of a photocard together with any relevant counterpart of that licence; or
- (b) a licence in a form other than a photocard together with—
  - (i) a current passport; or
  - (ii) a current cheque guarantee card or credit card that bears a photograph and signature of that person.

(3) Where a person has produced particulars in accordance with paragraph (2) before submitting himself to the written examination, that person need not produce those particulars again before undertaking the element of the driving ability and fitness test that tests hazard perception.

(4) In the case of the instructional ability and fitness test, the person must produce either—

- (a) a licence in the form of a photocard together with any relevant counterpart of that licence; or
- (b) a licence in a form other than a photocard together with—
  - (i) a current passport;
  - (ii) a current cheque guarantee card or credit card that bears a photograph and signature of that person; or
  - (iii) a current licence issued under section 129(2) of the Act.

(5) For the purposes of this regulation, unless otherwise specified, “licence” means—

- (a) a current licence to drive a motor car (not being a provisional licence) granted under Part 3 of the Act;
- (b) a current licence to drive a motor car (not being a licence corresponding to a provisional licence) granted under the law in force in Northern Ireland; or
- (c) a Community licence by which he is authorised to drive a motor car in Great Britain.

### **Written examination**

5. The written examination shall consist of a theoretical examination, in which the candidate is required to answer from his own knowledge, on all or any of the following subjects—

- (a) the principles of road safety generally and their application in particular circumstances;
- (b) the techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing properly with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil on the matters set out in sub-paragraph (b), the correction of the pupil's errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers;
- (d) the theory of learning and the theory and practice of teaching and assessment;
- (e) the Highway Code and other matters in the booklet in which it is published;
- (f) the edition of the publication entitled "The Official Guide to Learning to Drive" for the time being issued by the Department for Transport and published by the Stationery Office;
- (g) the explanation and interpretation of—
  - (i) reasons for the failure of the theory test or the practical test appended to a statement of failure to pass that test prescribed by regulation 47(2) or, as the case may be, regulation 48(1) of the Motor Vehicles (Driving Licences) Regulations 1999(1);
  - (ii) weaknesses in the understanding of driving theory or in driving technique which are apparent from the documentation appended to a theory test or practical test pass certificate issued under either of those regulations;
- (h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and
- (i) the edition of the publication entitled "Driving—the essential skills" for the time being issued by the Department for Transport and published by the Stationery Office.

### **Driving ability and fitness test**

6.—(1) Subject to paragraph (8), the driving ability and fitness test shall consist of tests of hazard perception, eyesight and driving technique.

(2) The candidate must—

- (a) take the test of hazard perception immediately after he has completed the written examination;
- (b) reach the qualifying standard in respect of the test of hazard perception before he may take the remaining elements of the driving ability and fitness test; and
- (c) reach the qualifying standard in the tests of eyesight and driving technique on the same occasion.

(3) The test of hazard perception shall—

- (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
- (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.

And for the purposes of this paragraph "film clip" means a sequence of visual images displayed electronically.

(4) A candidate taking the test of hazard perception must satisfy the examiner that his performance in the test of hazard perception demonstrates the necessary ability to perceive hazards on the road.

(5) The test of eyesight shall be a test of the candidate's ability to read in good daylight, (with the aid of glasses or contact lenses if worn), a motor vehicle registration mark containing letters and figures—

- (a) 79 millimetres in height and 50 millimetres wide at a distance of 27 metres; or
- (b) 79 millimetres in height and 57 millimetres wide at a distance of 27.5 metres.

(6) A candidate taking the test of driving technique must satisfy the examiner on—

- (a) his expert handling of the controls;
- (b) his use of correct road procedure;
- (c) his anticipation of the actions of other road users and taking of appropriate action;
- (d) his sound judgement of distance, speed and timing; and
- (e) his consideration for the convenience and safety of other road users.

(7) A candidate taking the test of driving technique must satisfy the examiner of his ability to meet the requirements specified in Schedule 1 to these Regulations.

(8) Where a candidate has—

- (a) passed the written examination before 14th November 2002;
- (b) passed the elements of the driving ability and fitness test, other than the test of hazard perception, on his first, second or third attempt after he had passed the written examination; and
- (c) fulfilled the conditions specified in sub-paragraphs (c) and (d) of regulation 3(4),

the driving ability and fitness test shall consist only of tests of eyesight and driving technique and paragraphs 2(a) and (b), (3) and (4) shall not apply to him.

### **Instructional ability and fitness test**

7.—(1) The instructional ability and fitness test shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were—

- (a) a novice or partly trained pupil;
- (b) a pupil who is at about driving test standard; or
- (c) a qualified driver undertaking driver development training;

and the examiner may at his discretion choose two of these roles that he will play when conducting the test.

(2) The candidate shall, in respect of one or both of those roles as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction—

- (a) explaining the controls of the vehicle;
- (b) moving off;
- (c) making normal stops;
- (d) reversing, and while doing so entering limited openings to the right or to the left;
- (e) turning to face the opposite direction, using forward and reverse gears;
- (f) parking close to the kerb, using forward and reverse gears;
- (g) using mirrors and explaining how to make an emergency stop;

- (h) approaching and turning corners;
  - (i) judging speed, and making normal progress;
  - (j) road positioning;
  - (k) dealing with road junctions;
  - (l) dealing with cross roads;
  - (m) dealing with pedestrian crossings;
  - (n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users; and
  - (o) giving correct signals.
- (3) The candidate's knowledge and ability shall be assessed on—
- (a) the method, clarity, adequacy and correctness of his instruction;
  - (b) the observation and correction of the examiner's driving errors; and
  - (c) his manner generally.

#### **Motor car to be provided for practical part of examination**

8.—(1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of the test, in respect of which the following conditions are satisfied.

- (2) Subject to paragraph (3) below, the vehicle must—
- (a) have four wheels and be constructed solely for the carriage of passengers and their effects and be fitted with a rigid roof, with or without a sliding panel; and
  - (b) have a readily adjustable driving seat and a seat for a forward-facing front passenger;
  - (c) have a steering wheel on its off-side;
  - (d) be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels; and
  - (e) be otherwise suitable for the purposes of the test.
- (3) In the case of a vehicle provided by a candidate who fulfils the conditions mentioned in section 125A(1)(a) and (b) of the Act, paragraph (2)(d) above shall not apply.
- (4) In the case of a vehicle provided for the purposes of a driving ability and fitness test, the vehicle must—
- (a) have fitted to the front passenger seat a head restraint and seat belt;
  - (b) have a rear view mirror for use by the occupant of the front passenger seat, in addition to the rear view mirror provided for use by the driver of the vehicle; and
  - (c) not, during the conduct of the test, carry the distinguishing mark prescribed by regulation 16(2) of the Motor Vehicles (Driving Licences) Regulations 1999.
- (5) In the case of a vehicle provided for the purpose of an instructional ability and fitness test, the vehicle must—
- (a) be capable of being driven by the examiner;
  - (b) have fitted to the driver's seat a seat belt and head restraint;
  - (c) have a rear view mirror for use by the driver of the vehicle; and
  - (d) have in force in relation to it an insurance policy that meets the conditions set out in paragraph (6);

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and throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form prescribed by regulation 16(2) of the Motor Vehicles (Driving Licences) Regulations 1999.

- (6) The policy of insurance referred to in regulation 8(5)(d) shall—
- (a) comply with the requirements of section 145 of the Act in relation to the candidate as driver of the vehicle;
  - (b) comply with the requirements of that section in relation to the examiner as the driver of the vehicle as if the section applied to persons in the public service of the Crown; and
  - (c) insure the examiner as driver of the vehicle in respect of liability for damage to the vehicle during the test.