
STATUTORY INSTRUMENTS

1987 No. 1378

The Motor Vehicles (Driving Licences) Regulations 1987

PART III

TESTS OF COMPETENCE TO DRIVE

Persons by whom tests may be conducted

- 14.**—(1) Subject to paragraph (2) tests may be conducted—
- (a) by examiners appointed by the licensing authority;
 - (b) by the Secretary of State for Defence, in so far as concerns the testing of persons in the service of the Crown under his department;
 - (c) in England and Wales, by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947(1) or, in Scotland, by the firemaster of such a brigade, in so far as concerns the testing of members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;
 - (d) by any chief officer of police in so far as concerns the testing:—
 - (i) of members of a police force; or
 - (ii) of persons employed in the driving of motor vehicles for police purposes by a police authority or by the Receiver for the Metropolitan Police District;
 - (e) by the Commissioner of Police of the Metropolis in so far as concerns the testing of any person who is the holder of or is an applicant for a licence to drive a motor cab by virtue of the Metropolitan Public Carriage Act 1869(2); and
 - (f) by any person appointed for the purpose by the licensing authority under the provisions of regulation 15.

(2) Part I of the test for motor bicycles may be conducted by any persons appointed to conduct tests in pursuance of sub-paragraphs (a), (b), (c), (d) or (f) of paragraph (1) and also by any person or body of persons appointed by the licensing authority under regulation 16.

15.—(1) Any person may apply to the licensing authority to be appointed to conduct tests of persons employed or proposed to be employed by him as drivers, and the licensing authority may, if he is satisfied that—

- (a) the number of drivers of motor vehicles ordinarily employed by the applicant exceeds 250;
- (b) proper arrangements will be made by the applicant for the conduct of such tests in accordance with these Regulations; and
- (c) proper records of such tests and the results thereof will be kept by the applicant,

grant the application subject to any special conditions which he may think fit to impose.

(1) 1947 c. 41.
(2) 1869 c. 115.

(2) The licensing authority may at any time revoke an appointment made by him under this regulation and the authority to conduct tests shall thereupon cease.

16.—(1) Any person or body of persons may apply to the licensing authority to be appointed, subject to such conditions as the licensing authority thinks fit, to conduct Part I of the test for motor bicycles in so far as concerns the testing of persons who have undergone training in the driving of motor bicycles (without a side-car) of a class included in group D with the person or body appointed under this regulation or with any other such person or body.

(2) Any person or body of persons appointed under paragraph (1) to conduct Part I of the test for motor bicycles may authorise suitable persons to act on his or their behalf as examiners of those who submit themselves for that part of a test.

(3) Any person authorised under paragraph (2) to act as an examiner shall comply, in relation to the conduct of the part of a test, with any directions given by the licensing authority or, subject to any such directions, any given by the person or body of persons by whom he is authorised.

(4) The licensing authority may at any time—

- (a) revoke an appointment of a person or body under paragraph (1); or
- (b) revoke an authorisation made under paragraph (2) by any such person or body, of a person to act as an examiner.

(5) When the licensing authority revokes an appointment under sub-paragraph (a) of paragraph (4) the power of the person or body of persons to conduct the said part of a test, and the authority of any person to act on behalf of that person or body in the conduct of such part of a test, shall thereupon cease, and where the licensing authority revokes an authorisation under sub-paragraph (b) of that paragraph the authority of the person whose authorisation is revoked to act as an examiner in the conduct of such part of a test on behalf of the person or body by whom he was authorised shall thereupon cease.

17. Any person appointed by sub-paragraph (b), (c), (d), (e) or (f) of paragraph (1) of regulation 14 to conduct tests may, subject to the approval of the licensing authority, authorise suitable persons to act as examiners of those who submit themselves for a test.

Appointments for tests and notice of cancellation thereof

18.—(1) A person who desires to take a test to be conducted by an examiner appointed under paragraph (1)(a) of regulation 14 shall apply for an appointment for such a test to the clerk to the traffic commissioner.

(2) An applicant for such an appointment as aforesaid shall, when making the application, pay to the said clerk such fee in respect of the test as is specified in paragraph (3) of regulation 19 and the clerk shall make any arrangements necessary for the taking of the test.

(3) For the purposes of paragraph (b) of section 86 of the 1972 Act (which section specifies the only circumstances in which a fee paid on application for an appointment for a test may be repaid) notice cancelling an appointment for such a test as is mentioned in paragraph (1) shall be given to the clerk to the traffic commissioner by whom the appointment was made not less than three clear days (excluding Saturdays, Sundays, any bank holiday, Christmas Day or Good Friday) before the date of the appointment.

(4) In paragraph (3) “bank holiday” means a day which is, or is to be, observed as a bank holiday or a holiday under the Banking and Financial Dealings Act 1971(3), either generally or in the locality in which is situated the office of the clerk to the traffic commissioner to whom notice cancelling an appointment for a test falls to be given.

Fees in respect of tests

19.—(1) The following provisions of this regulation shall apply in the case of a person who submits himself for a test or applies for an appointment for a test.

(2) No fee shall be payable—

- (a) in respect of a test conducted by a person appointed under paragraph (1)(b), (c), (d) or (f) of regulation 14; or
- (b) in respect of a test where the test prescribed under the Public Service Vehicles (Drivers' Licences) Regulations 1985(4) is being conducted simultaneously and the fee payable under regulation 10 of those Regulations is payable.

(3) The fee payable in respect of a test to be conducted by an examiner appointed under paragraph (1)(a) of regulation 14 is—

- (a) in the case of Part I of the test for a motor bicycle, £15.60; and
- (b) in the case of any other test, £15.00, save that no fee is payable in respect of a test to be taken in an invalid carriage.

(4) The fee payable in respect of a test to be conducted by a person or body of persons appointed under regulation 16 shall be of such an amount as may be specified by the person or body of persons so appointed, and shall be paid to that person or body of persons to be retained by him or them as remuneration.

(5) The fee payable in respect of a test to be conducted by a person appointed by paragraph (1) (e) of regulation 14 is £14.40 and that fee shall be paid to that person to be retained by him as remuneration.

Nature of tests

20.—(1) Subject to the following provisions of this regulation, the test which a person is required to pass before a licence can be granted to him authorising him to drive a motor vehicle of a class included in any particular group shall be a test carried out on a vehicle of that class which satisfies the person conducting the test:—

- (a) that the person taking the test is fully conversant with the contents of the Highway Code;
- (b) generally that the person taking the test is competent to drive, without danger to and with due consideration for other users of the road, the vehicle on which he is tested; and
- (c) that the person taking the test is able to comply with such of the additional requirements specified in Schedule 4 as are referred to in the third column of Schedule 3 in relation to the group which includes the class of vehicle on which he is tested; and
- (d) in the case of a licence to drive a motor bicycle (without a side-car) of any class included in group D, that the person taking the test is able to execute the manoeuvres specified in Schedule 5 competently:

Provided that the person conducting the test may be satisfied as to the matters specified in this paragraph where he concludes that the person being tested should only be passed in relation to vehicles of a particular construction or design despite the fact that the test was not conducted on a vehicle of that construction or design.

(2) The test which a person is required to pass as prescribed in paragraph (1) before a licence authorising him to drive a motor bicycle (without a side-car) of any class included in group D can be granted to him, shall be divided into two separate parts referred to in these Regulations as Part I and Part II of the test for motor bicycles.

(4) S.I. 1985/214; the relevant amending instruments are S.I. 1986/869 and 972.

(3) Part I of the test for motor bicycles shall satisfy the person conducting the test as to the matter specified in sub-paragraph (d) of paragraph (1) and Part II of the test shall satisfy the person conducting the test as to the other matters specified in that paragraph.

(4) A person may not submit himself for Part II of the test for motor bicycles unless he has, within five years of the date he applies for the appointment for that part of the test, passed Part I of the test for motor bicycles, and unless he complies with paragraph (3) of regulation 22.

(5) Nothing in sub-paragraph (d) of paragraph (1) or paragraph (2), (3) or (4) shall apply in the case of a person who at the time he applies for an appointment for a test is resident in an island outside the mainland of Great Britain other than—

- (a) any of the following islands, namely, the Isle of Wight, Lewis and Harris, North Uist, Benbecula and South Uist, Mainland Orkney, Mainland Shetland and Skye; or
- (b) an island from which motor vehicles, not constructed for special purposes, can at some time be conveniently driven to a road in any part of the mainland of Great Britain, or in an island mentioned at (a) above, because of the presence of a bridge, tunnel, ford, or other way suitable for the passage of such motor vehicles.

(6) A person who has passed a test to drive vehicles of a class included in any particular group shall be deemed for the purposes of the 1972 Act and of these Regulations competent to drive, in addition to vehicles of a class included in that particular group, also vehicles of a class included in any other group which is referred to in the fourth column of Schedule 3 as being an additional group in relation to that particular group.

(7) In paragraph (6), the reference to a test does not include a reference to Part I of the test for motor bicycles.

Production of vehicle for test etc.

21.—(1) A person submitting himself for a test shall—

- (a) provide for the purposes of the test a motor vehicle, which—
 - (i) is suitable for the purposes of the test; and
 - (ii) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed;
- (b) sign the examiner's attendance record;
- (c) except when the test is for a motor bicycle, allow to travel in the vehicle mentioned in paragraph (1)(a) during the test—
 - (i) the person authorised to conduct the test; and
 - (ii) any person authorised by the licensing authority to attend the test for the purpose of supervising it or otherwise; and
- (d) when the test is for a motor bicycle, allow the attendance of—
 - (i) the person authorised to conduct the test; and
 - (ii) any person authorised by the licensing authority for the purpose of supervising the test or otherwise.

(2) Where a person submitting himself for a test fails—

- (a) to produce a vehicle which complies with sub-paragraph (a) of paragraph (1); or
 - (b) to comply with any of the provisions of sub-paragraphs (b), (c) and (d) of that paragraph,
- the examiner may refuse to conduct the test.

Evidence of results of tests

22.—(1) A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 6.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 6.

(3) An applicant for an appointment for Part II of the test for motor bicycles to be conducted by an examiner appointed under paragraph (1)(a) of regulation 14 shall at the time when he applies for the appointment deliver to the clerk to the traffic commissioner a certificate furnished to him under paragraph (1) in respect of Part I of that test on a form supplied by the licensing authority.

(4) An applicant for a licence who before the licence is granted is required to satisfy the licensing authority that he has passed a test shall at the time when he applies for the licence deliver the certificate furnished to him under paragraph (1) to the licensing authority for retention.

(5) Forms for certificates evidencing the results of tests for Part I of the test of competence for motor bicycles to be conducted by a person or body of persons appointed in pursuance of regulation 16 shall be supplied to the person or body of persons by the licensing authority at a charge of £2.10 per form.

Period of ineligibility for a subsequent test

23.—(1) Subject to the provisions of section 85(3) of the 1972 Act the period during which a person who has submitted himself for a test and failed to pass that test shall be ineligible to submit himself for another test on a vehicle of a class included in the same group shall be one month.

(2) In this regulation, the reference to a test includes a reference to Part II of the test for motor bicycles but not to Part I of that test.