
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III

TESTS OF COMPETENCE TO DRIVE

Entitlements upon passing test

Entitlement upon passing a test other than an appropriate driving test

43.—(1) Where a person passes a test other than an appropriate driving test prescribed in respect of any category for a licence which (by virtue of regulation 37) authorises the driving of motor vehicles included in that category or in a sub-category thereof, or has passed a Northern Ireland test of competence corresponding to that test, the Secretary of State shall grant to him a licence in accordance with paragraphs (2), (3) and (4).

(2) Subject to regulation 44, the licence shall authorise the driving of all classes of motor vehicle included in that category or sub-category unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the test or, as the case may be, the practical test, is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability).

(3) The licence shall in addition authorise the driving of all classes of motor vehicle included in a category or sub-category which is specified in column (3) of Schedule 2 as an additional category or sub-category in relation to a category or sub-category specified in column (1) of that Schedule unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall (subject to paragraph (4)) authorise the driving only of such classes of vehicle included in the additional category or sub-category as have automatic transmission;
- (b) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test in which case it shall authorise the driving only of such classes of vehicle included in the additional category or sub-category as are so adapted.

(4) Where the additional category is F, K or P, paragraph (3)(a) shall not apply.

Entitlement upon passing a test other than an appropriate driving test: category A

44.—(1) This regulation applies where a person has passed a test (or a Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of motor bicycles of any class other than a class included in sub-category A1.

(2) Where this regulation applies the Secretary of State shall grant to the person who passed the test—

- (a) in a case where he has passed the practical test (or the Northern Ireland test of competence corresponding to the practical test) on a motor bicycle without a side-car, the engine of which has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor vehicle included in category A;
- (b) subject to paragraph (3), in a case where the practical test (or the Northern Ireland test of competence corresponding to the practical test) was passed on any other motor bicycle without a side-car, a licence authorising him to drive standard motor bicycles;
- (c) in a case where he has passed the practical test (or the Northern Ireland test of competence corresponding to the practical test) on a motor bicycle and side-car combination and the engine of the bicycle has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor bicycle and side-car combinations included in category A;
- (d) subject to paragraph (4), in a case where the practical test (or the Northern Ireland test of competence corresponding to the practical test) was passed on a motor bicycle and a side-car combination the power to weight ratio of which does not exceed 0.16 kw/kg. but which does not fall within paragraph (c), a licence authorising him to drive standard motor bicycles and side-car combinations.

(3) A licence granted to a person by virtue of paragraph (2)(b) shall authorise him to drive all classes of motor vehicle included in category A upon the expiration of the standard access period.

(4) A licence granted to a person by virtue of paragraph (2)(d) shall authorise him to drive all classes of motor bicycle and side-car combinations included in category A upon the expiration of the standard access period.

Upgrading of entitlements by virtue of passing second test

45.—(1) A person who has passed tests for a licence authorising the driving of motor vehicles included in—

- (a) category D or sub-category D1 as specified in column (1) of Table A in Schedule 9, and
- (b) category C+E or sub-category C1+E as respectively specified at the top of columns (2) and (3) of Table A,

is deemed, subject to the following paragraphs of this regulation, competent to drive (in addition to the classes of motor vehicle in respect of which the tests were passed) vehicles included in the category or sub-category shown in column (2) or (3) of Table A in relation to the relevant test pass in column (1).

(2) Where, in a case to which paragraph (1) applies, each practical test is passed on a vehicle having automatic transmission the person passing the tests is deemed competent to drive only such classes of vehicle in the upgrade category as have automatic transmission.

(3) A person who has passed a test for a licence authorising the driving of—

- (a) motor vehicles included in a category or sub-category specified in column (A) of Table B in Schedule 9 which have automatic transmission, and
- (b) motor vehicles included in a category or sub-category specified at the head of one of the columns in that table numbered (1) to (8) which have manual transmission,

is, subject to the following paragraphs of this regulation, deemed competent to drive in addition to the classes of vehicle in respect of which the tests were passed all vehicles included in the category or sub-category shown in the relevant numbered column of Table B in relation to the relevant test pass mentioned in column (A).

- (4) Where a person has passed tests for a licence authorising the driving of—
- (a) motor vehicles in category D not more than 5.5 metres in length having automatic transmission, and
 - (b) motor vehicles in category C, other than vehicles in sub-category C1, having manual transmission,

he is deemed competent to drive vehicles in category D not more than 5.5 metres in length which have manual transmission.

(5) In the case of a person who holds a licence which, by virtue of regulation 76 (notwithstanding that he may not have passed a test authorising the driving of such vehicles), authorises the driving of a class of vehicles in category D when used under a section 19 permit or (if not so used) are driven otherwise than for hire or reward, Tables A and B shall be read as if—

- (a) for “D” there were substituted “vehicles in category D, driven otherwise than for hire or reward”, and
- (b) for “D+E” there were substituted “vehicles in category D+E driven otherwise than for hire or reward”.

(6) In the case of a person who has passed a test for a licence authorising the driving only of those classes of vehicle in category C+E which are drawbar trailer combinations, paragraphs (1), (2) and (3) and Tables A and B in Schedule 9 shall apply as if he had passed a test for a licence authorising only the driving of the corresponding classes of vehicle in category C.

(7) Where, in Table B, the upgrade category is qualified by the expression “(a)”, the person is deemed competent to drive only such classes of vehicle therein as have automatic transmission.

(8) Where a person has passed a test prescribed in respect of category B+E which authorises the driving only of classes of vehicle having automatic transmission and a test prescribed in respect of any class of vehicle in category C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B+E with manual transmission.

(9) Where a person, who is the holder of a licence which authorises the driving of motor vehicles included in categories B and B+E and sub-categories C1, C1+E (8.25 tonnes), D1 (not for hire or reward) and D1+E (not for hire or reward) which have automatic transmission, passes a test prescribed in respect of category B, B+E, C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B+E and in sub-categories C1, C1+E (8.25 tonnes), D1 (not for hire or reward) and D1+E (not for hire or reward) which have manual transmission.

- (10) Where a person has passed tests for a licence authorising the driving of—
- (a) motor vehicles included in category B, other than vehicles included in sub-categories B1 and B1 (invalid carriages), having automatic transmission, and
 - (b) motor vehicles included in category B+E, C or D having manual transmission,

he is deemed competent to drive vehicles in category B which have manual transmission.

- (11) In this regulation—
- (a) “upgrade category” means the additional category or sub-category which the person passing the tests (or holding the licence and passing the test) is deemed competent to drive by virtue of the relevant provision of this regulation, and
 - (b) a reference to a test or a practical test includes, as the case may be, a reference to a Northern Ireland test of competence or a Northern Ireland practical test corresponding thereto.

Entitlement upon passing an appropriate driving test

46.—(1) Where a person—

- (a) is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test, and
- (b) passes the appropriate driving test for a licence authorising the driving of a class of motor vehicles included in any category or sub-category,

the disqualification shall, subject to paragraph (8), be deemed to have expired in relation to that class and such other classes of motor vehicle as are specified in paragraphs (2), (3), (4), (5) and (6).

(2) Subject to paragraph (4), the disqualification shall be deemed to have expired in relation to all classes of vehicle included in the category or sub-category referred to in paragraph (1)(b) unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability).

(3) The disqualification shall be deemed to have expired in relation to all classes of vehicle included in any other category which is specified in column (3) of Schedule 2 as being an additional category or sub-category in relation to that category or sub-category unless—

- (a) subject to paragraph (5), the test or, as the case may be, the practical test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as have automatic transmission;
- (b) the test or, as the case may be, the practical test, is passed on a vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as are so adapted.

(4) Where, at the date on which a person is disqualified—

- (a) he holds a licence which was granted pursuant to regulation 44(2)(b) or (d), and
- (b) the standard access period has not expired,

the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired—

- (i) in a case to which regulation 44(2)(b) applies, in relation to large motor bicycles, or
- (ii) in a case to which regulation 44(2)(d) applies, in relation to large motor bicycle and side-car combinations,

until the standard access period has expired.

(5) Paragraph (3)(a) shall not apply where the additional category is F, G, H, K, L or P.

(6) Where the person who is disqualified passes the practical test on a vehicle of a class included in category A, other than sub-category A1, the disqualification shall be deemed to have expired additionally in relation to all classes of vehicle included in—

- (a) categories B, B+E, C, C+E, D and D+E, unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired

only in relation to such classes of motor vehicle included in those categories as have automatic transmission;

(b) categories F, G, H and L.

(7) Where the person who is disqualified passes the practical test on a vehicle of a class included in category B, other than a vehicle included in sub-category B1, the disqualification shall be deemed to have expired additionally in relation to all classes of vehicle included in—

(a) categories A, B+E, C, C+E, D and D+E, unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in those categories as have automatic transmission;

(b) categories G, H and L.

(8) Where a person is, pursuant to regulation 56, disqualified by the Secretary of State until he passes a driving test prescribed in respect of a class of large goods or passenger-carrying vehicle, the disqualification shall not be deemed to have expired in relation to any class of large goods or passenger-carrying vehicle until he passes that test.