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STATUTORY INSTRUMENTS

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**1999 No. 2864**

**The Motor Vehicles (Driving Licences) Regulations 1999**

**PART V**

**APPROVED TRAINING COURSES FOR  
RIDERS OF MOTOR BICYCLES AND MOPEDS**

*Approved training courses*

**Provision of approved training courses**

**58.**—(1) For the purposes of section 97(3)(e) of the Traffic Act an approved training course is a course for riders of motor bicycles or mopeds both complying with and conducted in accordance with this Part of these Regulations and approved by the Secretary of State.

(2) An approved training course may be provided—

- (a) by the Secretary of State, in so far as concerns the instruction of persons in the civil service of the Crown under his department,
- (b) by the Secretary of State for Defence, in so far as concerns the instruction of persons in the service of the Crown under his department, and
- (c) by any chief officer of police, in so far as concerns the instruction of—
  - (i) members of the police force of which he is the chief officer, or
  - (ii) persons employed in the driving of motor vehicles for police purposes by the police authority for the area in respect of which he is the chief officer or by the Receiver for the Metropolitan Police District,

if that person satisfies the conditions mentioned in paragraph (4).

(3) A person may apply to the Secretary of State to be authorised to provide approved training courses and the Secretary of State may give such authorisation subject to any conditions which he thinks fit to impose if he is satisfied that the applicant satisfies the conditions mentioned in paragraph (4).

(4) The conditions specified in paragraphs (2) and (3) are that he—

- (a) is a fit and proper person to conduct courses,
- (b) will make proper arrangements for the conduct of courses in accordance with these Regulations, and
- (c) will keep proper records of courses and the results thereof.

(5) In this Part of these Regulations—

“approved training body” means a person authorised to provide approved training courses under this Part;

“approved training course” has the meaning given in paragraph (1);

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“prescribed training course” means a course containing the elements prescribed under the regulation 59.

### **Nature and conduct of training courses**

**59.**—(1) A training course for riders of motor bicycles and mopeds may not be approved by the Secretary of State unless it comprises elements (A) to (E) set out in Schedule 12.

(2) Before any practical instruction is given to riders on an approved training course all the requirements of element (A) of the course must be fulfilled.

(3) To complete an approved training course successfully, a rider of a motor bicycle or moped must satisfy the approved training body or a certified instructor acting on his behalf as to each of the following matters in the following sequence—

- (a) that he has fulfilled the requirements set out in element (B) of the course; and
- (b) that he can execute the manoeuvres set out in element (C) of the course; and
- (c) that all the requirements of element (D) of the course have been fulfilled; and
- (d) that he rides safely on roads in a variety of road traffic situations, including as many as practicable of those set out in element (E) of the course.

### *Instructors*

#### **Certified Instructors**

**60.**—(1) No person may conduct instruction in the riding of motor bicycles or mopeds as part of an approved training course except in accordance with this regulation and regulations 61 to 68.

(2) Subject to the following provisions of this regulation, an approved training body may authorise persons to conduct on his behalf instruction of persons in the riding of learner motor bicycles and mopeds.

(3) A person may not be authorised under paragraph (2) unless at the date of authorisation he satisfies the following conditions, namely that—

- (a) he is a fit and proper person to be an instructor;
- (b) he holds a full licence authorising the driving of vehicles in category A other than vehicles included in sub-category A1;
- (c) either—
  - (i) in the case of a person who was authorised to conduct instruction by an approved training body in accordance with regulations in force on 30th January 1998, he had held that licence for a period of, or periods amounting in aggregate to, not less than two years, or
  - (ii) in any other case, he is at least 21 years of age and has held that licence for a period of, or periods amounting in aggregate to, not less than three years; and
- (d) he has either—
  - (i) successfully completed the Secretary of State’s assessment course for certified instructors, or
  - (ii) been fully trained by a certified instructor who has successfully completed such a course and assessed by that instructor to be capable of acting as a certified instructor.

(4) An authorisation given to a person under paragraph (2) shall be of no effect unless—

- (a) the approved training body has notified the Secretary of State in writing of the proposed authorisation,

- (b) the Secretary of State has approved the authorisation in writing, and
  - (c) there is in force in respect of that person a valid certificate, in the form set out in Part 1 of Schedule 13, issued by the Secretary of State to the approved training body giving the authorisation.
- (5) A person in respect of whom a certificate issued under paragraph (4)(c) is in force—
- (a) shall be known as a certified instructor, and
  - (b) shall be entitled to conduct approved training courses, and
  - (c) in the case of a person who has successfully completed the Secretary of State’s assessment course for certified instructors, shall be entitled to train other persons and to assess their capability to act as certified instructors.
- (6) Where a person who is an approved training body satisfies the conditions set out in paragraph (3), the Secretary of State may issue a certificate in respect of him under paragraph (4) (c) and while that certificate is in force—
- (a) he shall be known as a certified instructor,
  - (b) he shall be entitled to conduct approved training courses, and
  - (c) in the case of a person who has successfully completed the Secretary of State’s assessment course for certified instructors, he shall be entitled to train other persons and to assess their capability to act as certified instructors.
- (7) A certificate issued pursuant to paragraph (4)(c) shall be valid for a period of four years but may be renewed upon application being made to the Secretary of State by the approved training body who authorised the instructor.
- (8) When conducting an approved training course a certified instructor shall carry with him the certificate issued in respect of him by the Secretary of State and shall, upon being required to do so by a constable or the Secretary of State, produce it for examination.
- (9) In this Part of these Regulations “certified instructor” has the meaning given in paragraph (5) (a) or (6)(a) as the case may be.

#### **Persons authorised as assistant instructors**

**61.**—(1) Subject to paragraphs (2) and (3), a person authorised or deemed to be authorised as an assistant instructor by virtue of regulations in force on 30th January 1998 shall be entitled to conduct, on behalf of an approved training body, the instruction of riders of motor bicycles in all elements other than element (E) of the prescribed training course.

(2) No person authorised or deemed to be authorised as an assistant instructor may conduct instruction if at any time he ceases to hold a full licence authorising the driving of vehicles in category A (other than a licence authorising the driving only of vehicles in sub-category A1) or if the Secretary of State, being satisfied that he is not a fit and proper person to conduct instruction, withdraws approval of his authorisation to act as an assistant instructor.

(3) No person shall be entitled to conduct training otherwise than as a certified instructor or certified direct access instructor after 30th January 2002.

#### **Withdrawal of approval to provide training courses or to act as instructor**

**62.**—(1) The Secretary of State may at any time by notice in writing withdraw an authorisation given under regulation 58(3), an approval given under regulation 60(4)(b) or an authorisation granted by virtue of regulation 61(1).

- (2) Where the Secretary of State withdraws an authorisation given under regulation 58(3)—
  - (a) the approval of that person for the purposes of that regulation, and

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- (b) the authority of that person, and of any other person whom he has approved to act as a certified or assistant instructor,

shall cease forthwith and the person whose approval is withdrawn shall, before the expiration of a period of 28 days commencing on the date of withdrawal, return to the Secretary of State all certificates which were issued to him under regulation 60(4)(c) and all forms for certificates which were supplied to him under regulation 68(3).

(3) Where the Secretary of State withdraws an approval given under regulation 60(4)(b) or an authorisation granted by virtue of regulation 61(1)—

- (a) the authority of the person whose approval to act (as the case may be) as a certified or assistant instructor is withdrawn shall cease forthwith, and
- (b) in the case of the withdrawal of an approval given in respect of a certified instructor, the person whose approval is withdrawn shall as soon as is reasonably practicable return the certificate issued under regulation 60(4)(c) and all forms of certificates which were supplied to him under regulation 68(3) to the approved training body who authorised him who must, on receiving the certificate issued under regulation 60(4)(c), return it to the Secretary of State.

#### **Cessation of conduct of training**

**63.**—(1) Where a certified instructor authorised by an approved training body under regulation 60(2) ceases to conduct instruction on behalf of the body who authorised him, he shall as soon as is reasonably practicable return the certificate issued under regulation 60(4)(c) and all forms of certificates which were supplied to him under regulation 68(3) to the approved training body who must, on receiving the certificate issued under regulation 60(4)(c), return it to the Secretary of State.

(2) Where an approved training body who is also entitled under regulation 60(6) to conduct instruction as a certified instructor ceases to conduct such instruction, he shall immediately return the certificate issued under regulation 60(4)(c) and (unless the Secretary of State agrees otherwise) all forms of certificates which were supplied to him under regulation 68(3) to the Secretary of State.

#### **Approved training courses conducted on large motor bicycles**

**64.**—(1) An approved training course for a person holding a provisional licence authorising the driving of large motor bicycles and undertaken by him on a motor bicycle other than a learner motor bicycle must be conducted by a certified direct access instructor.

(2) "Certified direct access instructor" means a person authorised (or deemed to have been authorised) in accordance with regulation 65.

#### **Certified direct access instructors**

**65.**—(1) An approved training body may, subject to the following provisions of this regulation, authorise instructors to conduct on his behalf the instruction of persons who hold provisional licences authorising the riding of large motor bicycles in the riding of motor bicycles other than learner motor bicycles.

- (2) A person may not be authorised under paragraph (1) unless he—
- (a) holds a full licence to drive motor bicycles,
- (b) either—
- (i) was authorised on 30th January 1998 to conduct instruction by an approved training body in accordance with these Regulations and has held that licence for a period of, or periods amounting in aggregate to, not less than 2 years, or

- (ii) if he was not so authorised, is at least 21 years of age and has held that licence for a period of, or periods amounting in aggregate to, not less than 3 years.
  - (c) is a certified instructor, and
  - (d) has successfully completed the Secretary of State's assessment course for certified direct access instructors.
- (3) An authorisation given under paragraph (1) shall be of no effect unless—
  - (a) the person whom the approved training body proposes to authorise, or another person who is at that time validly authorised by the approved training body to provide instruction in the riding of large motor bicycles, has successfully completed the Secretary of State's assessment course for certified instructors in addition to the assessment course for direct access instructors,
  - (b) the approved training body has notified the Secretary of State in writing of the proposed authorisation, and
  - (c) the Secretary of State has approved the authorisation in writing.
- (4) An authorisation given under paragraph (1) shall be of no effect in the case of a direct access instructor unless there is in force in respect of him a valid certificate, in the form set out in Part 2 of Schedule 13, issued by the Secretary of State to the person who has authorised him under paragraph (1).
- (5) The Secretary of State may at any time by notice in writing withdraw an approval given under paragraph (3)(c) and any authorisation given under paragraph (1) shall cease to have effect from the date of such notice.
- (6) Any authorisation given under paragraph (1) by an approved training body shall cease to have effect if at any time there ceases to be a person who—
  - (a) is validly authorised by that approved training body to conduct instruction in accordance with paragraph (1), and
  - (b) has successfully completed the Secretary of State's assessment course for certified instructors in addition to the assessment course for direct access instructors.
- (7) Where—
  - (a) a person who is an approved training body satisfies the conditions set out in paragraph (2),
  - (b) either he or another person who is at that time validly authorised by him to provide instruction in the riding of large motor bicycles has successfully completed the Secretary of State's assessment course for certified instructors in addition to the assessment course for direct access instructors, and
  - (c) there is in force in respect of that training body a valid certificate issued by the Secretary of State under paragraph (4),he shall be deemed to have been authorised under paragraph (1) as a certified direct access instructor.
- (8) Regulations 60(7) and (8), 62(3) and 63 shall apply in respect of a certified direct access instructor as they apply in respect of a certified instructor as if the references therein to the issue of certificates and the giving or withdrawal of approval were references to the issue of certificates and the giving or withdrawal of approval under this regulation.
- (9) Where an authorisation given, or deemed to be given, under this regulation in respect of a certified direct access instructor ceases to have effect by virtue of any of the foregoing provisions of this regulation that instructor shall as soon as is reasonably practicable return the certificate issued under paragraph (4) to the approved training body who must, on receiving it, return it immediately to the Secretary of State.

### *Miscellaneous*

#### **Eligibility to undertake approved training course**

**66.** No person shall be eligible to undertake an approved training course unless at the time he undertakes it he holds a provisional licence authorising him to drive a motor bicycle or moped of the class on which the course is to be undertaken or is entitled, by virtue of section 98 or 99A of the Traffic Act and regulation 19, to drive a motor bicycle of that class subject to the same conditions as the holder of a provisional licence.

#### **Ratio of trainees to instructors**

**67.**—(1) Where, during an approved training course, more than one person is receiving on-site instruction and practical on-site riding as part of elements (B) and (C) of the prescribed training course—

- (a) in the case of instruction or riding which may under these Regulations be conducted by a certified or an assistant instructor, there shall be no more than four such persons in the charge of any one instructor at any one time,
- (b) in the case of instruction or riding which must under regulation 64 be conducted by a certified direct access instructor, there shall be no more than two such persons in the charge of any one instructor at any one time.

(2) Subject to paragraph (3), when riders are undertaking element (E) of the prescribed training course—

- (a) there must be no more than two riders in the charge of any one certified or certified direct access instructor at any one time, and
- (b) the instructor must be able to communicate with each rider by means of a radio which is not hand-held while in operation.

(3) The requirement specified in paragraph (2)(b) shall not apply in the case of a rider who is unable, by reason of impaired hearing, to receive directions from the instructor by radio where the rider and the instructor are employing a satisfactory means of communication which they have agreed before the start of element (E).

#### **Evidence of successful completion of course**

**68.**—(1) The certified instructor or the certified direct access instructor who conducted element (E) of the prescribed training course shall furnish a person who successfully completes an approved training course with a certificate in the form set out in Part 3 of Schedule 13 and signed by that instructor.

(2) A certificate under paragraph (1) is not valid either for the purposes of section 97(3)(e) of the Traffic Act or as evidence of the successful completion of an approved training course for the purposes of regulation 38(8)—

- (a) if the person to whom it is issued is at the time of issue ineligible to undertake the training course and
- (b) after the earlier of the following dates, namely—
  - (i) the last day of the period of 3 years commencing with the date of the certificate, or
  - (ii) in a case where the person to whom the certificate was given is later disqualified by order of a court under section 36 of the Offenders Act, the date on which the order is made.

(3) A certified instructor or a certified direct access instructor shall issue certificates using forms supplied by the Secretary of State to the approved training body and the Secretary of State may make a charge of £8 per form.

(4) An approved training body may, if satisfied that a certificate issued to a person who has successfully completed an approved training course conducted by that body has been lost or destroyed, issue a duplicate certificate but may not make a charge exceeding £20 in respect of the issue of any one certificate.

### Exemptions from Part V

**69.**—(1) Subject to paragraph (2), section 98(3)(c) of the Traffic Act shall not apply to a person who is a provisional entitlement holder by virtue of having passed a test for the time being prescribed in respect of category P on or after 1st December 1990 and such a person shall be exempt from the requirement imposed by section 89(2A) of that Act.

(2) Paragraph (1) shall cease to apply to a person if he is disqualified by order of a court under section 36 of the Offenders Act.

(3) A provisional licence or provisional entitlement holder who is resident on an exempted island shall be exempt from the requirement imposed by section 89(2A) of the Traffic Act in respect of a test of competence to drive a motor bicycle of any class taken, or to be taken, on an island, whether or not that island is an exempted island.

(4) A provisional licence holder who is resident on an exempted island shall be exempt from the restriction imposed by section 97(3)(e) of the Traffic Act if he satisfies either of the conditions set out in paragraph (6).

(5) Section 98(3)(c) of the Traffic Act shall not apply to a provisional entitlement holder who is resident on an exempted island if he satisfies either of the conditions set in paragraph (6).

(6) The conditions referred to in paragraphs (4) and (5) are that he is—

- (a) driving on an exempted island, whether or not he is also resident on that island; or
- (b) driving on an island which is not an exempted island for the purpose of—
  - (i) undertaking, or travelling to or from, an approved training course,
  - (ii) undergoing, or travelling to or from a place where he is to take or where he has taken, a test of competence prescribed in respect of category A or P.

(7) In this regulation—

“exempted island” means any island in Great Britain other than—

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

“provisional licence holder” means a person who holds a provisional licence which, subject to section 97(3) of the Traffic Act, authorises the driving of motor bicycles of any class; and

“provisional entitlement holder” means a person who holds a full licence which is treated, by virtue of section 98 of the Traffic Act and regulation 19, as authorising him to drive motor bicycles of any class as if he held a provisional licence therefor.

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