



Transport Act 1981

1981 CHAPTER 56

PART IV

ROAD SAFETY

23 Provisional licences and driving tests

- (1) In section 88(1) of the 1972 Act the following words are inserted after paragraph (d): —

“but regulations may authorise or require the Secretary of State to refuse a provisional licence authorising the driving of a motor cycle of a prescribed class if the applicant has held such a provisional licence and the licence applied for would come into force within the prescribed period beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle or beginning at such other time as may be prescribed.”

- (2) In section 88 of the 1972 Act the following is substituted for paragraph (c) of subsection (2) (provisional licence not to authorise driving of certain motor cycles): —

“(c) shall not authorise a person, before he has passed the test of competence to drive prescribed under section 85 of this Act, to drive a motor cycle having two wheels only, unless it is a learner motor cycle as defined in subsection (2A) below or its first use (as defined in regulations) occurred before 1st January 1982 and the cylinder capacity of its engine does not exceed 125 cubic centimetres;”

and after that subsection there are inserted the following subsections : —

“(2A) A learner motor cycle is a motor cycle which either is propelled by electric power or has the following characteristics—

- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres;
- (b) the maximum power output of its engine does not exceed 9 kilowatts (as measured in accordance with International Standards Organisation standard 4106-1978.09.01); and

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- (c) its power to weight ratio does not exceed 100 kilowatts per metric tonne, the power being the maximum power output mentioned in paragraph (b) above and the weight that mentioned in subsection (2B) below.
- (2B) The weight referred to in subsection (2A) above is the weight of the motor cycle with a full supply of fuel in its tank, an adequate supply of other liquids needed for its propulsion and no load other than its normal equipment, including loose tools.”.
- (3) In section 88(4) of the 1972 Act the following is substituted for paragraph (b) (full licence not to be available as provisional licence for certain motor cycles): —
- “(b) unless he has passed the test there mentioned, a motor cycle which, by virtue of subsection (2)(c) above, a provisional licence would not authorise him to drive before he had passed that test”.
- (4) In subsection (1) of section 89 of the 1972 Act (duration of licences)—
- (a) at the end of the words preceding the paragraphs there are added the words " subject to subsection (1A) below ";
 - (b) in paragraph (a) for the words " (b) or (c)" there are substituted the words " or (b) ";
 - (c) in paragraph (aa) the words " or (c)" are omitted and the word " and " is added at the end ; and
 - (d) paragraph (c) and the " and " preceding it are omitted.
- (5) After subsection (1) of section 89 of the 1972 Act there is inserted the following subsection: —
- “(1A) To the extent that a provisional licence authorises the driving of a motor cycle of a prescribed class it shall, unless previously surrendered or revoked, remain in force for such period as may be prescribed or, if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked, for the remainder of the period for which the previous licence would have authorised the driving of such a motor cycle, or, in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.”.
- (6) If regulations under subsection (2) of section 85 of the 1972 Act make provision for a test of competence to drive to consist of separate parts—
- (a) they may make for each part any provision that could be made for a test not consisting of separate parts, and provision for the supply by the Secretary of State of forms for certificates evidencing the results and for charges to be made for the supply; and
 - (b) subsection (3) of that section (appeals) shall apply in relation to each part as well as in relation to the whole of the test.
- (7) In section 85(2)(b) of the 1972 Act (fees for driving tests) after " such amount as may be specified in the regulations " there is inserted " or, in such cases as may be prescribed, specified by such person as may be prescribed ".