

ROAD SAFETY ACT 2006

EXPLANATORY NOTES

DRIVING STANDARDS

Section 36: Driving tests

116. This section amends sections 89 (driving tests) and 91 (repayment of test fees) of the RTA.
117. *Subsection (2)(a)* amends section 89(3)(regulations about nature of tests) so as to allow the Secretary of State to provide, by regulations, for more flexible arrangements for the booking, cancellation and rearrangement of test appointments. *Subsection 2(b)* amends section 89(3) so as to make more explicit the scope of the Secretary of State's regulation making powers relating to the appointment of driving examiners and to permit him to make reasonable charges in respect of such appointments. *Subsection (2)(c)* allows the Secretary of State, again by regulations, to require the driving test candidate to surrender his licence to the examiner in prescribed circumstances (for example, if it does not pass the necessary security checks).
118. *Subsection (3)* amends section 89(4) (provision that may be included in regulations) so as to enable the Secretary of State, by regulation, to require inspection and certification of prescribed test vehicles. (An inspection and certification process is needed to evidence compliance with the weight requirements for large goods vehicles and large trailers used for driving tests set out in Commission Directive [2000/56/EC](#)). *Subsection (3)* also reformulates the fees provision contained in section 89(4)(b) so as to enable the Secretary of State, by regulation, to charge a reasonable fee for or in connection with the test (for example, the review of theory test results) and for any inspection of a vehicle which may be required by regulations.
119. *Subsection (4)* amends section 89(5) (driving tests in parts) by omitting paragraph (b), the contents of which are now dealt with in new *subsection (5ZA)*.
120. *Subsection (5)* inserts new *subsection (5ZA)* into section 89. This provides that regulation-making provisions in section 89(3)(b) may permit the Secretary of State to supply certificates evidencing the results of driving tests to persons authorised to conduct such tests and to charge reasonable fees in respect of the exercise of any functions conferred or imposed on the Secretary of State by regulations made under section 89(3)(b).
121. *Subsection (6)* amends section 91 so as to provide for partial refunds of fees for driving tests.