

1970 No. 966

ROAD TRAFFIC
**The Motor Cars (Driving Instruction) (Amendment)
Regulations 1970**

<i>Made</i>	- - - -	24th June 1970
<i>Laid before Parliament</i>		7th July 1970
<i>Coming into Operation</i>		1st October 1970

The Minister of Transport, in exercise of his powers under sections 3(1) and (2), 6(1) and (4), 8(1), 9(a) and 18 of the Road Traffic (Driving Instruction) Act 1967^(a) (hereinafter referred to as "the Act") and of all other enabling powers, hereby makes the following Regulations:—

1. These Regulations shall come into operation on the 1st October 1970 and may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations 1970.

2. The Interpretation Act 1889^(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. The conditions in the Act as to which the Registrar is required to be satisfied for the entry of a name in the register, the retention of a name therein and the grant of a licence shall be altered to the following extent, namely—

(a) by the substitution in section 3(1) of the Act—

(i) in paragraph (b), for the words from "and, at no time" to the end of that paragraph of the following words—

"and that, during the period of six years ending with the day on which the application is made, he has held for periods amounting in the aggregate to at least four years a current licence of one of the kinds aforesaid or a current foreign licence, that is to say a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor vehicle in that country;" ; and

(ii) in paragraph (c), for the words "of the said period" of the words "of the period of four years ending with the day on which the application is made" ; and

(b) by the omission in section 4(1) of the Act, in paragraph (c), of the words from "and at no time" to the end of that paragraph.

(a) 1967 c. 79.

(b) 1889 c. 63.

4. The Motor Cars (Driving Instruction) Regulations 1969(a), as amended (b), shall have effect as though—

(1) at the end of Regulation 6 there were added the following paragraph—
“and

(h) the book “Driving—The Ministry of Transport Manual”, issued by the Ministry of Transport and published by H.M. Stationery Office.”;

(2) in Regulation 7(2) the word “white” and the words “on a black surface” were omitted, ;

(3) in Regulation 10—

(a) for paragraph (1), there were substituted the following paragraph—

“(1) The test shall consist of the attendance of the examiner while the candidate is giving instruction to a pupil or pupils, except that when required to do so by the examiner for the purpose of the test the candidate shall give such instruction in a motor car on a road.”

(b) at the beginning of paragraph (3), there were inserted the following words “Where the test is to be conducted in a motor car,” ;

(4) after Part III there were inserted the following Part—

“PART IIIA

LICENCES UNDER SECTION 6 OF THE ACT

10A. In addition to the conditions referred to in section 6(1) of the Act as respects which the Registrar has to be satisfied are fulfilled in the case of an applicant for a licence, the following condition shall also apply in the case of such an applicant, that is to say, the Registrar shall be satisfied that the applicant at the time of his application for a licence—

(a) is eligible under Regulation 5(3) of these Regulations to submit himself for the practical part of the examination ; or

(b) has made an application to submit himself for the written part of the examination, the result of which has not been notified to him ; or

(c) is prevented from submitting himself for that written part only by virtue of Regulation 9(2) of these Regulations.

10B. Subject to section 6(5), (7) and (8) of the Act, a licence shall be in force for a period of six months from the date of issue.

10C. A licence shall be granted subject to the following conditions:—

(1) the holder thereof shall give instruction thereunder in the driving of a motor car only from an establishment of which the name and address is specified in the licence ;

(2) if any such establishment is a driving school or a branch thereof, the holder of the licence shall give such instruction only if the relevant condition as to the employment of instructors at that school or branch is complied with.

(a) S.I. 1969/85 (1969 I, p. 248).

(b) The relevant amending instrument is S.I. 1969/713 (1969 II, p. 1944).

In this sub-paragraph, "the relevant condition as to the employment of instructors" means that, for each holder of a licence in which the school or branch thereof is specified, there is employed thereat one or more persons whose names are in the Register at the rate of one such person for each holder of a licence ;

(3) that in the case of any licence other than the second of two licences issued in respect of consecutive periods, the holder thereof shall, while giving instruction in the driving of a motor car, receive direct personal supervision from a person whose name is in the Register for at least one fifth of the total time the holder spends giving such instruction during the first three months for which the licence is in force ;

(4) the holder shall maintain in respect of each working day during the first three months of a licence to which the last preceding paragraph applies a record of the time he spends giving such instruction containing the particulars specified in the next succeeding paragraph, shall preserve such record for three months from the date of expiry of that licence and shall produce such record on request to an officer authorised by the Minister to inspect such a record who shall be entitled to retain it, if he so desires ;

(5) the particulars referred to in the last preceding paragraph are:—

- (a) the name of the holder of the licence ;
- (b) its number ;
- (c) the name of the establishment from which the holder of the licence has given instruction ;
- (d) the name of the person under whose direct personal supervision the holder of the licence has given instruction ;
- (e) in respect of each working day :—
 - (i) the date ;
 - (ii) the total number of hours spent giving instruction from the establishment ;
 - (iii) the periods spent under the direct personal supervision of the person referred to at (d) above ;
 - (iv) the signature of the holder of the licence ;
 - (v) the counter-signature of the person referred to at (d) above.

10D. A licence shall be in the form in, and contain the particulars required by, Schedule 2 to these Regulations." ;

(5) in Regulation 11, at the end thereof there were added the following paragraph—

"(4) A person applying for a licence shall pay a fee of one pound." ;

(6) the Schedule thereto were numbered "1", and after that Schedule there were added Schedule 2 set out in the Schedule to these Regulations.

Given under the Official Seal of the Minister of Transport the 24th June 1970.

John Peyton,
Minister of Transport.

SCHEDULE

Regulation 10D

SCHEDULE 2

FORM OF LICENCE UNDER S.6 OF THE ACT

Serial No.

REGISTER OF APPROVED DRIVING INSTRUCTORS
LICENCE TO GIVE INSTRUCTION IN DRIVING MOTOR CARS

Name of holder

Address

Name of training establishment

Address

Date of expiry of licence

Issued under the Road Traffic (Driving Instruction) Act 1967.

Signature Registrar

Date of issue

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations alter the conditions in the Road Traffic (Driving Instruction) Act 1967 as to which the Registrar is required by the Act to be satisfied for the entry of a name in the Register of Approved Driving Instructors, the retention of a name therein and for the grant of a licence.

The Regulations also further amend the Motor Cars (Driving Instruction) Regulations 1969. The main changes are :—

1. The book "Driving—the Ministry of Transport Manual" is added to the list in Regulation 6 of the 1969 Regulations of subjects on which the written part of the examination of ability to give instruction is based (Regulation 4(1)) ;
2. The motor vehicle registration mark used in the test of eyesight referred to in Regulation 7(2) of the 1969 Regulations need no longer have white letters and figures on a black surface (Regulation 4(2)) ;
3. As respects the test of continued ability and fitness to give instruction referred to in Regulation 10 of the 1969 Regulations, the person receiving the instruction is no longer required to be the holder of a provisional driving licence (Regulation 4(3)) ;
4. Provision is made in regard to licences under section 6 of the Road Traffic (Driving Instruction) Act 1967 dealing with their duration, the conditions on which they are granted, their form and the amount of the fee payable on applying therefor (Regulation 4(4), 4(5), 4(6) and the Schedule).

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