

1976 No. 473

ROAD TRAFFIC

**The Heavy Goods Vehicles (Drivers' Licences)
(Amendment) Regulations 1976**

<i>Made - - - -</i>	<i>25th March 1976</i>
<i>Laid before Parliament</i>	<i>26th March 1976</i>
<i>Coming into Operation</i>	<i>15th April 1976</i>

The Secretary of State for the Environment in exercise of the powers conferred by sections 114(1), 119, 121 and 124 of the Road Traffic Act 1972(a) as amended by section 1(2) of, and paragraph 10 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976(b), and of the powers conferred by section 1(4) of, and paragraph 3(4) to (6) of Schedule 2 to, the said Act of 1976, and all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of the said Act of 1972, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 15th April 1976 and may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1976.

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations 1975(c), as amended(d), shall be further amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 2 (Interpretation), in paragraph (1)—

(a) for the definition of "articulated vehicle" there shall be substituted the following definition:—

" 'articulated vehicle' means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle and which has a trailer so attached;"; and

(b) after the definition of "full licence" there shall be inserted the following definition:—

" 'heavy goods vehicle' means a heavy goods vehicle as defined in section 124 of the Act of 1972 as amended by section 1(2) of, and paragraph 11 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976;".

4. In Regulation 3 (Applications for licences), in paragraph (1)(c), in subparagraphs (ii) and (v) for the words "paragraph 1 of Schedule 5 to the Act of 1972" there shall be substituted the words "paragraph 3(3) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976".

(a) 1972 c. 20.

(c) S.I. 1975/739 (1975 II, p. 2733).

(b) 1976 c. 3.

(d) S.I. 1975/1731 (1975 III, p. 5880).

5. In Regulation 4 (Qualifications of applicants) in paragraph (c)—

(a) in sub-paragraph (i) after the words “21 years or over” there shall be inserted the words “(except where sub-paragraph (iv) below applies)”; and

(b) after sub-paragraph (iii) there shall be inserted the following sub-paragraph:—

“or

(iv) in the case of an applicant who is a person to whom paragraph 3 of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 applies, and is applying during 1976 for a hgv driver's licence restricted as mentioned in the said paragraph 3, be aged 17 years or over;”.

6. In Regulation 9 (Provisional licences)—

(a) for paragraph (1) there shall be substituted the following paragraph:—

“(1) A full standard licence to drive heavy goods vehicles of any class shall also be treated for the purposes of Part IV of the Act of 1972 as a provisional standard licence to drive heavy goods vehicles of any other class in respect of which the holder is not by reason of his age disqualified under section 96(1) of the Act of 1972, as amended by section 1 of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976, for holding or obtaining an ordinary driving licence.”; and

(b) in paragraph (1A) after the words “the Motor Vehicles (Minimum Age for Driving) (Amendment) Regulations 1975” there shall be inserted the words “, as applied to the said section 96(1) by section 1(4) of, and paragraph 1 of Schedule 2 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976,”.

7. In Regulation 16 (Qualifications of applicants for tests), in paragraph (1)(b) after the words “by virtue of section 84(4) of the Act of 1972” there shall be inserted the words “or by virtue of regulations under section 107(1)(g) of the Act of 1972 as extended by section 1(2) of, and paragraph 4 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976,”.

8. In Regulation 24 (Additional qualification)—

(a) in paragraph (1) from the beginning of the paragraph to the words “a vehicle with automatic transmission” (where last appearing in the paragraph) there shall be substituted the following:—

“(1) Subject to paragraph (1B) below, a person who passes a test prescribed by these Regulations shall be treated as having passed a test of competence to drive prescribed under section 85(2) of the Act of 1972—

(a) for vehicles of any class comprised in group A of the groups set out in the relevant version of Schedule 3 to the Motor Vehicles (Driving Licences) Regulations 1971(a), if the vehicle on which he passes the test is not a vehicle with automatic transmission, or

(b) for vehicles of any class comprised in group B of the groups set out in the relevant version of that Schedule, if the vehicle on which he passes the test is a vehicle with automatic transmission,”

and after the words "by virtue of section 84(4) of the Act of 1972" there shall be inserted the words "or by virtue of regulations under section 107(1)(g) of the Act of 1972 as extended by section 1(2) of, and paragraph 4 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976";

(b) after paragraph (1) there shall be inserted the following paragraphs:—

"(1A) In paragraph (1) above the reference to the relevant version of Schedule 3 to the Motor Vehicles (Driving Licences) Regulations 1971 is—

(a) where the test was passed before 1 January 1976, a reference to that Schedule as it stood before amendment by the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1975(a), and

(b) where the test is passed on or after 1 January 1976, a reference to that Schedule as amended by the said (No. 4) Regulations of 1975.

(1B) A person shall not by virtue of paragraph (1) above be treated as having passed the test of competence to drive prescribed under the said section 85(2)—

(a) for vehicles of any class which he was prohibited under section 4 of the Act of 1972 by reason of his age from driving, in a case where he passed the test prescribed by these Regulations before 25th March 1976, or

(b) for vehicles of any class in respect of which he is, by reason of his age, disqualified under section 96(1) of the Act of 1972, as amended by section 1 of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976, for holding or obtaining an ordinary driving licence, in a case where he passes the test prescribed by these Regulations on or after 25th March 1976."

9. In Regulation 28 (Exemptions) paragraph (2) shall be deleted and for Regulation 29 (Licences granted under Schedule 5) there shall be substituted the following Regulations:—

"Licences granted in pursuance of paragraph 3 of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976

29.—(1) Any hgv licence granted by virtue of paragraph 3(3) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 to an applicant who has been in the habit of driving, during any period or periods referred to in the said paragraph, only a goods vehicle or goods vehicles of the qualifying weight with automatic transmission shall be restricted to heavy goods vehicles of class 3A.

(2) The reference in paragraph 3(3)(b) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 to the driving of a goods vehicle shall not include a reference to the driving—

(a) of a heavy goods vehicle of any of the classes specified in paragraph (1) of Regulation 28 other than the class specified in sub-paragraph (o) of that paragraph; or

(b) of a heavy goods vehicle in the circumstances described in section 112(3) of the Act of 1972; or

- (c) of a heavy goods vehicle to which section 112(4) of the Act of 1972 applies.

Effect on existing hgv driver's licences of changes in definitions

30. The validity of a hgv driver's licence granted before 15th April 1976 shall not be affected by the coming into operation on that date of paragraph 11 of Schedule 1 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (which amends the definition of heavy goods vehicle in the Act of 1972), and for the purpose of determining the vehicles which the holder of the licence is thereby authorised to drive on or after that date, or on or after the date of the commencement of the licence, if later, the references in the licence to heavy goods vehicles, or to the classes of such vehicles, or to any one or more numbered classes of such vehicles, shall be construed as embracing (and only embracing) the vehicles which fall within the definition of heavy goods vehicle or, as the case may be, the definition of the vehicles comprised in the classes or the particular numbered class or classes of heavy goods vehicles, as such definitions have effect in these Regulations on and after the coming into operation of the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1976."

John Gilbert,

Minister for Transport,
Department of the Environment.

Signed by authority of
the Secretary of State.
25th March 1976.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations further amend the Heavy Goods Vehicles (Drivers' Licences) Regulations 1975 as amended as a consequence of the coming into operation on 15th April 1976 of the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (hereinafter called "the Act of 1976").

The effect of the principal amendments is to—

- (a) redefine "articulated vehicle" and insert a definition of "heavy goods vehicle" to correspond with the amendment of the definition of "heavy goods vehicle" in section 124 of the Road Traffic Act 1972 by paragraph 11 of Schedule 1 to the Act of 1976 (Regulation 3);
- (b) take account of the amendment of Part III of the Road Traffic Act 1972 (ordinary driving licences) by the Act of 1976 (Regulations 5, 6, 7 and 8);
- (c) provide for the evidence to be produced on an application for a heavy goods vehicle licence without a test in pursuance of paragraph 3 of Schedule 2 to the Act of 1976 (Regulation 4);
- (d) specify the classes of goods vehicles the driving of which does not qualify under that paragraph and in pursuance of paragraph 3(5) of the said Schedule 2 restrict the licence granted to a person under that paragraph who has had experience of driving only goods vehicles with automatic transmission to vehicles of class 3A (Regulation 9); and
- (e) provide for the effect of the change in the definition of "heavy goods vehicle" in section 124 of the Road Traffic Act 1972, made by paragraph 11 of Schedule 1 to the Act of 1976, on hgv drivers' licences issued or in force at the coming into operation of that paragraph (Regulation 9).

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