

## STATUTORY INSTRUMENTS

1984 No. 1925

## ROAD TRAFFIC

**The Heavy Goods Vehicles (Drivers' Licences)  
(Amendment) (No. 2) Regulations 1984**

*Made* - - - 6th December 1984

*Laid before Parliament* 19th December 1984

*Coming into Operation* 10th January 1985

The Secretary of State for Transport, in exercise of the powers conferred by sections 114(3), 119 and 124 of the Road Traffic Act 1972(a), and now vested in him (b), and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 10th January 1985 and may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) (No. 2) Regulations 1984.

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations 1977(c) shall be further amended in accordance with the following provisions of these Regulations.

3. In Regulation 2 (Interpretation), in paragraph (1), after the definition of "ordinary driving licence" insert the following new definition —

"PSV operator's licence" and "public service vehicle" have the meanings given by section 82(1) of the Public Passenger Vehicles Act 1981(d);".

4. In Regulation 4 (which deals with qualifications of applicants) —

(a) for sub-paragraph (b) substitute the following new sub-paragraphs:—

"(b) he shall not at any time since he attained the age of 5 years have had an epileptic attack;

(bb) he shall be fit to hold the licence having regard to his health and any disability which he may suffer;

(a) 1972 c.20; section 119 was amended by paragraph 10 of Schedule 1 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c.3).

(b) S.I. 1979/571 and 1981/238.

(c) S.I. 1977/1309; the relevant amending Instruments are S.I. 1982/429, 1983/1232.

(d) 1981 c.14.

(*bbb*) he shall, having regard to his conduct (including conduct in Northern Ireland) as the driver of a motor vehicle, be a fit person to hold such a licence;” and

(*b*) for sub-paragraph (*d*) substitute the following sub-paragraph:—

“(d) in the case of an applicant for a hgv trainee driver’s licence he shall be a registered employee of a registered employer and —

(i) if he has not previously held any hgv driver’s licence, the licence referred to in sub-paragraph (*c*) above shall not have endorsed on it

— if it is an ordinary driving licence, any penalty points or disqualifications, or

— if it is a Northern Ireland (ordinary) driving licence, any relevant endorsements or,

(ii) in any other case, the licence referred to in sub-paragraph (*c*) above shall not have endorsed on it

— if it is an ordinary driving licence, more than 3 penalty points or any disqualification or,

— if it is a Northern Ireland (ordinary) driving licence, more than one relevant endorsement

so, however, that there shall be disregarded for this purpose any number of penalty points exceeding 3 endorsed on or after 1st November 1982 but before 13th September 1983 in consequence of there having been committed on any occasion a single offence or several offences.”.

5. For Regulation 6 (Form of licences) substitute the following Regulation:—

“6. A hgv driver’s licence shall indicate —

(a) whether it is a provisional licence or a full licence,

(b) whether it is a hgv trainee driver’s licence or a standard hgv driver’s licence,

(c) whether it is the licence originally granted, or a duplicate licence issued under Regulation 14,

(d) the classes of vehicle which the holder of the licence is thereby authorised to drive, and

(e) such other particulars as the Secretary of State considers to be appropriate.”.

6. In Regulation 9 (Provisional standard licences) add the following paragraph:—

“(5) A person to whom a full standard licence has been issued which states that the holder is entitled to drive vehicles in Class 4 only, vehicles in Class 4A only, or vehicles in both those classes, shall be treated as holding a provisional standard licence to drive vehicles in Class 1, 1A, 2, 2A, 3 and 3A for such time as the full standard licence enures.”.

7. In Regulation 10 (HGV trainee drivers' licences) —

(a) for paragraphs (1) and (2) substitute the following paragraph:—

“(1) Save as provided in paragraph (8) below, every hgv trainee driver's licence shall be subject to the condition that the holder shall not drive a heavy goods vehicle of any class for which the licence is issued or for which, by virtue of paragraph (3) below, the licence is treated as a provisional licence unless the holder is the registered employee of a registered employer named in the licence and either —

(a) (i) the vehicle is a heavy goods vehicle of a class to which the holder's training agreement applies and which is stated in the licence; and

(ii) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named in the licence; or

(b) the holder is a part-time member of the armed forces of the Crown and the vehicle is owned by the Secretary of State for Defence and used for naval, military or air force purposes.”; and

(b) in paragraph (6) delete sub-paragraph (a) (i).

8. In Regulation 22 (Production of vehicle for test etc.), add the following new paragraph:—

“(3) Where a person submitting himself for a test provides a vehicle which complies with the requirements specified in paragraph (1) (a) above he shall allow to travel in the vehicle (so far as the construction of the vehicle so allows) —

(a) the examiner, and

(b) any person authorised by the Secretary of State to attend the test for the purpose of supervising it or otherwise.”.

9. In Regulation 29 (which deals with exemptions from the requirements to hold a hgv drivers' licence) —

(a) in paragraph (1) —

(i) for the words “shall not apply to heavy goods vehicles of the following classes” substitute the words “does not apply in respect of the driving of heavy goods vehicles of any of the following classes”;

(ii) for sub-paragraph (g) substitute the following sub-paragraph:—

“(g) industrial tractors;”;

(iii) for sub-paragraph (h) substitute the following sub-paragraph:—

“(h) agricultural motor vehicles;”;

(iv) for sub-paragraph (l) substitute the following sub-paragraph:—

“(l) public service vehicles;”

(v) in sub-paragraph (o) after the word “headquarters” add the words “as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965(a);”;

(vi) in sub-paragraph (r) for “15 cwt” substitute “2 tons”;

(vii) for sub-paragraph (t) substitute the following sub-paragraph:—

“(t) any vehicle (not being an articulated vehicle combination) which —

- (i) has an unladen weight not exceeding 10 tons,
- (ii) is being operated by the holder of a PSV operator’s licence,
- (iii) is being driven by a person who is licensed for the purpose of driving the vehicle as a public service vehicle under section 22 of the Public Passenger Vehicles Act 1981, and
- (iv) is being used for the purpose of —
  - proceeding to, or returning from, a place where assistance is to be, or has been, given to a disabled public service vehicle, or
  - giving assistance to or moving a disabled public service vehicle or moving a wreck which, immediately before it became a wreck, was a public service vehicle;”;

(b) for paragraph (2) substitute the following paragraph:—

“(2) In this Regulation —

“digging machine” has the same meaning as in Schedule 3 to the Vehicles (Excise) Act 1971(a);

“agricultural motor vehicle”, “engineering plant”, “industrial tractor”, “track laying” and “works truck” have the same meanings as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978(b);

“play equipment for children” includes articles required in connection with the use of such equipment by children; and

“road construction vehicle” and “road construction machinery” have the same meanings as in section 4(2) of the Vehicles (Excise) Act 1971.”.

10. In Schedule 2 —

(a) delete —

(i) in column 2 in Class 1, the words “other than a vehicle combination coming within Class 4”;

(ii) in column 2 in Class 1A, the words “other than a vehicle combination coming within Class 4A”; and

(iii) the last two items; and

(b) in column 3 in Class 1 and Class 1A, for the words “3A, 4 and 4A” and “3A and 4A” respectively, substitute the words “and 3A”.

11. Schedule 3 (Form of heavy goods vehicle full driver’s licence and provisional driver’s licence) and Schedule 4 (Form of heavy goods vehicle trainee driver’s full licence and provisional licence) are revoked.

*Nicholas Ridley,*  
Secretary of State for Transport.

6th December 1984.

(a) 1971 c.10.

(b) S.I. 1978/1017; the relevant amending Instrument is S.I. 1984/1809.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations further amend the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977 as follows:—

- (1) the expressions “PSV Operator’s licence” and “public service vehicle” are defined (Regulation 3);
- (2) the provisions about qualifications of applicants are amended so that in assessing whether or not an applicant has the necessary qualifications, experience and knowledge the licensing authority shall have regard to his conduct as the driver of a motor vehicle (Regulation 4(a));
- (3) the provisions about qualifications for applicants are further amended so that disqualifications relating to ordinary driving licences and Northern Ireland (ordinary) driving licences are to be taken into account and the provisions relating to endorsed penalty points are modified to take account of a gap which occurred between the coming into operation on 1st November 1982 of section 19 of the Transport Act 1982 (c.49) and the coming into operation on 13th September 1983 of consequent amendments to these Regulations (Regulation 4(b));
- (4) the provisions about the forms of licences are amended so that forms are no longer prescribed but matters to be indicated on licences are prescribed (Regulations 5 and 11);
- (5) provision is made to extend the validity of licences granted for defunct Classes 4 and 4A (Regulation 6);
- (6) provision is made to facilitate the driving by a part-time member of forces of the Crown of vehicles in a class other than that for which his trainee’s licence was issued (Regulation 7);
- (7) to the provisions that a person submitting himself for the test shall provide a suitable vehicle there is added a requirement that he shall allow to travel in the vehicle the examiner and any person appointed to attend the test (Regulation 8);
- (8) the exemptions from the requirements to hold a hgv driver’s licence are amended chiefly to replace obsolete references (Regulation 9); and
- (9) two of the classes of vehicle to which a licence may relate are abolished (Regulation 10).

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