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STATUTORY INSTRUMENTS

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**1989 No. 2057**

**ROAD TRAFFIC**

**The Motor Cars (Driving Instruction) Regulations 1989**

*Made* - - - - *8th November 1989*  
*Laid before Parliament* *10th November 1989*  
*Coming into force* - - *1st December 1989*

The Secretary of State for Transport in exercise of the powers conferred by sections 125, 127, 129, 132, 134, 135 and 141 of the Road Traffic Act 1988(1), and of all other enabling powers, and after consultation with representative organisations in accordance with section 195 of that Act, hereby makes the following Regulations:

**PART I**  
**PRELIMINARY**

**Citation and commencement**

1. These Regulations may be cited as the Motor Cars (Driving Instruction) Regulations 1989 and shall come into force on 1st December 1989.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Road Traffic Act 1988;

“continued ability and fitness test” means the test of continued ability and fitness to give instruction in the driving of motor cars referred to in section 125(5) of the Act and the nature of which is prescribed in regulation 8;

“driving ability and fitness test” means the practical test of ability and fitness to drive referred to in section 125(3)(a) of the Act and the nature of which is prescribed in regulation 5;

“examination” means the examination of ability to give instruction in the driving of motor cars referred to in section 125(3)(a) of the Act;

“examiner”, in relation to part of the examination or the continued ability and fitness test, means an officer of the Secretary of State appointed to conduct that part of the examination or that test;

“instructional ability and fitness test” means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in section 125(3)(a) of the Act and the nature of which is prescribed in regulation 6 of these Regulations;

“licence” means a licence to give driving instruction granted under section 129 of the Act;

“the register” has the meaning given by section 123(1)(a) of the Act;

“the Registrar” means the officer of the Secretary of State by whom the register is, on behalf of the Secretary of State, compiled and maintained; and

“written examination” means the written examination referred to in section 125(3)(a) of the Act and the nature of which is prescribed in regulation 4 of these Regulations.

(2) In these regulations a reference to a part of the examination is a reference to one of the 3 parts of the examination set out in regulation 3(2).

## PART II

### EXAMINATION OF ABILITY TO GIVE INSTRUCTION

#### General provisions

**3.—(1)** A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Secretary of State may determine.

(2) The examination shall consist of—

- (a) the written examination,
- (b) the driving ability and fitness test, and
- (c) the instructional ability and fitness test.

(3) Where a person has passed the written examination (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

(4) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case—

- (a) he has passed the three parts of the examination in the order set out in paragraph (2) above;
- (b) he passed the driving ability and fitness test—
  - (i) before 1st December 1989; or
  - (ii) on his first or second attempt after the 30th November 1989; or
  - (iii) on his first, second or third attempt after he had passed the written examination.
- (c) within two years after passing the written examination and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test;
- (d) he passed the instructional ability and fitness test—
  - (i) before 1st December 1989; or
  - (ii) on his first or second attempt after 30th November 1989; or
  - (iii) on his first, second or third attempt after he had passed the written examination,

and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(5) For the purposes of this regulation and regulation 9—

- (a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;
- (b) subject to sub-paragraph (c), a reference to the passing of the written examination or the driving ability and fitness test (including paragraph (4)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions;
- (c) if a person takes the written examination on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(6) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

### **Written examination**

4. The written examination shall consist of a theoretical examination, in which the candidate is required to answer from his own knowledge, on all or any of the following subjects—

- (a) the principles of road safety generally and their application in particular circumstances;
- (b) the techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing properly with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil on the matters set out in sub-paragraph (b), the correction of the pupil's errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers;
- (d) the theory of learning and the theory and practice of teaching and assessment;
- (e) the Highway Code and other matters in the booklet in which it is published;
- (f) the booklet "Your Driving Test" (D.L. 68) issued by the Secretary of State and published by HM Stationery Office;
- (g) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence prescribed by regulation 22(2) of the Motor Vehicles (Driving Licences) Regulations 1987(2);
- (h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and
- (j) the book "Driving—The Department of Transport manual", issued by the Department of Transport and published by HM Stationery Office.

### **Driving ability and fitness test**

5.—(1) The driving ability and fitness test shall consist of tests of eyesight and driving technique and the candidate shall be required to reach the qualifying standard in both tests on the same occasion.

(2) The test of eyesight shall be a test of the candidate's ability to read in good daylight, a motor vehicle registration mark containing letters and figures 79.4 millimetres in height at a distance of 27.5 metres (with the aid of glasses or contact lenses if worn).

(3) The test of driving technique shall be a test in which the candidate is required to satisfy the examiner that he has an adequate knowledge of the principles of good driving and road safety and that he can apply them in practice.

(4) A candidate taking the test of driving technique shall in particular be required to satisfy the examiner on—

- (a) his expert handling of controls;
- (b) his use of correct road procedure;
- (c) his anticipation of the actions of other road users and taking of appropriate action;
- (d) his sound judgment of distance, speed and timing; and
- (e) his consideration for the convenience and safety of other road users.

(5) The candidate taking the test of driving technique shall be required to demonstrate his ability to perform all or any of the following manoeuvres—

- (a) moving away straight ahead or at an angle;
- (b) overtaking, meeting or crossing the path of other vehicles and taking an appropriate course;
- (c) turning right hand and left hand corners;
- (d) stopping the vehicle as in an emergency;
- (e) driving the vehicle backwards and whilst so doing entering limited openings to the right and to the left; and
- (f) turning the vehicle around in the road to face in the opposite direction by the use of forward and reverse gears.

### **Instructional ability and fitness test**

6.—(1) The instructional ability and fitness test shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were—

- (a) a novice or partly-trained pupil, and then
- (b) a pupil who is at about driving test standard.

(2) The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction—

- (a) explaining the controls of the vehicle,
- (b) moving off,
- (c) making normal stops,
- (d) reversing, and while doing so entering limited openings to the right or to the left,
- (e) turning to face the opposite direction, using forward and reverse gears,
- (f) parking close to the kerb, using forward and reverse gears,
- (g) using mirrors and explaining how to make an emergency stop,
- (h) approaching and turning corners,
- (j) judging speed, and making normal progress,
- (k) road positioning,

- (l) dealing with road junctions,
  - (m) dealing with cross roads,
  - (n) dealing with pedestrian crossings,
  - (o) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users, and
  - (p) giving correct signals.
- (3) The candidate's knowledge and ability shall be assessed on—
- (a) the method, clarity, adequacy and correctness of his instruction,
  - (b) the observation and correction of the examiner's driving errors, and
  - (c) his manner generally.

### **Motor car to be provided for practical part of examination**

7.—(1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of that test, in respect of which the following conditions are satisfied.

- (2) The vehicle must have four wheels and be either—
- (a) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel, or
  - (b) a dual purpose vehicle as defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(3).
- (3) The vehicle must—
- (a) have a readily adjustable driving seat and a seat for a forward-facing front passenger,
  - (b) have a steering wheel on its off-side,
  - (c) be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels; and
  - (d) be otherwise suitable for the purposes of the test.
- (4) The vehicle must not, during the conduct of any driving ability and fitness test, carry the distinguishing mark referred to in regulation 9(1)(b) of the Motor Vehicles (Driving Licences) Regulations 1987 or anything resembling such a distinguishing mark.
- (5) In the case of a vehicle provided for the purposes of an instructional ability and fitness test, there must be in force in relation to the use of the vehicle a policy of insurance that—
- (a) complies with the requirements of section 145 of the Act in relation to candidate as driver of the vehicle,
  - (b) complies with the requirements of that section in relation to the examiner as the driver of the vehicle as if the section applied to persons in the public service of the Crown, and
  - (c) insures the examiner as driver of the vehicle in respect of liability for damage to the vehicle during the test,

and throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form referred to in regulation 9(1)(b) of the Motor Vehicles (Driving Licences) Regulations 1987.

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(3) S.I. 1986/1078, to which there are no relevant amendments.

## PART III

### TEST OF CONTINUED ABILITY AND FITNESS TO GIVE INSTRUCTION

#### **Nature of test and provision of a motor car**

8.—(1) The following provisions shall have effect where a person is required to undergo the continued ability and fitness test.

(2) The test shall consist of the attendance of the examiner, while the person is giving instruction to a pupil or pupils.

(3) Unless the examiner otherwise directs, the test shall be carried out in a motor car on a road while the examiner is in the vehicle and a pupil is under instruction.

(4) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities—

- (a) his method, clarity, adequacy and correctness of instruction;
- (b) his observation and proper correction of the pupil's errors;
- (c) his manner, patience and tact in dealing with the pupil; and
- (d) his ability to inspire confidence.

(5) Where the test is to be conducted in a motor car, the person shall provide a motor car which is a passenger vehicle and which is suitable for such a test.

## PART IV

### LICENCES UNDER SECTION 129 OF THE ACT

#### **Additional conditions to be satisfied for the grant of a licence**

9.—(1) To the conditions as to which the Registrar is required to be satisfied for the grant of a licence under section 129 of the Act, there are added the following conditions which shall have effect subject to paragraph (3) below and to regulation 3(5).

(2) The additional conditions are—

- (a) that the person has passed the driving ability and fitness test after passing the written examination;
- (b) that he passed the driving ability and fitness test—
  - (i) before 1st December 1989; or
  - (ii) on his first or second attempt after 30th November 1989; or
  - (iii) on his first, second or third attempt after he had passed the written examination;
- (c) that he made the application within two years after passing the written examination;
- (d) that—
  - (i) he has not failed the instructional ability and fitness test more than twice since he passed the written examination; or
  - (ii) he has not failed the instructional ability and fitness test more than once since 30th November 1989.

(3) A person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

## **Duration of licences**

10. Subject to sections 129(6) and 130 of the Act, a licence shall remain in force for a period of six months from the date of issue.

## **Conditions subject to which licences are granted**

11.—(1) A licence shall be granted subject to the following conditions—

- (a) the holder may give instruction in the driving of a motor car only from the establishment identified in the licence; and
- (b) the holder may give instruction in the driving of a motor car only if, at the time he gives such instruction, the number of approved driving instructors for whom that establishment is their principal place of work as a driving instructor is not less than the number of persons who hold a licence in which that establishment is identified.

(2) A licence, other than a licence which comes into force upon the expiry of a licence previously issued to the same person, shall also be subject to the following conditions—

- (a) the holder must, for at least one fifth of the total time he spends giving instruction during the first 3 months the licence is in force, receive direct supervision from an approved driving instructor;
- (b) the holder must maintain in respect of each working day during the first 3 months the licence is in force a record of the time he spends giving instruction in the driving of a motor car, giving the particulars set out in Part I of Schedule 1 to these Regulations, and
  - (i) he must continue to maintain such a record when any records previously maintained by him are being retained by or on behalf of the Secretary of State after they have been delivered pursuant to sub-paragraph (d) below, but
  - (ii) he need not maintain such a record after he has complied with sub-paragraph (e) below;
- (c) the record must be signed each day by the holder and by any approved driving instructor under whose direct personal supervision the holder has given instruction;
- (d) the holder must on request produce all records maintained by him under this regulation to an officer authorised by the Secretary of State or (if he so required) deliver them to him for retention; and
- (e) the holder must, deliver those records (other than any that have been delivered to an officer authorised by the Secretary of State pursuant to paragraph (d) and not returned) to the Registrar during the 7 day period which ends 3 months after the licence came into force.

(3) A licence granted to a person to whom a licence has not previously been issued shall be subject to the following conditions, in addition to any conditions to which it is subject by virtue of paragraphs (1) and (2) above, that is to say—

- (a) the holder must, before the end of the period which ends 5 weeks after the licence comes into force, have received training in the giving of practical driving instruction including all the matters set out in Part II of Schedule 1 to these Regulations for periods amounting in the aggregate to not less than 40 hours; and
- (b) the holder must before the end of that 5 week period deliver to the Registrar, as evidence that he has received the training referred to in sub-paragraph (a), a statement—
  - (i) giving the particulars set out in Part III of Schedule 1 to these Regulations,
  - (ii) containing a declaration signed by the holder that the training has been received, and
  - (iii) containing a declaration, signed by each person who has given the training, that he has given the training stated to have been given by him;

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and any relevant training received by the holder not more than 12 months before the date that the licence comes into force shall count as training for the purposes of this paragraph.

### Form of licences

**12.** A licence shall be in the form set out in, and contain the particulars required by, Schedule 2 to these Regulations.

## PART V SUPPLEMENTARY

### Fees

**13.** The fee to be paid by a person who applies in respect of a matter mentioned in an item in column 2 of the Table below shall be the amount specified in that item in column 3 of that Table.

**TABLE**

(1) Item No.	(2) Matter in respect of which application is made	(3)
1	Submission to written examination	£50
2	Submission to driving ability and fitness test	£45
3	Submission to instructional ability and fitness test	£45
4	Retention of name in the register	£110
5	A licence	£85
6	Entry to the register following the passing of the examination	£110
7	Entry to the register without passing the examination by virtue of sections 125(7) or 126(3) of the Act.	£110

### Official title of registered person and certificate of registration

**14.—(1)** The official title for use by persons whose names are in the register shall be “Department of Transport Approved Driving Instructor”.

(2) The certificate for issue to persons whose names are in the register as evidence of their names being therein shall be in the form set out in Schedule 3 to these Regulations.



### **Form of badge**

15. The badge for use by persons whose names are in the register as evidence of their names being therein shall be in the form set out in Schedule 4 to these Regulations.

### **Exhibition of certificate of registration or licence**

16. The certificate of registration or licence to give instruction shall be—
- (a) fixed to and immediately behind the front windscreen of the motor car on its nearside edge, and
  - (b) exhibited so that the particulars on the back of the certificate or licence are clearly visible in daylight from outside the motor car and the particulars on the front of the certificate or licence are clearly visible from the front nearside seat of the vehicle, where fitted.

### **Revocations and transitional provisions**

17.—(1) The Regulations specified in Part I of Schedule 5 to these Regulations are revoked.

(2) Part II of Schedule 5 contains transitional provisions relating to applications for the entry of a person's name in the register and for the grant of a licence made before 1st December 1989.

Signed by authority of the Secretary of State

8th November 1989

*Robert Atkins*  
Parliamentary Under Secretary of State,  
Department of Transport

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## SCHEDULE 1

Regulation 11

### LICENCE CONDITIONS

#### PART I

particulars of which a record is to be kept by certain licence holders during first 3 months that a licence is in force

1. The name of the holder of the licence.
2. The number of the licence.
3. The name of the establishment from which the holder of the licence has given instruction.
4. The name of the person under whose direct personal supervision the holder of the licence has given instruction.
5. In respect of each working day—
  - (a) the date;
  - (b) the total number of hours spent giving instruction from the establishment; and
  - (c) the periods spent under the direct personal supervision of the person referred to in paragraph 4 above.

#### PART II

matters to be included in practical driving instruction training

1. Explaining the controls of the vehicle, including the use of dual controls.
2. Moving off.
3. Making normal stops.
4. Reversing, and while doing so entering limited openings to the right or to the left.
5. Turning to face the opposite direction, using forward and reverse gears.
6. Parking close to the kerb, using forward and reverse gears.
7. Using mirrors and explaining how to make an emergency stop.
8. Approaching and turning corners.
9. Judging speed and making normal progress.
10. Road positioning.
11. Dealing with road junctions.
12. Dealing with cross roads.
13. Dealing with pedestrian crossings.
14. Meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users.
15. Giving correct signals.
16. Comprehension of traffic signs, including road markings and traffic control signals.

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17. Method, clarity, adequacy and correctness of instruction.
18. Observation and correction of driving errors committed by pupils and general manner.

### PART III

particulars to be given in statement to registrar


1. The name and address of the holder of the licence.
2. The number of the licence.
3. The name and address of the establishment where the training has been given.
4. The name and address of the person or persons who have given the training.
5. The matters included in the training.
6. The dates on which the training has been given.
7. The number of hours of training spent on each of the matters.

### SCHEDULE 2

Regulation 12

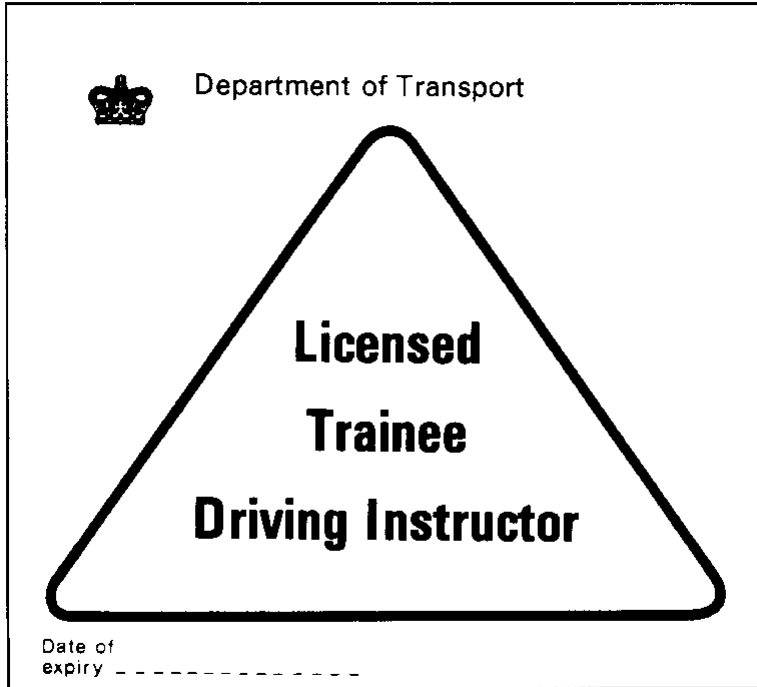
### FORM OF LICENCE UNDER SECTION 129 OF THE ACT

Front of Licence  
Front of Licence

 Department of Transport Road Traffic Act 1988	Licence No.
	<b>Trainee Driving Instructor</b> Licence to give instruction <i>Issued subject to conditions</i>
(Photograph)	Name of licence holder _____
	Instructor No _____
	Name and address of training establishment for which this licence is valid _____ _____ _____
Date of issue _____	(Signature) _____
Date of expiry _____	Registrar Register of Approved Driving Instructors

Back of Licence  
Back of Licence

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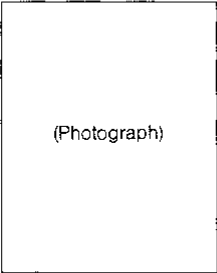
SCHEDULE 3

Regulation 16

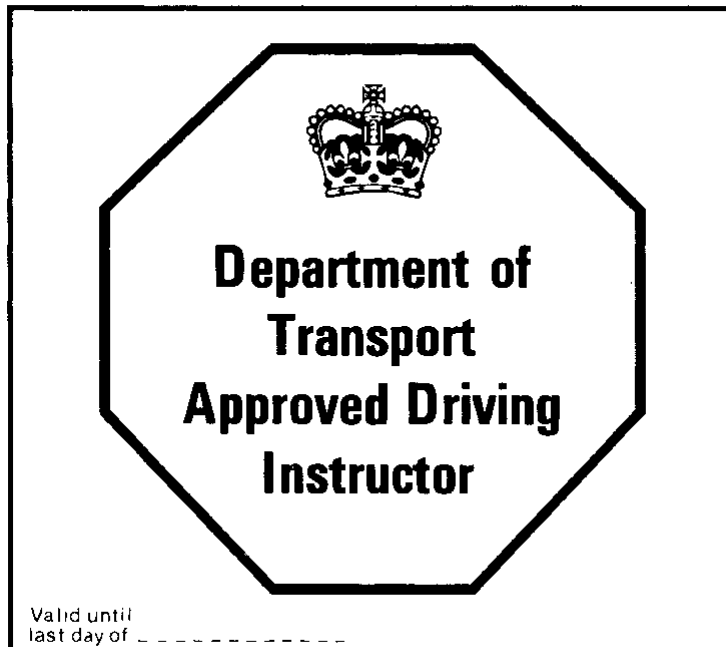
FORM OF CERTIFICATE OF REGISTRATION

Front of Certificate  
Front of Certificate

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 Department of Transport Road Traffic Act 1988	Certificate No. _____
	<b>Department of Transport Approved Driving Instructor</b> Certificate of registration
 (Photograph)	This is to certify that _____
	ADI No. _____ <i>Is included in the Register of Approved Driving Instructors, as qualified to give instruction in the driving of motor cars</i>
Date of issue _____	(Signature)
Valid until last day of _____	Registrar Register of Approved Driving Instructors

Back of Certificate  
Back of Certificate



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SCHEDULE 4

Regulation 15

FORM OF BADGE



SCHEDULE 5

Regulation 17

REVOCATIONS AND TRANSITIONAL PROVISIONS

PART I

regulations revoked by regulation 17

Title	Year and number
The Motor Cars (Driving Instruction) Regulations 1977	S.I.1977/1043
The Motor Cars (Driving Instruction) (Amendment) Regulations 1978	S.I. 1978/1316
The Motor Cars (Driving Instruction) (Amendment) Regulations 1982	S.I. 1982/1206
The Motor Cars (Driving Instruction) (Amendment) Regulations 1984	S.I. 1984/1834
The Motor Cars (Driving Instruction) (Amendment) Regulations 1985	S.I. 1985/577
The Motor Cars (Driving Instruction) (Amendment) Regulations 1986	S.I. 1986/882
The Motor Cars (Driving Instruction) (Amendment) (No. 2) Regulations 1986	S.I. 1986/1338

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Title	Year and number
The Motor Cars (Driving Instruction) (Amendment) Regulations 1989	S.I. 1989/1373

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## PART II

### transitional provisions

1. The enactments repealed by Part I of this Schedule shall continue to apply in relation to the conditions to which a licence granted pursuant to an application made before 1st December 1989 is subject and nothing in these Regulations shall affect those enactments in so far as they apply by virtue of this Part of this Schedule.

2. For the purposes of this Part of this Schedule an application shall not be regarded as having been made before 1st December 1989 unless the application is received by the Registrar before that date.

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations re-enact the Motor Cars (Driving Instruction) Regulations 1977 with modifications. In addition to minor and drafting amendments, they make the following changes of substance.

Under section 125 of the Road Traffic Act 1988 a person wishing to be entered in the register of approved driving instructors has to pass an examination in three parts, the parts being a written examination, a driving ability and fitness test and an instructional ability and fitness test. As before, these regulations require the candidate to pass the three parts in that order. Previously no more than 2 years could elapse between the passing of the written examination and the passing of the instructional ability and fitness test. Under regulation 3:

- (a) a person can pass the instructional ability and fitness test more than 2 years after he passed the written examination provided that his application to take the test is made within the 2 year period;
- (b) a candidate will fail the whole examination if he fails either the driving ability and fitness test or the instructional ability and fitness test more than twice (i.e. he will be allowed three attempts at each); and
- (c) a candidate who has passed the written examination (whether before or after these Regulations are made) will not be allowed to take that part of the examination again within the following 2 years.

Regulation 3 contains transitional provisions so that a person who has failed either of the practical tests mentioned above more than once before the 1st of December 1989 will, in any event, be allowed two further attempts. Furthermore, a test passed before that date will count as a pass however many previous attempts had been made.

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As before, a candidate for the driving ability and fitness test or the instructional ability and fitness test has to provide a vehicle. Regulation 7(3) contains a new express requirement that the vehicle must be suitable for the purposes of the test.

Under section 125(5) of the 1988 Act, the entry of a person's name in the register is subject to the condition that he will undergo a test of continued ability and fitness to give instruction. As before, the regulations require the person concerned to provide a motor car. Regulation 8 expressly requires the vehicle to be suitable for such a test.

Provision is made in section 129 of the 1988 Act for a licence to be issued to a person to enable him to acquire practical experience in giving instruction in driving motor cars with a view to undergoing the driving ability and fitness test. Regulation 9 adds conditions in respect of which the Registrar has to be satisfied before he can issue a licence. These new conditions reflect the changes made by regulation 3. In effect, to qualify for a licence the applicant must be in a position to pass the instructional ability and fitness test.

As before, licences are subject to the condition that instruction is given only from an establishment identified in the licence. Previously there was a further condition that if that establishment was a driving school the number of approved driving instructors employed there had to be equal to or exceeding the number of licences in which that establishment was identified. Regulation 11 modifies this condition so that:

- (a) it is not necessary for the approved driving instructors to be employed at the establishment so long as it is their principal place of work as driving instructors, and
- (b) the condition that there is such a ratio applies whether the establishment is a driving school or not.

Schedule 5 Part I revokes previous Regulations and Part II contains transitional provisions.