
STATUTORY INSTRUMENTS

1990 No. 2612

The Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990

PART I
PRELIMINARY

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990 and shall come into force on 1st April 1991.

(2) Regulation 26 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977⁽¹⁾ and regulations 17 to 20 of the Public Service Vehicles (Drivers' Licences) Regulations 1985⁽²⁾, and the other provisions of those Regulations in so far as relating to the said regulation 26 and regulations 17 to 20, are hereby revoked.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

“the 1988 Act” means the Road Traffic Act 1988;

“the 1989 Act” means the Road Traffic (Driver Licensing and Information Systems) Act 1989;⁽³⁾

“existing licence”, “existing heavy goods vehicle licence” and “existing public service vehicle licence” have the same meaning as in Part I of Schedule 1 to the 1989 Act;

“full” with reference to an ordinary driving licence or a large goods vehicle or passenger-carrying vehicle driver's licence or an existing heavy goods vehicle licence means such a licence other than a provisional licence;

“heavy goods vehicle” has the same meaning as it had for the purposes of Part IV of the 1988 Act before its repeal by section 1 of the 1989 Act;

“holder”, in relation to a licence, means the person to whom the licence was granted;

“hgv trainee driver's licence” means an existing heavy goods vehicle licence which—

- (i) is a licence to drive heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A or any combination thereof,
- (ii) was applied for by a person under the age of 21 on the date of the application, and
- (iii) has effect for a period during the whole or part of which the holder is under the age of 21;

(1) S.I. 1977/1309; there are no relevant amending instruments.

(2) S.I. 1985/214; there are no relevant amending instruments.

(3) 1989 c. 22; this Act was amended by the [Driving Licences \(Community Driving Licence\) Regulations 1990 \(No. 144\)](#).

“licence” means a large goods vehicle driver’s licence or a passenger-carrying vehicle driver’s licence;

“lgv trainee driver’s licence” means a large goods vehicle driver’s licence which—

- (i) is a licence to drive large goods vehicles of category C or C plus E or both,
- (ii) was applied for by a person under the age of 21 on the date of the application, and
- (iii) has effect for a period during the whole or part of which the holder is under the age of 21;

“maximum authorised mass” has the same meaning—

- (i) in relation to goods vehicles as “permissible maximum weight” in section 108(1) of the 1988 Act, and
- (ii) in relation to any other vehicle or trailer as “maximum gross weight” in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986⁽⁴⁾

“Northern Ireland ordinary driving licence” means a licence to drive a motor vehicle granted under the law for the time being in force in Northern Ireland equivalent to Part III of the 1988 Act but does not include such a licence in so far as it authorises a person to drive large goods vehicles or passenger-carrying vehicles of any category;

“ordinary driving licence” means a licence to drive a motor vehicle granted under Part III of the 1988 Act other than a large goods vehicle or passenger-carrying vehicle driver’s licence;

“penalty points” means penalty points endorsed on an ordinary driving licence or the counterpart of an ordinary driving licence pursuant to sections 28 and 29 of the Road Traffic Offenders Act 1988⁽⁵⁾ or counted as having been so endorsed pursuant to paragraph 7(3) of Schedule 4 to the Road Traffic (Consequential Provisions) Act 1988⁽⁶⁾;

“PSV operator’s licence” and “public service vehicle” have the meanings given by section 82(1) of the 1981 Act;

“registered” means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

“relevant endorsement” means an endorsement on a Northern Ireland ordinary driving licence or its counterpart of particulars of a conviction in pursuance of those provisions for the time being in force in Northern Ireland that correspond to sections 44 and 45 of the Road Traffic Offenders Act 1988⁽⁷⁾;

“standard” in relation to an existing heavy goods vehicle licence or a large goods vehicle driver’s licence means such a licence which is not an hgv trainee driver’s licence or an lgv trainee driver’s licence as the case may be;

“test” means a test of competence to drive large goods vehicles or passenger-carrying vehicles, as the case may be, of any category, being a test for which provision is made under section 89(3) of the 1988 Act;

“traffic commissioner” means in relation to an applicant for or the holder of a licence the traffic commissioner in whose area the applicant or holder resides except in relation to service personnel to whom section 183(6) of the 1988 Act and regulation 23 applies;

“training agreement” in relation to an individual who is undergoing, or is to undergo, lgv driver training, means his agreement therefor with his registered employer in pursuance of the training scheme;

(4) S.I. 1986/1078; the relevant amending instrument is S.I. 1987/676.

(5) 1988 c. 53; section 29 was amended by regulation 2(2) of, and paragraph 4 of Schedule 2 to, the [Driving Licences \(Community Driving Licence\) Regulations 1990 \(No. 144\)](#).

(6) 1988 c. 54.

(7) 1988 c. 53; sections 44 and 45 were amended by regulation 2(2) of, and paragraphs 10 and 11 of Schedule 2 to, the [Driving Licences \(Community Driving Licence\) Regulations 1990 \(No. 144\)](#).

“the Training Committee” means the Committee which has been established by the employers' associations and the trade unions in the road goods transport industry with a constitution approved by the Secretary of State and which is known as the National Joint Training Committee for Young LGV Drivers in the Road Goods Transport Industry;

“the training scheme” means the scheme which has been established by the Training Committee with the approval of the Secretary of State (given for the purpose of regulations under section 120 of the 1988 Act) for training young drivers of large goods vehicles and which provides for—

- (i) the registration by the Training Committee of employers who are willing and able to provide lgv driver training for persons employed by them;
- (ii) the registration by the Training Committee of persons operating establishments for providing lgv driver training;
- (iii) a syllabus for lgv driver training; and
- (iv) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, lgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;

“vehicle with automatic transmission” means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(2) In these Regulations, unless the context otherwise requires, any reference to a class of heavy goods or public service vehicle is a reference to a class defined in column (2) in Part I or II, as the case may be, of Schedule 1 to the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations 1990⁽⁸⁾, and in the case of a class identified by a number in relation to that number and any reference to a category of vehicle is a reference to a category specified in column (2) of Schedule 1 or column (2) of Schedule 3 to the Motor Vehicles (Driving Licences) Regulations 1987⁽⁹⁾, and in the case of a category identified by a letter in relation to that letter.

(3) In these Regulations, unless the context otherwise requires, a reference to a regulation or Schedule followed by a number is a reference to the regulation or Schedule bearing that number in these Regulations, and a reference to a paragraph followed by a number is a reference to the paragraph bearing that number in the regulation in which it appears.

Application

3.—(1) These Regulations apply in respect of large goods or passenger-carrying vehicle drivers' licences and tests of competence to drive large goods or passenger-carrying vehicles except those falling within categories C1 and D1.

(2) The Motor Vehicles (Driving Licences) Regulations 1987, except regulations 4, 7 (in so far as it applies to exchange and duplicate licences), 11(1)(a), 12, 13, 24, 25 and 26 and the other provisions of the 1987 Regulations, in so far as applicable to those regulations, shall not apply in respect of large goods or passenger-carrying vehicle drivers' licences or tests of competence to drive large goods or passenger-carrying vehicles in respect of which these Regulations apply.

⁽⁸⁾ S.I. 1990/2611.

⁽⁹⁾ S.I. 1987/1378; the relevant amending instruments are S.I. 1990/842 and 1396.

PART II

LICENCES

Applications for the grant of licences

4. A person who desires to obtain the grant of a licence shall—
- (a) submit his application not more than three months before the date on which the licence is to take effect; and
 - (b) send with his application—
 - (i) if required by the Secretary of State, a certificate, in such form as the Secretary of State may require, that has been signed by a registered medical practitioner not more than four months prior to the date on which the licence is to take effect,
 - (ii) if required by the Secretary of State, any ordinary driving licence, Northern Ireland driving licence or existing licence held by him,
 - (iii) a pass certificate showing that he has passed the test within the relevant period for the category of vehicles which the licence applied for will authorise him to drive, except in the case of an application for a provisional licence or where he is entitled to the grant of a licence by having held a previous licence as set out in sections 89 and 89A of the 1988 Act, and
 - (iv) in the case of an application for a licence to drive the vehicles in category D specified in regulation 28(1) by an applicant who relies upon that regulation, a certificate, in such form as the Secretary of State may require to the effect that he has been regularly driving vehicles in category D with more than 16 seats in addition to the driver's seat during the period of three years immediately preceding his application for such a licence.

Qualifications of applicants

5.—(1) An applicant for a licence shall when the licence is granted have the following qualifications—

- (a) he must not be a person who—
 - (i) subject to paragraph (3), holds a licence which has been suspended or a Northern Ireland large goods or passenger-carrying vehicle driver's licence which has been suspended, whether (in either case) the suspension has effect under section 115 of the 1988 Act or under the provision of the law for the time being in force in Northern Ireland that corresponds to that section;
 - (ii) subject to paragraph (3), is disqualified for holding or obtaining a licence or a Northern Ireland large goods or passenger-carrying vehicle driver's licence, whether (in either case) the disqualification has effect under section 117 of the 1988 Act or under the provision of the law for the time being in force in Northern Ireland that corresponds to that section;
 - (iii) is disqualified by a court for holding or obtaining an ordinary driving licence or by a court in Northern Ireland for holding or obtaining a Northern Ireland ordinary driving licence;
 - (iv) is disqualified by reason of his age for holding or obtaining a licence to drive any of the vehicles in the category of vehicles to which the licence is to relate; or
 - (v) would hold more than one large goods vehicle driver's licence or such a licence and a Northern Ireland licence, British external licence, British Forces licence,

exchangeable licence or existing licence authorising him to drive large goods vehicles of any category or would hold more than one passenger-carrying vehicle driver's licence or such a licence and a Northern Ireland licence, British external licence, British Forces licence, exchangeable licence or existing licence authorising him to drive passenger-carrying vehicles of any category;

- (b) he shall hold a full ordinary driving licence or a full Northern Ireland ordinary driving licence authorising him to drive motor vehicles in category B or he shall be authorised to drive motor vehicles in category B as a full licence holder by virtue of section 88 of the 1988 Act (licence applied for or surrendered for correction of particulars, etc.), or any corresponding Northern Ireland provision or by having passed a test for that category; and
- (c) in the case of an applicant for an lgv trainee driver's licence—
 - (i) the licence referred to in sub-paragraph (b) above or its counterpart shall be free from any penalty points or relevant endorsements,
 - (ii) he shall be a person who is a registered employee of a registered employer.

(2) Paragraph (1)(b) above shall not apply in the case of an applicant who is a full-time member of the armed forces of the Crown.

(3) A person is qualified to apply for a large goods vehicle driver's licence notwithstanding that when the licence is granted his passenger-carrying vehicle driver's licence is suspended or he is disqualified for holding or obtaining such a licence if such suspension or disqualification relates to his conduct other than as a driver of a motor vehicle.

Disabilities

6.—(1) The following disabilities are prescribed as relevant disabilities for the purposes of section 92(2) of the 1988 Act in relation to large goods vehicle or passenger-carrying vehicle drivers' licences (in addition to the disabilities prescribed by regulation 24 of the Motor Vehicles (Driving Licences) Regulations 1987)—

- (a) an epileptic attack since attaining the age of 5 years;
- (b) abnormal sight in one or both eyes where—
 - (i) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 1st April 1991, the visual acuity is worse than 6/12 with the better eye and worse than 6/36 with the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60, or
 - (ii) in any other case, the visual acuity is worse than 6/9 in the better eye and worse than 6/12 in the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60;
- (c) sight in only one eye unless—
 - (i) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 1st April 1991 the traffic commissioner in whose area he resides or the traffic commissioner who granted the last-mentioned licence knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/12, or
 - (ii) in the case of a person who did not hold an existing licence on 1st January 1983 but who holds an existing licence on 1st April 1991 the traffic commissioner in whose area he resides or the traffic commissioner who granted the last-mentioned licence knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/9;

- (d) diabetes subject to insulin treatment unless the person in question held, on 1st April 1991, an existing licence and the traffic commissioner in whose area he resides or the traffic commissioner who granted the licence knew of the disability before 1st January 1991.

(2) In this regulation references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale.

Grant of licences subject to a limitation

7. Where an applicant for a provisional licence—
- (a) holds an ordinary driving licence which contains a provision under section 92(7) or 97(3) of the 1988 Act limiting the applicant to the driving of vehicles of a particular construction or design or class only; or
 - (b) holds a Northern Ireland ordinary driving licence which contains a similar provision under the law for the time being in force in Northern Ireland that corresponds to the said section 92(7) or 97(3);

any such licence granted to the applicant to drive large goods vehicles or passenger-carrying vehicles of any category shall contain a corresponding limitation.

Correspondences

8. For the purposes of section 89A of the 1988 Act, a class of heavy goods vehicle or public service vehicle or a test of competence to drive heavy goods vehicles or public service vehicles of a class specified in column (1) of Part I or Part II, as the case may be, of the table in Schedule 2 corresponds to a category of large goods vehicle or passenger-carrying vehicle or a test of competence to drive a category of large goods vehicle or passenger-carrying vehicle, as the case may be, specified in column (2) of Part I or Part II of that table, and in respect of an existing heavy goods vehicle licence for vehicles in class 3 or 3A which is restricted to vehicles having a permissible maximum weight not exceeding 10 tonnes by virtue of—

- (a) paragraph 3(3) and (5) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976⁽¹⁰⁾; or
- (b) paragraph (1) or (2) of regulation 31 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977⁽¹¹⁾ before they ceased to have effect with the repeal of Part IV of the 1988 Act by section 1 of the 1989 Act,

without any such restriction.

Fees for licences

9.—(1) Subject to paragraph (2) below, the fees for the grant of licences shall be as set out in Schedule 3.

(2) When an application for more than one licence is made at the same time only the highest fee prescribed by paragraph (1) above shall be payable on the grant of the licences and when an application for a licence and for an ordinary driving licence is made at the same time only the highest fee prescribed by that paragraph or by regulation 7 of the Motor Vehicles (Driving Licences) Regulations 1987 shall be so payable.

⁽¹⁰⁾ 1976 c. 3.

⁽¹¹⁾ S.I. 1977/1309; to which there are amendments not relevant to these Regulations.

Provisional licences and provisional entitlement

10.—(1) The entitlement to drive vehicles in category C, D, C plus E or D plus E subject to the same conditions as a provisional licence holder conferred by section 98(2) and (3) of the 1988 Act shall not apply in the case of the holder of a full licence to drive vehicles of category B.

(2) The entitlement to drive vehicles in category C or C plus E subject to the same conditions as a provisional licence holder conferred by section 98(2) and (3) of the 1988 Act shall not apply in the case of the holder of a full licence to drive vehicles of category D or D plus E, and the entitlement to drive vehicles in category D or D plus E subject to those conditions shall not apply in the case of the holder of a full licence to drive vehicles of category C or C plus E.

(3) Subject to paragraph (5), a large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, including a full licence which is treated as a provisional licence under section 98(2) and (3), shall be subject to the following conditions prescribed for the purposes of section 114(1) of the 1988 Act, that is to say, the holder shall not drive a vehicle of any category which he may drive by virtue of the licence—

- (a) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full licence or a full existing licence to drive the vehicle; and
- (b) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark—
 - (i) before a date 5 years after these Regulations come into force, in either form A or B set out in Schedule 4, or
 - (ii) on or after that date, in form B only.

(4) A passenger-carrying vehicle driver's licence issued as a provisional licence, including a licence which is treated as a provisional licence under section 98(2) and (3), shall be subject to the condition prescribed for the purposes of section 114(1) of the 1988 Act that the holder shall not drive a passenger-carrying vehicle which he may drive by virtue of the licence while carrying any passenger in the vehicle other than the person specified in paragraph (3)(a) above or in regulation 18(5).

(5) The condition specified in paragraph (3)(a) shall not apply whilst the holder of a provisional licence is undergoing a test and none of the conditions specified in the said paragraph (3) nor the condition in paragraph (4) shall apply in relation to the driving of a vehicle of any category where the holder of the licence has passed a test for a vehicle of that category.

(6) This regulation shall not apply to lgv trainee drivers and lgv trainee drivers' licences.

Large goods vehicles drivers' licences issued to persons under the age of 21

11.—(1) A large goods vehicle driver's licence issued to a person under the age of 21 shall be subject to the following conditions prescribed for the purposes of section 114(1) of the 1988 Act—

- (a) in the case of a full-time member of the armed forces of the Crown, that he shall not drive a large goods vehicle of any category otherwise than for naval, military or air force purposes; and
- (b) in the case of the holder of an lgv trainee driver's licence, that he shall not drive a large goods vehicle of any category for which the licence is issued or for which by virtue of subsections (2) and (3) of section 98 of the 1988 Act (which authorise holders of full licences for certain classes of vehicles to drive all other classes subject to provisional licence conditions) the licence is treated as a provisional licence, unless the holder is the registered employee of a registered employer and either—

- (i) the vehicle is a large goods vehicle of a category to which his training agreement applies and is owned or operated by that registered employer or by a registered lgv driver training establishment, or
 - (ii) 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
 - (c) in the case of the holder of an lgv trainee driver's full licence, that he shall not drive a vehicle of any category for which the licence is issued if the vehicle is being used to draw a trailer, otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence or a full standard existing licence to drive the vehicle.
- (2) In the case of an lgv trainee driver's full licence to drive large goods vehicles of category C, the provisions of subsections (2) and (3) of section 98 of the 1988 Act shall apply in respect of category C plus E after the expiration of the period of two years from the date on which he passed the test to drive large goods vehicles of category C.
- (3) The holder of an hgv trainee driver's full licence to drive heavy goods vehicles of class 2 or 3 may, on surrendering that licence and paying the fee prescribed in Schedule 3, apply for an lgv trainee driver's licence which will be a full lgv trainee driver's licence to drive large goods vehicles of category C and which, two years from the date on which he passed the test to drive heavy goods vehicles of class 3, will also act as an lgv trainee driver's provisional licence to drive vehicles of category C plus E.
- (4) Subject to paragraphs (5), (6) and (7), an lgv trainee driver's provisional licence, including an lgv trainee driver's full licence which is treated as an lgv trainee driver's provisional licence by virtue of subsections (2) and (3) of section 98 of the 1988 Act, shall be subject to the following conditions (additional to that required by paragraph (1)), that is to say, that the holder shall not drive a large goods vehicle of any category which he may drive by virtue of the licence—
- (a) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence or a full standard existing licence to drive the vehicle; and
 - (b) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark—
 - (i) before a date 5 years after these Regulations come into force, in either form A or B set out in Schedule 4, or
 - (ii) on or after that date, in form B; and
 - (c) if the vehicle is being used to draw a trailer, unless the licence is for category C plus E and the combination of vehicle and trailer would fall within that category.
- (5) The condition specified in paragraph (4)(a) shall not apply while the holder of the licence is undergoing a test.
- (6) Where the holder of an lgv trainee driver's provisional licence (including a full licence which is treated as a provisional licence as mentioned above) has passed a test for a category of large goods vehicle for which the licence is, or is treated as, a provisional licence the conditions specified in paragraph (4) (except (a) where the vehicle is in category C and is being used to tow a trailer or is in category C plus E) shall not apply so far as regards the driving of a vehicle in that category.

Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation

12.—(1) The prescribed circumstances for the purposes of section 115(1)(a) of the 1988 Act (obligatory revocation of licence) are that, in the case of the holder of a large goods vehicle driver's

licence who is under the age of 21, the counterpart of his ordinary driving licence bears more than three penalty points.

(2) Where a large goods vehicle driver's licence is revoked under section 115(1)(a) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the Secretary of State.

(3) Where the Secretary of State determines that a person whose licence has been revoked under section 115(1)(a) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the Secretary of State may determine.

Removal of disqualification

13.—(1) Subject to paragraph (2) and (3), the Secretary of State may remove a disqualification under section 117(4) of the 1988 Act, after consultation with the traffic commissioner in cases which had been referred to him, if the application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods from the commencement of the disqualification, that is to say—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case, including disqualification for an indefinite period.

(2) The applicant must have incurred no further penalty points or relevant endorsements.

(3) Where an application under paragraph (1) for the removal, under section 117(4) of the 1988 Act, of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.

Prescribed classes of goods and passenger-carrying vehicles

14. For the purposes of sections 89A(3) and (5), 99(1) and (1A) and 117(7) of the 1988 Act, the prescribed classes of goods vehicles or large goods vehicles are those in categories C and C plus E and the prescribed classes of passenger-carrying vehicles are those in categories D and D plus E.

PART III

TESTS OF COMPETENCE

Applications for tests

15.—(1) A person who desires to take a test to be conducted by an examiner appointed under regulation 19(1)(a) shall apply for an appointment for a test to the Secretary of State at any office of the Driving Standards Agency.

(2) An applicant for such an appointment shall, when making the application, specify the category of vehicle in respect of which he desires to take the test and pay a fee of £45.

Qualifications of applicants for tests

16. An applicant for a test shall be a person who is the holder of a provisional large goods vehicle or passenger-carrying vehicle driver's licence or a provisional heavy goods vehicle licence, or a full licence which is treated as such a provisional licence, entitling him to drive a vehicle or vehicles in the category of vehicles in respect of which he desires to take the test.

Nature of tests

17. The test which a person is required to pass before a full licence can be granted to him authorising him to drive a large goods vehicle or passenger-carrying vehicle of a particular category shall be a test carried out on a vehicle of that category, being a test which satisfies the examiner—

- (a) that the candidate is fully conversant with the contents of the Highway Code;
- (b) that he has sufficient knowledge of the mechanical operation of the vehicle on which he is tested, including, at the discretion of the examiner, the effect of distribution of load on the performance of the vehicle, to enable him to drive it safely;
- (c) that he is competent to drive without danger to, and with due consideration for, other users of the road, the vehicle on which he is tested; and
- (d) that he is able to perform safely and competently the operations specified in Schedule 5.

Requirements for tests

18.—(1) A person submitting himself for a test shall—

- (a) provide for the purposes of the test a vehicle which is suitable for the purposes of the test and which, in particular, is suitable for the purposes of the test under paragraph (3) and—
 - (i) is not carrying passengers or goods or burden of any description,
 - (ii) is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner is able properly to conduct the test from it and is afforded adequate protection from bad weather when conducting the test,
 - (iii) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed, and
 - (iv) in the case of a test of competence to drive passenger-carrying vehicles, save as provided in paragraph (2), is so constructed that the examiner can, from the deck of the vehicle on which the driver is seated, get a clear view of the road to the rear of the vehicle without the use of any optical device; and
- (b) sign the examiner's attendance record; and
- (c) produce evidence of identity to the satisfaction of the examiner in the form of—
 - (i) a licence to drive a motor vehicle granted under Part III of the 1988 Act or an existing licence bearing his signature,
 - (ii) a Northern Ireland licence bearing his signature,
 - (iii) a British external licence bearing his signature,
 - (iv) a British Forces licence bearing his signature,
 - (v) a driving permit issued by the service authorities of a visiting force specified in Article 3 of the Motor Vehicles (International Circulation) Order 1975⁽¹²⁾ bearing his signature,
 - (vi) a Convention driving permit as defined in Article 2(7) of that Order bearing his signature,
 - (vii) an exchangeable licence bearing his signature,

(12) S.I. 1975/1208; the relevant amending instrument is S.I. 1989/993.

- (viii) any other document falling within the definition of “domestic driving permit” in Article 2(7) of that Order which bears his name in the roman alphabet, his photograph and his signature,
 - (ix) a passport bearing his signature, or
 - (x) an identity card issued by his employer which bears his name in the roman alphabet, his photograph and his signature.
- (2) The requirement specified in paragraph (1)(a)(iv) does not apply in a case where—
- (a) the construction of the vehicle makes fulfilment of that requirement impracticable, and
 - (b) the examiner consents to that requirement not being complied with in consequence of arrangements to conduct part or all of the test not on a road.
- (3) A vehicle shall not be suitable for the purpose of a test unless—
- (a) if the test is taken before the 1st April 1994—
 - (i) in the case of a test for category C, it has a maximum authorised mass which exceeds 7.5 tonnes;
 - (ii) in the case of a test for category D not limited as in sub-paragraph (iii) below, it has an overall length of at least 8.5 metres;
 - (iii) in the case of a test for category D limited under regulation 29 to vehicles with not more than 16 seats, in addition to the driver’s seat, it has an overall length of less than 8.5 metres;
 - (iv) in the case of a test for category C plus E, it is either—
 - (a) an articulated goods vehicle combination, or
 - (b) a combination of vehicles comprising a vehicle in category C and a trailer with at least two axles with a permissible maximum weight in relation to the combination of at least 15 tonnes;
 - (v) in the case of a test for category D plus E, it is a combination of vehicles comprising a vehicle which is suitable for a test for category D under paragraph (ii) above and a trailer with a permissible maximum weight of at least 1.25 tonnes; and
 - (b) if the test is taken on or after that date, it is capable of a speed of at least 80 kilometres per hour and—
 - (i) in the case of a test for category C, it has a maximum authorised mass of at least 11 tonnes;
 - (ii) in the case of a test for category D not limited as in sub-paragraph (iii) below, it has an overall length of at least 9 metres;
 - (iii) in the case of a test for category D limited under regulation 29 to vehicles with not more than 16 seats, in addition to the driver’s seat, it has an overall length of less than 9 metres;
 - (iv) in the case of a test for category C plus E, it is either—
 - (a) an articulated goods vehicle combination with a permissible maximum weight of at least 21 tonnes, or
 - (b) a combination of vehicles comprising a vehicle in category C and a trailer with at least two axles, one of which must be a steering axle, and a wheel base of at least 4 metres, with a permissible maximum weight in relation to the combination of at least 21 tonnes; or

- (v) in the case of a test for category D plus E, it is a combination of vehicles comprising a vehicle which is suitable for a test for category D under sub-paragraph (ii) above and a trailer with a permissible maximum weight of at least 1.25 tonnes.

(4) Where a person submitting himself for a test provides a vehicle which does not comply with paragraph (1) or otherwise refuses or fails to comply with that paragraph the examiner may refuse to conduct the test.

(5) A person submitting himself for a test shall allow to travel in the vehicle—

- (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.

Persons who may conduct tests

19.—(1) Tests may be conducted—

- (a) by examiners appointed for that purpose by the Secretary of State;
- (b) by examiners appointed for that purpose by the Secretary of State for Defence, insofar as concerns the testing of persons subject to the Naval Discipline Act 1957⁽¹³⁾, to military law or to air force law, or of persons employed in the driving of motor vehicles for naval, military or air force purposes;
- (c) in England and Wales, by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947⁽¹⁴⁾ or, in Scotland, by the fire-master of such a brigade, insofar as concerns the testing of members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;
- (d) by any chief officer of police in so far as concerns the testing—
 - (i) of members of a police force, or
 - (ii) of persons employed in the driving of motor vehicles for police purposes by a police authority, or by the Receiver for the Metropolitan Police District or by the Commissioner of Police for the Metropolis; and
- (e) in the case of tests of competence to drive passenger-carrying vehicles, by an examiner certified by the Secretary of State to be qualified to conduct the test, authorised to do so by a traffic commissioner and being, or being employed by, the holder of a PSV operator's licence.

(2) Any person authorised by virtue of paragraph (1)(c) or (d) to conduct tests may, subject to the approval of the Secretary of State, authorise suitable persons to act as examiners of those who submit themselves for a test.

(3) No test shall be conducted by a person referred to in paragraph (1)(e)—

- (a) in a case where the examiner is authorised by virtue of his holding a PSV operator's licence, if the person being tested is not employed, or as the case may be, proposed to be employed by the examiner in the course of the business which he conducts by virtue of that licence; or
- (b) in a case where the examiner is authorised by virtue of his employment by the holder of a PSV operator's licence, if the person being tested is not employed, or, as the case may be, proposed to be employed by that holder in the course of the business conducted by that holder by virtue of that licence.

⁽¹³⁾ 1957 c. 53.

⁽¹⁴⁾ 1947 c. 41.

Evidence of results of tests

20.—(1) A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 6.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 6.

Repayment of fees

21.—(1) The period of notice prescribed for the purposes of section 91(b) of the 1988 Act (repayment of test fee on giving prescribed period of notice) in respect of the fee for a test is notice of not less than five clear days (excluding Saturdays, Sundays, any bank holidays, Christmas Day or Good Friday) before the date of the appointment to the office of the Driving Standards Agency with whom the appointment was made.

(2) For the purposes of this regulation “bank holiday” means a day which is a bank holiday by or under the Banking and Financial Dealings Act 1971⁽¹⁵⁾ either generally or in the locality in which is situated the office of the Driving Standards Agency to whom notice cancelling an appointment for a test falls to be given.

Additional qualification

22. A person who has passed tests to drive vehicles of a class included in category C plus E and a class included in category D shall be deemed for the purposes of the 1988 Act and of these Regulations competent to drive, in addition to vehicles of those classes also vehicles of the class included in category D plus E which corresponds to the said class included in category D.

PART IV

SUPPLEMENTARY

Service personnel

23. The traffic commissioner for the South Eastern Traffic Area is hereby prescribed for the purposes of section 183(6) of the 1988 Act (discharge of Part IV functions in relation to HM Forces).

Northern Ireland licences

24.—(1) The traffic commissioner for the North Western Traffic Area is hereby prescribed for the purposes of section 122(2) of the 1988 Act (suspension, revocation and disqualification in respect of Northern Ireland licences as respects Great Britain).

(2) For the purposes of section 122(4) of the 1988 Act, the magistrates' court or sheriff to whom an appeal shall lie by the holder of a Northern Ireland licence, being a person who is not resident in Great Britain and who is aggrieved by the suspension or revocation of the licence or by the ordering of disqualification for holding or obtaining a licence, shall be—

- (i) such a magistrates' court or sheriff as he may nominate at the time he puts down his appeal; or
- (ii) in the absence of a nomination of a particular court under sub-paragraph (i) above, the magistrates' court in whose area the office of the traffic commissioner for the North Western Traffic Area is situated.

(15) 1971 c. 80.

Entitlement to groups

25. The categories of vehicles specified in column (2) of the table in Schedule 1 are hereby designated as groups for the purposes of paragraphs (a) and (b) of section 89(1) of the 1988 Act.

Transitional provisions

26.—(1) If an application for the grant of a licence in respect of any of the classes of vehicle in column (1) of the table below is made and the licence has not been granted or refused before the date that these Regulations come into force, the application shall be taken on and after that date to be an application in respect of the categories of vehicles in column (2) of the table below.

TABLE

(1) Class of Heavy Goods Vehicle	(2) Corresponding Category of Large Goods Vehicle
2, 3	C and C plus E limited to drawbar trailer combinations only
2A, 3A	C and C plus E limited to drawbar trailer combinations only and in both cases limited to vehicles with automatic transmission
1	C plus E
1A	C plus E limited to vehicles with automatic transmission
Class of Public Service Vehicle	Corresponding Category of Passenger-Carrying Vehicle
4	D limited to vehicles not more than 5.5 metres in length
4A	D limited to vehicles not more than 5.5 metres in length and with automatic transmission
4B	B
3	D
3A	D limited to vehicles with automatic transmission
1, 2	D plus E
1A, 2A	D plus E limited to vehicles with automatic transmission

(2) If an application for a test in respect of any of the classes of vehicles in column (1) of the table below is made and the test has not been taken before the date that these Regulations come into force, the application shall be taken on and after that date to be an application in respect of the categories of vehicles in column (2) of the table below—

TABLE

(1) Class of Heavy Goods Vehicle	(2) Corresponding Category of Large Goods Vehicle
2, 3	C
2A, 3A	C limited to vehicles with automatic transmission
1	C plus E
1A	C plus E limited to vehicles with automatic transmission
Class of Public Service Vehicle	Corresponding Category of Passenger-Carrying Vehicle
4	D limited to vehicles with no more than sixteen seats
4A	As for 4 but limited to vehicles with automatic transmission
3, 2, 1	D
3A, 2A, 1A	As for 3, 2, 1 but limited to vehicles with automatic transmission

Exemptions

27.—(1) Part IV of the 1988 Act and these Regulations shall not apply to large goods vehicles of any of the following classes, that is to say—

- (a) track laying vehicles;
- (b) vehicles propelled by steam;
- (c) road rollers;
- (d) road construction vehicles used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);
- (e) engineering plant;
- (f) works trucks;
- (g) industrial tractors;
- (h) agricultural motor vehicles;
- (i) digging machines;
- (j) vehicles exempted from excise duty by virtue of section 7(1) of the Vehicles (Excise) Act 1971(16) (vehicles used for less than a certain distance on public roads);
- (k) any motor car as defined in section 185(1) of the 1988 Act 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 thereby, but to which no trailer is attached;

- (l) vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;
- (m) vehicles manufactured before 1st January 1960 used unladen and not drawing a laden trailer;
- (n) vehicles in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965(17);
- (o) wheeled armoured vehicles being the property of, or for the time being under the control of, the Secretary of State for Defence;
- (p) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the large goods vehicle and its load) or for other similar purposes;
- (q) any articulated goods vehicle combination which has a maximum authorised mass not exceeding 7.5 tonnes, or the tractive unit of which does not exceed 2.05 tonnes unladen weight;
- (r) any vehicle having a relevant maximum weight not exceeding 3.5 tonnes to which a trailer is attached, not being an articulated goods vehicle combination;
- (s) any vehicle (not being an articulated goods vehicle combination) which—
 - (i) has an unladen weight not exceeding 10.2 tonnes,
 - (ii) is being operated by the holder of a PSV operator's licence,
 - (iii) is being driven by a person who holds an existing public service vehicle licence or a passenger-carrying vehicle driver's licence, and
 - (iv) is being used for the purpose of—
 - (a) proceeding to, or returning from, a place where assistance is to be, or has been, given to a disabled passenger-carrying vehicle; or
 - (b) giving assistance to or moving a disabled passenger-carrying vehicle or moving a wreck which, immediately before it became a wreck, was a passenger-carrying vehicle;
- (t) any vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which—
 - (i) is used solely for dealing with disabled vehicles;
 - (ii) is not used for the conveyance of any load other than a disabled vehicle when so raised, water, fuel and accumulators and articles required for the operation of, or in connection with, such apparatus as aforesaid or otherwise for dealing with disabled vehicles; and
 - (iii) has an unladen weight not exceeding 3.05 tonnes;
- (u) any vehicle which was originally constructed to carry passengers but has been adapted to carry goods or burden of any description—
 - (i) when driven for the carriage of—
 - (a) play equipment for children, or such equipment and not more than 8 passengers, to or from the place where the equipment is to be, or has been, made available for such use, or

- (b) articles required for the purposes of display or of an exhibition, or such articles and not more than 8 passengers, to or from the place where the display or exhibition is to be mounted, or
 - (ii) being a vehicle used for the carriage of such equipment or articles as specified in sub-paragraph (i) above, when driven—
 - (a) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied, or
 - (b) in such circumstances that by virtue of section 5 of the Vehicles (Excise) Act 1971 the vehicle is not chargeable with duty in respect of its use on public roads;
 - (v) vehicles which are designed for fire fighting or fire salvage purposes and which are the property of, or for the time being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown; and
 - (w) any vehicle when being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939⁽¹⁸⁾ which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act, 1959⁽¹⁹⁾, by section 2 of the Emergency Powers Act 1964⁽²⁰⁾.
- (2) Part IV of the 1988 Act and these Regulations shall not apply to passenger-carrying vehicles of any of the following classes, that is to say—
- (a) vehicles manufactured more than 30 years ago and not used for hire or reward or for the carriage of more than 8 passengers;
 - (b) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the passenger-carrying vehicle and its passengers) or for other similar purposes.
- (3) A person may drive a large goods vehicle specified in paragraph (1) if he is the holder of a full licence to drive vehicles in category B and C1, and a passenger-carrying vehicle specified in paragraph (2) if he is the holder of a full licence to drive vehicles in category B and D1.
- (4) Except in the case of a vehicle mentioned in paragraph (5), Part IV of the 1988 Act and these Regulations, in their application to large goods vehicles, shall not apply to vehicles which are passenger-carrying vehicles as well as large goods vehicles.
- (5) Part IV of the 1988 Act and these Regulations, in their application to passenger-carrying vehicles, shall not apply to large goods vehicles in category C driven by members of the armed forces of the Crown and used for the carriage of passengers for naval, military or air force purposes which are adapted to carry up to 24 passengers.
- (6) In this Regulation—
- “digging machine” has the same meaning as in Schedule 3 to the Vehicles (Excise) Act 1971;
 - “agricultural motor vehicle”, “engineering plant”, “industrial tractor”, “track laying” and “works truck” have the same meaning as in regulation 3(2) of the Motor Vehicles (Construction and Use) Regulations 1986;
 - “play equipment for children” includes articles required in connection with the use of such equipment by children; and

⁽¹⁸⁾ S.R. and O. 1939/1304.

⁽¹⁹⁾ 1959 c. 19.

⁽²⁰⁾ 1964 c. 38.

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

Effect of the change in classification on entitlement to drive large buses

28.—(1) A person who held a full licence to drive vehicles in category B and D1 on 31st May 1990, who satisfies the Secretary of State that he has been regularly driving a vehicle or vehicles in category D with more than 16 seats in addition to the driver’s seat during the period of three years immediately preceding his application for a licence to drive such vehicles and who makes such application before 1st April 1992 shall, notwithstanding anything in regulation 17 as it applies to section 89 of the 1988 Act, be entitled, on satisfying the other requirements of the 1988 Act and these Regulations, to the grant of a full licence to drive vehicles in that category subject to the limitation that the vehicles are not used for hire or reward.

(2) A person who holds a full hgv driver’s licence or a full licence to drive vehicles in category C, may also drive motor vehicles used for the carriage of passengers with more than 16 seats, in addition to the driver’s seat which are not being used for hire or reward or for the carriage of more than 8 passengers.

Effect of the change in classification on the granting of licences to drive minibuses

29. A person who has taken the test prescribed by these Regulations for vehicles in category D (which includes vehicles with not more than 16 seats, in addition to the driver’s seat, used for hire or reward) in a vehicle in that category of which the overall length—

- (a) in the case of a test taken before 1st April 1994 is less than 8.5 metres and
- (b) in the case of a test taken on or after that date is less than 9 metres,

shall be granted a licence limited to the driving of vehicles in that category with not more than 16 seats, in addition to the driver’s seat.

Signed by authority of the Secretary of State for Transport.

14th December 1990

Christopher Chope
Parliamentary Under Secretary of State,
Department of Transport

We approve the making of these Regulations

19th December 1990

Sydney Chapman
Irvine Patnick
Two of the Lords Commissioners of Her
Majesty’s Treasury