
STATUTORY INSTRUMENTS

1990 No. 2612

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

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(1) 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,
 - (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(2), 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⁽³⁾ 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.

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⁽⁴⁾ 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.

(3) 1947 c. 41.

(4) 1971 c. 80.

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.