
STATUTORY INSTRUMENTS

1992 No. 1318

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences)
(Amendment) (No. 2) Regulations 1992**

<i>Made</i>	- - - -	<i>3rd June 1992</i>
<i>Laid before Parliament</i>		<i>5th June 1992</i>
<i>Coming into force</i>	- -	<i>1st July 1992</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 89(3), (4) and (5A), 97(3B), 98(4), 105, 108(1)(1) and 192(1)(2) of the Road Traffic Act 1988(3), and of all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, and in the case of regulation 9 with the approval of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 1992 and shall come into force on 1st July 1992.
2. The Motor Vehicles (Driving Licences) Regulations 1987(4) shall be amended in accordance with the following provisions of these Regulations.
3. In paragraph (1) of regulation 3 (Interpretation)—
 - (a) after the definition of “1985 Act” and before the definition of “category” there shall be inserted the following—

““appropriate driving test” and “extended driving test” have the same meaning as in section 36 of the Road Traffic Offenders Act 1988(5);” and

(1) See the definition of “prescribed” and “regulations”.

(2) See the definition of “prescribed”.

(3) 1988 c. 52; section 89(3)(a) was amended by section 48 of, and paragraph 63 of Schedule 4 to, the Road Traffic Act 1991 (c. 40) on 1st July 1992 (see the Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992 (S.I.1992/1286 c. 42); section 89(4)(a) was amended by section 7 of, and paragraph 8(a) of Schedule 3 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22) on 1st April 1991 (see the Road Traffic (Driver Licensing and Information Systems) Act 1989 (Commencement No. 4) Order 1990 (S.I. 1990/2610)); section 98(4) was amended by section 7 of, and paragraph 11(d) of Schedule 3 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 on 1st June 1990 (see the Road Traffic (Driver Licensing and Information Systems) Act 1989 (Commencement No. 2) Order 1990 (S.I. 1990/802)); sections 89(5A)and 97(3B) were inserted by section 6 of the Road Traffic (Driver Licensing and Information Systems) Act 1989 on 1st December 1990 (see the Road Traffic (Driver Licensing and Information Systems) Act 1989 (Commencement No. 3) Order 1990 (S.I. 1990/2228)).

(4) S.I. 1987/1378; the relevant amending instruments are: S.I. 1990/842, 1990/1115, 1990/2334, and 1991/1121.

(5) 1988 c. 53; section 36 was substituted by section 32 of the Road Traffic Act 1991 which came into force on 1st July 1992 (see the Road Traffic Act 1991 (Commencement No. 4 and Transitional Provisions) Order 1992) (S.I. 1992/1286 c. 42).

- (b) after the words “conducted under section 85 of the 1972 Act” in the definition of “test” there shall be inserted “and includes an extended driving test.”.
4. In regulation 14 (Persons by whom tests may be conducted) there shall be added, after paragraph (1), the following paragraph—
- “(2) Where a person is disqualified until he passes the appropriate driving test, that test shall be conducted either by—
- (a) an examiner appointed by the licensing authority; or
 - (b) the Secretary of State for Defence if the person who has been disqualified is in the service of the Crown under the Ministry of Defence and agrees to be tested by the Secretary of State for Defence.”.

5. In regulation 15(1), after the words “Any person may apply to the licensing authority to be appointed to conduct tests of persons” and before the words “, employed or proposed to be employed by him as drivers,”, there shall be inserted “(other than persons who have been disqualified until they pass the appropriate driving test)”.

6. In regulation 17, after the words “Any person appointed by sub-paragraph (b), (c), (d), (e) or (f) of paragraph (1)” and before the words “of regulation 14”, there shall be inserted “or (b) of paragraph (2)”.

7. In regulation 18 (Appointments for tests and notice of cancellation thereof)—

 - (a) in paragraph (1), after the words “paragraph (1)(a)” and before the words “of regulation 14”, there shall be inserted “or (2)(a) (as the case may be)”; and
 - (b) in paragraph (2) for the words “specified in paragraph (3) of regulation 19” there shall be substituted “prescribed”.

8. In regulation 19 (Fees in respect of tests)—

 - (a) in paragraph (1), after the word “test” wherever it occurs, there shall be inserted “other than an extended driving test”; and
 - (b) in paragraph (2), sub-paragraph (b) and the word “or” immediately preceding that sub-paragraph shall be deleted.

9. After regulation 19 and before regulation 20 (Nature of tests) there shall be inserted the following regulation—

“**19A.**—(1) The following provisions of this regulation shall apply in the case of a person who submits himself for an extended driving test or applies for an appointment for such a test.

(2) No fee shall be payable in respect of a test to be conducted by the Secretary of State for Defence.

(3) The fee payable in respect of a test to be conducted on a day other than a Saturday by an examiner appointed under paragraph (2)(a) of regulation 14 is—

 - (a) in the case of a test to drive a motor vehicle in category A or category P, £57; and
 - (b) in the case of any other test, £47,

save that no fee is payable in respect of a test to be taken in an invalid carriage.

(4) The fee payable in respect of a test to be conducted on a Saturday by an examiner appointed under paragraph (2)(a) of regulation 14 is—

 - (a) in the case of a test to drive a motor vehicle in category A or category P, £90; and
 - (b) in the case of any other test, £75,

save that no fee is payable in respect of a test to be taken in an invalid carriage.”

10.—(1) In paragraph (1) of regulation 20—

- (a) for the words “the following provisions of this regulation,” there shall be substituted “paragraph (5), except where a person is disqualified until he passes an extended driving test”;
- (b) after the words “shall be a test carried out on a vehicle” and before the words “of that class which satisfies the person conducting the test”, there shall be inserted “(other than a vehicle of a class included in category B plus E, C1 plus E or D1 plus E)”; and
- (c) the proviso shall be deleted.

(2) Paragraph (6) of regulation 20 shall be deleted.

(3) After paragraph (1) of regulation 20 there shall be added the following paragraphs—

“(2) Subject to paragraphs (3) to (5), the extended driving test which a person disqualified under section 36 of the Road Traffic Offenders Act 1988 following conviction of an offence involving obligatory disqualification or following disqualification under section 35 of that Act is required to pass before a licence can be granted to him authorising him to drive a motor vehicle of a class included in any particular category shall be a test—

- (a) carried out on a vehicle (other than a vehicle of a class included in category B plus E, C1 plus E or D1 plus E) of that class which satisfies the person conducting the test as to the matters set out in sub-paragraphs (a)—(c) of paragraph (1); and
- (b) during which the person being tested is required to drive for a minimum of 60 minutes.

(3) Where a person who is disqualified until he passes the appropriate driving test passes such a test on a vehicle of a class included in any particular category the disqualification shall be deemed to have expired in relation to—

- (a) all classes of vehicle included in that particular category unless—
 - (i) the test is passed on a vehicle with automatic transmission and that particular category is B, C1 or D1, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that particular category with automatic transmission, or
 - (ii) the test is passed on an invalid carriage, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that particular category as are invalid carriages, or
 - (iii) the test is passed on a vehicle which is adapted to meet the particular needs of the person tested, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that particular category as are so adapted; and
- (b) all classes of vehicle included in any other category which is referred to in the fourth column of Schedule 3 as being an additional category in relation to that particular category unless—
 - (i) the test is passed on a vehicle with automatic transmission and the additional category is B, C1, D1, B plus E, C1 plus E or D1 plus E, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in the additional category with automatic transmission, or
 - (ii) the test is passed on an invalid carriage, or

(iii) the test is passed on a vehicle which is adapted to meet the particular needs of the person tested, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in the additional category as are so adapted.

(4) Where a person who is disqualified until he passes the appropriate driving test passes such a test on a vehicle of a class included in category B, C1 or D1 the disqualification shall be deemed to have expired in relation to all classes of vehicle included in category C, C plus E, D, and D plus E.

(5) Where a person passes a test on a vehicle of a class included in any particular category he shall be deemed for the purposes of the Road Traffic Act 1988 and of these Regulations competent to drive—

- (a) all classes of vehicle included in that particular category unless—
- (i) the test is passed on a vehicle with automatic transmission and that particular category is B, C1 or D1, in which case he shall be deemed for those purposes competent to drive only such classes of vehicle included in that particular category with automatic transmission, or
 - (ii) the test is passed on an invalid carriage, in which case he shall be deemed for those purposes competent to drive only such classes of vehicle included in that particular category as are invalid carriages, or
 - (iii) the test is passed on a vehicle which is adapted to meet the particular needs of the person tested, in which case he shall be deemed for those purposes competent to drive only such classes of vehicle included in that particular category as are so adapted; and
- (b) all classes of vehicle included in any other category which is referred to in the fourth column of Schedule 3 as being an additional category in relation to that particular category unless—
- (i) the test is passed on a vehicle with automatic transmission and the additional category is B, C1, D1, B plus E, C1 plus E or D1 plus E, in which case he shall be deemed for those purposes competent to drive only such classes of vehicle included in the additional category with automatic transmission, or
 - (ii) the test is passed on an invalid carriage, or
 - (iii) the test is passed on a vehicle which is adapted to meet the particular needs of the person tested, in which case he shall be deemed for those purposes competent to drive only such classes of vehicle included in the additional category as are so adapted.”

11. In paragraph (1)(a) of regulation 21 (Production of vehicle for test etc), after the words “provide for the purposes of the test a motor vehicle” and before the word “,which”, there shall be inserted “(not being a motor vehicle of a class included in category B plus E, C1 plus E or D1 plus E)”.

12. In regulation 23E—

- (a) in paragraph (1) after the words “during the validity of that licence” there shall be inserted “and if that licence has been exchanged for a full licence entitling him to drive a vehicle of a class included in category B and he has not, after that exchange, been disqualified until he passes the appropriate driving test, section 98(3)(c) of the Road Traffic Act 1988 shall not apply to him”;
- (b) in paragraph (3), after the words “1st December 1990” and before the words “or to a provisional entitlement holder who has passed Part I of the test for motor bicycles”, there

shall be inserted “unless he has been disqualified until he passes the appropriate driving test”;

(c) after paragraph (4) there shall be added the following paragraph—

“(5) A person who is disqualified until he passes the appropriate driving test shall be exempt from the restriction imposed by section 97(3)(e) and the requirement imposed by section 89(2A) of the Road Traffic Act 1988 if, before the date on which he is disqualified, he has passed a test to drive a vehicle of a class included in category A or on a vehicle of a class included in category P.”.

13. For Schedule 6 there shall be substituted Schedule 1 to these Regulations.

Signed by authority of the Secretary of State for Transport

Date May 28th 1992

Kenneth Carlisle
Parliamentary Under-Secretary of State,
Department of Transport

We approve the making of these Regulations

Date June 3rd 1992

Tim Wood
Tim Boswell
Two of the Lords Commissioners of Her
Majesty’s Treasury

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 13

“SCHEDULE 6

Regulation 22(1) and (2)

FORM OF CERTIFICATE AND STATEMENT OF DRIVING TEST RESULT

PART I
ROAD TRAFFIC ACT 1988

Certificate of passing of a test of competence to drive *other than an extended driving test**

.....
has, on a vehicle of a class included in category _____, passed the test of competence to drive prescribed for the purposes of section 36 of the Road Traffic Offenders Act 1988* by virtue of section 89(3) of the Road Traffic Act 1988.

Dated

* delete the words in italics if they are inapplicable.

PART II
ROAD TRAFFIC ACT 1988

Statement of failure to pass a test of competence to drive *which was an extended driving test**

.....
has failed to pass the test of competence to drive prescribed for the purposes of section 36 of the Road Traffic Offenders Act 1988* by virtue of section 89(3) of the Road Traffic Act 1988.

Dated

* delete the words in italics if they are inapplicable.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1987 (“the 1987 Regulations”).

Section 36 of the Road Traffic Offenders Act 1988 (as substituted by section 32 of the Road Traffic Act 1991, which came into force on 1st July 1992) sets out the circumstances in which a court will or may order a person to be disqualified until he passes “the appropriate driving test”. The appropriate driving test is either an ordinary driving test or one of extended duration, depending on the circumstances of the disqualification. Regulation 10 of these Regulations amends regulation 20 of the 1987 Regulations so that the latter sets out the requirements for the extended driving test (in a new paragraph (2)) and the circumstances in which a disqualification until test passed will be

deemed to have expired (in new paragraphs (3) and (4)). The new paragraph (5) replaces the now revoked paragraph (6) and proviso to paragraph (1).

For the avoidance of doubt regulations 10(1)(b) and 11 of these Regulations amend regulations 20(1) and 21(1) of the 1987 Regulations to make it clear that a test of competence to drive cannot be taken on a class of vehicle included in category B plus E, C1 plus E or D1 plus E. A person is automatically entitled to drive such classes of vehicle on passing a test on a vehicle included in category B, C1 or D1.

As with an ordinary driving test, the fee payable for an extended test is higher if the test is to be taken on a Saturday as opposed to a weekday. The fees prescribed for an extended driving test are higher than those prescribed for an ordinary test. Regulation 9 of these Regulations deals with fees.

Only the Secretary of State for Defence or an examiner appointed by the licensing authority — in effect, the Driving Standards Agency — can conduct extended driving tests: see regulation 4 of these Regulations.

Regulations 3, 5, 6, 7, 8 and 13 of these Regulations make consequential amendments to the 1987 Regulations in the light of the new section 36 of the Road Traffic Offenders Act 1988. Regulation 12 goes further than making consequential amendments only. It amends regulation 23E of the 1987 Regulations so that—

- (a) a person who held a provisional licence immediately before 1st December 1990 and who exchanges or has exchanged that licence for a full one entitling him to drive vehicles in category B is exempt from the restriction imposed by section 98(3)(c) of the Road Traffic Act 1988 provided, after the exchange he is not disqualified until he passes the appropriate driving test;
- (b) a person who was a provisional entitlement holder immediately before 1st December 1990 is no longer to be exempt from the restriction imposed by section 98(3)(c) of the Road Traffic Act 1988 if he is disqualified until he passes the appropriate driving test; and
- (c) a person who is disqualified until he passes the appropriate driving test is exempt from the restriction imposed by section 97(3)(e) and the requirement imposed by section 89(2A) of the Road Traffic Act 1988 provided, before the date on which he is disqualified, he has passed a test on either a moped or a motorcycle.