
STATUTORY INSTRUMENTS

1992 No. 1356

**ROAD TRAFFIC
PUBLIC PASSENGER TRANSPORT**

**The Motor Vehicles (Driving Licences) (Large
Goods and Passenger-Carrying Vehicles)
(Amendment) (No. 3) Regulations 1992**

<i>Made</i>	- - - -	<i>8th June 1992</i>
<i>Laid before Parliament</i>		<i>9th 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 105, 108(1)(1), 115(3), 117(2A), 120, 121 (b) and 192(1)(2) and (3) 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, hereby makes the following Regulations:

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) (Amendment) (No. 3) Regulations 1992 and shall come into force on 1st July 1992.

2. The Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990(4) shall be amended in accordance with the following provisions of these Regulations.

3. In paragraph (1) of regulation 2 (Interpretation), after the definition of “the 1989 Act” and before the definition of “existing licence” there shall be inserted the following—

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

(1) See the definition of “prescribed” and “regulations”.
(2) See the definition of “prescribed”.
(3) 1988 c. 52; sections 115 and 117 were amended by section 48 of, and paragraphs 64 and 65 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)); section 192(3) was amended by section 7 of, and paragraph 24 of Schedule 3 to, the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22) on 1st June 1990 (see the Road Traffic (Driver Licensing and Information Systems) Act 1989 (Commencement No. 2) Order 1990 (S.I. 1990/802)).
(4) S.I. 1990/2612; there are no relevant amending instruments.
(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.

4. After regulation 12 (Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation) and before regulation 13 (Removal of disqualification) there shall be inserted the following regulation—

“Applicants for and holders of a licence who are disqualified by order of a court

12A.—(1) Where a person who is disqualified by order of a court until he passes the appropriate driving test passes such a test on a vehicle included in category B, C1 or D1 the disqualification shall be deemed to have expired in relation to all vehicles included in category C, C plus E, D and D plus E.

(2) Subject to paragraphs (3) to (5), where a person's licence is treated as revoked by virtue of section 37(1) of the Road Traffic Offenders Act 1988 (Effect of disqualification by order of a court) the Secretary of State may—

- (a) order that person to be disqualified indefinitely or for such period as the Secretary of State thinks fit under section 117(2)(a) of the 1988 Act; or
- (b) except where the licence treated as revoked by virtue of section 37(1) of the Road Traffic Offenders Act 1988 is a provisional licence, if it appears to the Secretary of State that, owing to the conduct of the person, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes the test prescribed under regulation 17 for large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test under section 117(2)(b) of the 1988 Act.

(3) Where a person's licence is treated as revoked by virtue of section 37(1) of the Road Traffic Offenders Act 1988 and the Secretary of State would have been required to revoke that person's licence under section 115(1)(a) of the 1988 Act had he not been disqualified by order of a court, the Secretary of State must order that person to be disqualified indefinitely or for a period under section 117(1) of the 1988 Act.

(4) The cases in which a person to whom paragraph (3) applies must be disqualified indefinitely or for a period shall be determined by the Secretary of State.

(5) Where the Secretary of State determines that a person to whom paragraph (3) applies is to be disqualified for a period that person shall be disqualified until he reaches 21 years of age or for such longer period as the Secretary of State may determine.”

Signed by authority of the Secretary of State for Transport.

8th June 1992

Kenneth Carlisle
Parliamentary Under Secretary of State,
Department of Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990 (“the 1990 Regulations”) by inserting into them a new regulation—regulation 12A. The purpose of this new regulation is to make provision for the person who, whilst the holder of a large goods or passenger carrying vehicle driver’s licence, is disqualified from driving by an order of a court under the Road Traffic Offenders Act 1988.

Where such a person is disqualified from driving until he passes the “appropriate driving test” under 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), regulation 12A(1) deems the disqualification to have expired in relation to all large goods and passenger-carrying vehicles provided the person passes an appropriate driving test on a vehicle of a class included in category B, C1 or D1.

Paragraphs (2) to (5) of regulation 12A apply sub-sections (1) and (2) of section 117 of the Road Traffic Act 1988 to a person who has been disqualified by an order of a court, whether or not that person has been ordered to take an appropriate driving test. The Secretary of State must order such a person to be disqualified indefinitely or for a set period of time (either until he reaches 21 or for such longer period as the Secretary of State may determine) if, but for the disqualification imposed by the court, the Secretary of State would have been required to revoke that person’s licence under section 115(1)(a) of the Road Traffic Act 1988. In respect of any other person disqualified by an order of the court the Secretary of State may disqualify the person from holding another licence indefinitely or for a set period of time or (where the person held a full licence and, owing to his conduct, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences) until he passes a test of competence to drive a large goods or passenger-carrying vehicle.

As reference is made in regulation 12A to the “appropriate driving test”, these Regulations also amend the 1990 Regulations by inserting into regulation 2 a definition of that term.