
STATUTORY INSTRUMENTS

1996 No. 211

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences)
(Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>5th February 1996</i>
<i>Laid before Parliament</i>		<i>6th February 1996</i>
<i>Coming into force</i>	- -	<i>26th February 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 89(3) and (4)(1), 91, 97(3A)(2), 105(1) and (3) and 108(1)(3) of the Road Traffic Act 1988(4), after consulting with representative organisations in accordance with section 195(2) of that Act, and for the purpose of regulation 4 after consulting the Treasury, hereby makes the following Regulations:—

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 1996 and shall come into force on 26th February 1996.

2. The Motor Vehicles (Driving Licences) Regulations 1987(5) shall be amended in accordance with regulations 3 to 8 below.

3. For regulation 18 (Appointments for tests and notice of cancellation thereof) there shall be substituted—

“18. In regulations 18A, 18B, 18C, 19 and 19A below—

“applicant in person” means a person making an application for an appointment for a test with a view to taking the test himself;

“DSA examiner” means a person appointed by the licensing authority to conduct tests under paragraph (1)(a) or (2)(a) of regulation 14 above;

“motor bicycle instructor” means a person operating an establishment for providing instruction in the driving of vehicles in categories A and P;

(1) Subsection (3) was amended by paragraph 63 of Schedule 4 to the Road Traffic Act 1991 (c. 40); subsection (4) was amended by paragraph 8 of Schedule 3 to the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22). Subsection (4) (b) is to be read with the Department of Transport (Fees) Order 1988 (S.I.1988/643), as amended by S.I. 1991/811, 1993/1601 and 1995/1684, Schedule I, Table III.

(2) Inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 6(2).

(3) See the definitions of “prescribed” and “regulations”.

(4) 1988 c. 52.

(5) S.I. 1987/1378.

“working day” means a day other than a Saturday, Sunday, bank holiday, Christmas Day or Good Friday (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971(6)).

18A.—(1) An applicant in person wishing to take a test (including an extended driving test) to be conducted by a DSA examiner (or someone acting on behalf of that applicant) shall—

- (a) apply for an appointment for such a test to the licensing authority,
- (b) provide the licensing authority with such details relating to himself, the nature of the test to be taken and the vehicle on which the test is to be taken as the licensing authority may reasonably require, and
- (c) pay such fee as is specified in regulation 19 or 19A.

(2) Upon receipt of such details and such fee the licensing authority shall make the arrangements necessary for the taking of the test.

(3) An applicant in person for whom an appointment is made as aforesaid in respect of a vehicle in any category may not apply for a further appointment for a test in a vehicle of a class in the same category unless—

- (a) the first appointment has been cancelled, or
- (b) the test due on the first appointment does not take place for any reason other than cancellation, or
- (c) he has kept the appointment (whether or not the test is completed).

18B.—(1) A motor bicycle instructor who wishes to make an appointment for a test (including an extended driving test) to be conducted by a DSA examiner and to be taken by a person who is then unnamed but who will have received from that instructor instruction in the driving of vehicles in either category A or P shall—

- (a) apply for such an appointment to the licensing authority,
- (b) provide such details relating to himself, the establishment and the nature of the test as the licensing authority may reasonably require,
- (c) specify the date and time of the appointment which the instructor wishes to reserve, and
- (d) pay such fee as is specified in regulation 19 or 19A.

(2) The licensing authority may refuse to accept an application from a motor bicycle instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where an appointment specified in the application is unavailable or where, in the opinion of the licensing authority, it is reasonably necessary to do so in the general interests of applicants for tests.

(3) Subject to paragraph (2) above, upon receipt of such details and such fee the licensing authority shall confirm to the motor bicycle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the licensing authority receives from the motor bicycle instructor the name and such further details relating to the person who will at the appointment submit himself for the test, the nature of the test to be taken and the vehicle on which the test is to be taken as the licensing authority may reasonably require, the licensing authority shall make the arrangements necessary for taking the test.

(5) The qualifying period in respect of any appointment made pursuant to an application under paragraph (1) of this regulation expires at midday on the day which is two working days before the day for which the appointment is made.

18C. For the purposes of section 91(b) of the Road Traffic Act 1988 (which section specifies the cases in which a fee paid on an application for an appointment for a test may be repaid) a notice cancelling an appointment for a test to be conducted by a DSA examiner must be given to the licensing authority not less than ten clear working days before the day for which the appointment is made.”.

4.—(1) Regulation 19(7) (Fees in respect of tests) shall be amended as follows.

(2) For paragraphs (1) and (2) there shall be substituted—

“(1) No fee shall be payable in respect of a test conducted by a person appointed under sub-paragraphs (b), (c), (d) or (f) of regulation 14(1).

(2) The fees payable in respect of tests other than extended driving tests—

(a) conducted by a DSA examiner, or

(b) conducted by or on the authority of the Commissioner of Police of the Metropolis pursuant to regulations 14(1)(e) and 17

shall be those specified in the following provisions of this regulation.”.

(3) In paragraphs (3) and (3A), for the words “an examiner appointed under paragraph (1)(a) of regulation 14” there shall be substituted the words “a DSA examiner”.

(4) In paragraph (5), for the words “by a person appointed by paragraph (1)(e) of regulation 14” there shall be substituted the words “by or on the authority of the Commissioner of Police of the Metropolis”.

5.—(1) Regulation 19A(8) (Fees in respect of extended driving tests) shall be amended as follows.

(2) For paragraphs (1) and (2) there shall be substituted—

“(1) No fee shall be payable in respect of an extended driving test conducted by the Secretary of State for Defence.

(2) The fees payable in respect of extended driving tests conducted by a DSA examiner shall be those specified in the following provisions of this regulation.”.

(3) In paragraphs (3) and (4), the words “by an examiner appointed under paragraph (2)(a) of regulation 14” shall be omitted.

6. In paragraph (4) of regulation 20(9) (Nature of tests) for the words “and D plus E” there shall be substituted the words “D plus E, G and H”.

7. Regulation 23(10) (Period of ineligibility for subsequent tests) is hereby revoked.

8. In paragraph (1) of regulation 23A(11) (Persons by whom approved training courses may be conducted), after paragraph (a) there shall be inserted—

“(aa) by the Secretary of State for Transport in so far as concerns the training of persons in the service of the Crown under his Department”.

(7) The relevant amending instruments are as follows. Paragraphs (1) and (2) were amended by S.I. 1992/1318; paragraphs (3), (3A) and (3B) were inserted by S.I. 1994/638 and amended by S.I. 1995/1200.

(8) Regulation 19A was inserted by S.I. 1992/1318 and amended by S.I. 1993/1602, 1994/638 and 1995/1200.

(9) Inserted by S.I. 1992/1318.

(10) Amended by S.I. 1990/842 and 1990/2334.

(11) Inserted by S.I. 1990/2334.

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

Signed on behalf of the Secretary of State

2nd February 1996

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

We approve the making of regulation 4

5th February 1996

Simon Burns
Liam Fox
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 18, 19, 20 and 23A and revoke regulation 23 of the Motor Vehicles (Driving Licences) Regulations 1987. The changes made, which all relate to driving tests, are as follows.

First by new regulation 18B a facility is introduced enabling organisations which train motor bicycle and moped riders to pre-book appointments for tests, either singly or otherwise, upon payment of the appropriate fee but without having to name a candidate to take the test at the time of booking. The name of the candidate must be provided, and more detailed information given, before the expiration of a specified period so that the test may properly be arranged. The existing regulations 18, 19 and 19A have been rearranged to accommodate the introduction of this facility and some consequential amendments made.

Secondly the current provision (regulation 23) requiring candidates who have failed a driving test to wait a minimum of one month before retaking the test is removed. A provision (new regulation 18A(3)) is inserted prohibiting a candidate from booking a series of test appointments in advance and from thereby misusing the liberalised system.

Thirdly the provisions of regulation 20(4) are extended. When a driver who has been disqualified-until-test-passed under section 36 of the Road Traffic Offenders Act 1988 (c. 53) passes the appropriate driving test in a vehicle in category B, C1 or D1 (cars, small and medium-sized goods vehicles and private mini-buses), his disqualification is now deemed to have expired in relation to all the categories of larger vehicle.

Fourthly regulation 23A(1) (which makes provision for persons to conduct compulsory basic training courses for motor cyclists) is extended to enable the Secretary of State for Transport to conduct these courses for his own staff.

No change has been made to the fees but the regulation prescribing test fees has been somewhat amended.