
STATUTORY INSTRUMENTS

1996 No. 2824

The Motor Vehicles (Driving Licences) Regulations 1996

PART II

LICENCES

Applications for licences

Applications for the grant of licences: general

8.—(1) The licensing authority may consider an application for the grant of a licence before the date on which the grant of the licence is to take effect if the application is received by him—

- (a) in the case of an application for a Group 2 licence, during the period of three months ending on that date,
- (b) in any other case, during the period of two months ending on that date,

and may during such period grant the licence so that it takes effect on that date.

(2) For the purposes of subsection (1A)(b) of section 89 of the Traffic Act the holder of an exchangeable licence satisfies the relevant residence requirement if he has been normally resident in Great Britain for a period of not more than five years.

(3) An applicant for a licence who before the licence is granted is required to satisfy the licensing authority that he has passed a test shall at the time when he applies for the licence deliver to the licensing authority, in support of that application—

- (a) a valid certificate furnished under regulation 45(1)(a), or
- (b) a certificate corresponding to the certificate mentioned in paragraph (a) furnished under the law of Northern Ireland or Gibraltar, or
- (c) where paragraph (2) of regulation 38 applies, certificates furnished under regulations 44(2)(a) and 45(2) which are valid in accordance with regulation 38(3), or
- (d) certificates corresponding to the certificates mentioned in paragraph (c) furnished under the law of Northern Ireland.

(4) A person may not present a certificate in support of an application as evidence that he has passed—

- (a) a test, a theory test or a practical test, or
- (b) a test corresponding to any of those tests conducted under the law of Northern Ireland,

if the applicant took the test in respect of which the certificate was issued at a time when he was ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations or a corresponding provision of the law of Northern Ireland, to take the test to which the certificate relates.

(5) An applicant for a Group 2 licence (as defined in regulation 65) shall, if required to do so by the licensing authority, send in support of his application a report (in such form as the licensing authority may require) signed by a qualified medical practitioner, prepared and dated not more than

four months prior to the date on which the licence is to take effect, for the purpose of satisfying the licensing authority that he is not suffering from a relevant or prospective disability.

(6) In this regulation, “Group 2 licence” has the meaning given in regulation 65.

Eligibility to apply for provisional licence

9.—(1) Subject to the following provisions of this regulation, an applicant for a provisional licence authorising the driving of motor vehicles of a class included in a category or sub-category specified in column (1) of the table at the end of this regulation must hold a relevant full licence authorising the driving of motor vehicles of a class included in the category or sub-category specified in column (2) of the table in relation to the first category.

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

(3) For the purposes of paragraph (1), a licence authorising the driving only of vehicles in sub-categories D1 (not for hire or reward), D1 + E (not for hire or reward) and C1 + E (8.25 tonnes) shall not be treated as a licence authorising the driving of motor vehicles of a class included in sub-categories D1, D1 + E and C1 + E.

(4) In this regulation, “relevant full licence” means a full licence granted under Part III of the Traffic Act, a full Northern Ireland licence, a full British external licence, a full British Forces licence, an exchangeable licence or a Community licence.

TABLE

<i>(1) Category or sub-category of licence applied for</i>	<i>(2) Category/sub-category of full licence required</i>
B + E	B
C	B
C1	B
D	B
D1	B
C1 + E	C1
C + E	C
D1 + E	D1
D + E	D
G	B
H	B

Restrictions on the grant of large goods and passenger-carrying vehicle drivers' licences

10.—(1) An applicant for a large goods or passenger-carrying vehicle driver’s licence shall not, subject to paragraph (2), be granted a licence if, at the date from which the licence applied for is to take effect, any—

- (a) large goods or passenger-carrying vehicle driver’s licence held by him is suspended, or
- (b) Northern Ireland large goods or passenger-carrying vehicle driver’s licence held by him is suspended,

under section 115 of the Traffic Act or, as the case may be, under the provision of the law for the time being in force in Northern Ireland corresponding to that enactment.

(2) A person may apply for a large goods vehicle driver's licence notwithstanding that, at the date from which the licence applied for is to take effect, any passenger-carrying vehicle driver's licence held by him is suspended and such suspension relates to his conduct other than as a driver of a motor vehicle.

(3) An applicant for an LGV trainee driver's licence—

- (a) must be a registered employee of a registered employer (within the meaning of regulation 51), and
- (b) must not be a person who—
 - (i) has been convicted (or is to be treated as if he had been convicted) of an offence as a result of which the number of penalty points to be taken into account under section 29 of the Offenders Act at the date of the application exceeds three, or
 - (ii) has at any time been disqualified by a court for holding or obtaining a licence or by a court in Northern Ireland for holding or obtaining a Northern Ireland licence, and
- (c) must satisfy the licensing authority that he holds a Certificate of Professional Competence issued by the Road Haulage and Distribution Training Council stating that the applicant has completed a course of induction training in the driving of goods vehicles which meets the requirements of Council Directive [76/914/EEC\(1\)](#).

Restrictions on the grant of provisional licences to drive motor bicycles

11.—(1) Subject to paragraphs (2) to (4), the licensing authority must refuse to grant a provisional licence authorising the driving of a motor bicycle of any class to a person who was the holder of a previous licence and the licence applied for would come into force within the period of one year beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the riding of a motor bicycle.

(2) In a case where the applicant's previous licence was surrendered or revoked under subsection (3) or (4) of section 99 of the Traffic Act before its expiry date, paragraph (1) shall not apply.

(3) In a case where—

- (a) the applicant's previous licence was surrendered or revoked, otherwise than under subsection (3) or (4) of section 99 of the Traffic Act, or treated as being revoked under section 37(1) of the Offenders Act, and
- (b) the circumstances mentioned in regulation 14(2)(b) and (c) apply (so that the licensing authority is required to grant a licence which would be in force for a period of less than two years),

the licensing authority must refuse to grant a provisional licence which would come into force within the period of two months commencing on the date of such surrender or revocation.

(4) In a case where—

- (a) the applicant's previous licence was surrendered or revoked, otherwise than under subsection (3) or (4) of section 99 of the Traffic Act, or treated as being revoked under section 37(1) of the Offenders Act, and
- (b) the circumstances mentioned in regulation 14(2)(b) and (c) do not apply,

the licensing authority must refuse to grant a provisional licence which would come into force within the period of one year commencing on the date of such surrender or revocation.

(1) OJ No. L357, 29.12.76, p. 36.

Fees for licences

12.—(1) An applicant for a licence shall pay a fee (if any) determined in accordance with paragraphs (2) and (3).

(2) The fee payable upon an application for a licence shall, in the case of a licence of a description, and (as the case may be) in the circumstances, specified in column (1) of the table set out in Schedule 3, be the fee specified in relation to that licence in column (2) of that table.

(3) When an application is made for a licence which, but for this paragraph, would attract more than one fee, the only fee payable shall be the highest of the fees specified in that table in relation to that application.