
STATUTORY INSTRUMENTS

1997 No. 2070

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences)
(Amendment) (No. 4) Regulations 1997**

Made - - - - - *26th August 1997*
Laid before Parliament *28th August 1997*
Coming into force - - - *29th September 1997*

The Secretary of State for Transport, in exercise of the powers conferred by sections 89(3), (4) and (5)(1), 105(1) and (3) and 108(1)(2) of the Road Traffic Act 1988(3), after consulting with representative organisations in accordance with section 195(2) of that Act, and with the approval of the Treasury(4), hereby makes the following Regulations:—

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1997 and shall come into force on 29th September 1997.
2. The Motor Vehicles (Driving Licences) Regulations 1996(5) shall be amended in accordance with the following regulations.
3. After regulation 26 there shall be inserted—

“Eligibility to apply for further practical or unitary test

26A.—(1) Subject to the following provisions of this regulation, a person who has failed to pass a practical or unitary test (“the first test”) for a licence authorising the driving of vehicles of a class included in any category may not make an application for another test for a licence authorising the driving of vehicles of any class included in the same category to be conducted before the expiry of the relevant period.

(2) Paragraph (1) shall not apply—

- (a) in a case where the person is either a member of the armed forces of the Crown or a person in the civil service of the Crown under the Secretary of State for

(1) Subsection (3) was amended by the Road Traffic Act 1991 (c. 40), section 48 and Schedule 4, paragraph 63; subsection (4) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 7 and Schedule 3 paragraph 8 and the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/2824).
(2) See the definitions of “prescribed” and “regulations” in section 108(1).
(3) 1988 c. 52.
(4) See section 105(4) of the Road Traffic Act 1988.
(5) S.I. 1996/2824. Regulations 28(1), 29(1), 30(1) and 34(2) and (4) were amended by S.I. 1997/669.

Defence and the application is made with the consent of a person authorised by the Secretary of State for Defence; or

(b) in a case where the first test is conducted by a DSA Examiner and the licensing authority has, prior to that test, given notice to the person that he will accept an application for a further test to be conducted before the expiry of the relevant period.

(3) In this regulation, “the relevant period” means—

(a) in the case of a test for a licence authorising the driving of a vehicle of a class included in category C, C+E, D or D+E, 3 clear working days, and

(b) in any other case, 10 clear working days,

commencing with the first day after the date of the first test.”.

4. In regulation 28(1)(c) at the beginning there shall be inserted “state whether or not he requires the pass certificate or failure statement to be furnished to him in accordance with regulation 44(2) on the day of the test and”.

5. For regulations 29(1)(c) and 30(1)(c) respectively there shall be substituted—

“(c) state whether or not he requires the pass certificate or failure statement to be furnished, in accordance with regulation 44(2), to the person whose name has been received by the appointed person under paragraph (4) on the day of the test and pay the fee specified in regulation 31”.

6. After regulation 30 there shall be inserted—

“Eligibility to apply for further theory test

30A.—(1) Subject to paragraph (2), a person who has failed to pass a theory test prescribed in respect of any category may not make an application for another test of that nature to be conducted before the expiry of a period of three clear working days commencing with the day after the date of the first test.

(2) Paragraph (1) shall not apply—

(a) in a case where the person is either a member of the armed forces of the Crown or a person in the civil service of the Crown under the Secretary of State for Defence and the application is made with the consent of a person authorised by the Secretary of State for Defence; or

(b) in a case where the first test is conducted by an appointed person in accordance with paragraph (1)(a) or (2)(a) of regulation 22 and the licensing authority has, prior to that test, given notice to the person that he will accept an application for a further test to be conducted before the expiry of the period mentioned in paragraph (1).”

7. For regulation 31 there shall be substituted—

“31.—(1) The fee payable for a theory test to be conducted by an appointed person in respect of any category of motor vehicle is—

(a) in a case where a pass certificate or failure statement is required to be furnished on the day of the test, £25, and

(b) in any other case, £15,

and is payable to the licensing authority.

(2) No fee is payable for a theory test conducted by any other person.”.

8.—(1) Regulation 34 shall be amended as follows.

(2) For paragraph (2)(a)(ii) there shall be substituted—

“(ii) except where he has produced an appropriate licence containing his photograph, satisfy the person conducting the test as to his identity in accordance with paragraph (4A), and”.

(3) For paragraph (4)(b) there shall be substituted—

“(b) except where he has produced an appropriate licence containing his photograph, satisfy the person conducting the test as to his identity in accordance with paragraph (4A), and”.

(4) After paragraph (4) there shall be inserted—

“(4A) For the purposes of this regulation, a person conducting a test may be satisfied as to a person’s identity—

- (a) from a document produced to him which is a document listed in Schedule 6 or is a document of a like nature, or
- (b) if that person’s identity is clearly apparent from facts known to, or other evidence in the possession of, the person conducting the test.”.

9.—(1) Regulation 44 shall be amended as follows.

(2) For paragraph (1) there shall be substituted—

“(1) For the purpose of ascertaining whether a candidate has demonstrated a knowledge and sound understanding of the specified matters in accordance with these Regulations the person conducting a theory test shall arrange for the test paper returned by that candidate to be marked—

- (a) in a case where a pass certificate or failure statement is required to be furnished on the day of the test, on that day, and
- (b) in any other case, as soon as practicable after completion of the test.”.

(3) In paragraph (4), for the words “it was sent” there shall be substituted “it is furnished”.

(4) In paragraph (5), for the words “issued in error” there shall be substituted “furnished in error or with an error in the particulars required to be specified in it”.

(5) For paragraph (7) there shall be substituted—

“(7) A pass certificate is not valid for the purposes of regulation 34(3) if—

- (a) it is furnished in error or with an error in the particulars required to be specified in it; or
- (b) the person to whom it is furnished is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take the test to which the certificate relates.”.

10. Regulation 45(3) is hereby revoked.

Signed by authority of the Secretary of State for Transport Minister of Transport

21st August 1997

Gavin Strang

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

We approve the making of these Regulations

26th August 1997

Graham Allen
Jim Dowd
Two of the Lords Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend Part III of the Motor Vehicles (Driving Licences) Regulations 1996 (Tests of competence to drive) by—

- (a) providing that a person submitting himself for a theory test may require the examiner to mark the test paper and make the result available on the same day as the test is conducted;
- (b) prescribing a new fee of £25 for a theory test where such a requirement is made (it remains at £15 in other cases);
- (c) prohibiting a person who fails any part of a test from re-taking the test within a specified period, this being 3 clear working days in the case of a theory test and either 3 or 10 clear working days, according to the category of vehicle, in the case of a practical or unitary test;
- (d) conferring a wider discretion on examiners as regards proof of a test candidate's identity, enabling them to dispense with the strict requirements of the regulations where the candidate produces documentary evidence equivalent to that specifically mentioned in the regulations or where the candidate's identity is otherwise obvious;
- (e) removing the requirement whereby a candidate at a practical test must surrender his theory test pass certificate to the examiner; and
- (f) making minor and consequential amendments concerning test certificates issued in error.