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STATUTORY INSTRUMENTS

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**1999 No. 2864**

**The Motor Vehicles (Driving Licences) Regulations 1999**

**PART II**

**LICENCES**

*Categories of entitlement*

**Classification of vehicles**

**4.**—(1) Subject to regulations 5 and 78, the Secretary of State shall grant licences authorising the driving of motor vehicles in accordance with the categories and sub-categories specified in column (1) and defined in column (2) of Schedule 2 and those categories and sub-categories are designated as groups for the purposes of section 89(1)(b) of the Traffic Act.

(2) In these Regulations, expressions relating to vehicle categories have the following meanings—

- (a) any reference to a category or sub-category identified by letter, number or word or by any combination of letters, numbers and words is a reference to the category or sub-category defined in column (2) of Schedule 2 opposite that letter or combination in column (1) of the Schedule,
- (b) “sub-category” means, in relation to category A, B, C, C+E, D or D+E, a class of vehicles comprising part of the category and identified as a sub-category thereof in column (2) of Schedule 2, and
- (c) unless the context otherwise requires, a reference to a category includes a reference to sub-categories of that category.

**Classes for which licences may be granted**

**5.**—(1) A licence authorising the driving of motor vehicles of a class included in a category or sub-category shown in Part 1 of Schedule 2 may be granted to a person who is entitled thereto by virtue of—

- (a) holding or having held a full licence, a full Northern Ireland licence, full British external licence, full British Forces licence, exchangeable licence or Community licence authorising the driving of vehicles of that class, or
- (b) having passed a test for a licence authorising the driving of motor vehicles of that class or a Northern Ireland or Gibraltar test corresponding to such a test.

(2) A licence authorising the driving of motor vehicles of a class included in any category or sub-category shown in Part 2 of Schedule 2 may not be granted to a person unless, at a time before 1st January 1997—

- (a) in the case of a person applying for a full licence,—

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- (i) he held a full licence authorising the driving of motor vehicles of that class or a class which by virtue of these Regulations corresponds to a class included in that category or sub-category, or
  - (ii) he passed a test which at the time it was passed authorised the driving of motor vehicles of such a class or a Northern Ireland test corresponding to such a test;
  - (b) in the case of a person applying for a provisional licence, he held a provisional licence authorising the driving of vehicles of that class or a class which by virtue of these Regulations corresponds to a class included in that category or sub-category.
- (3) A licence authorising the driving of motor vehicles included in sub-category B1 (invalid carriages), which are specified in Part 3 of Schedule 2, may not be granted to a person unless, at a time before 12th November 1999—
- (a) in the case of a person applying for a full licence, he held a full licence authorising the driving of motor vehicles included in sub-category B1 (invalid carriages) or a class of motor vehicles which by virtue of these Regulations corresponds to vehicles included in that sub-category, or
  - (b) in the case of a person applying for a provisional licence, he held a provisional licence authorising the driving of motor vehicles included in sub-category B1 (invalid carriages) or a class of motor vehicles which by virtue of these Regulations corresponds to vehicles included in that sub-category.

#### **Competence to drive classes of vehicle: general**

6.—(1) Where a person holds, or has held, a relevant full licence authorising him to drive vehicles included in any category or, as the case may be, sub-category he is deemed competent to drive—

- (a) vehicles of all classes included in that category or sub-category unless by that licence he is or was authorised to drive—
  - (i) only motor vehicles of a specified class within that category or sub-category, in which case he shall be deemed competent to drive only vehicles of that class, or
  - (ii) only motor vehicles adapted on account of a disability, in which case he shall be deemed competent to drive only such classes of vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability),

and

- (b) all classes of vehicle included in any other category or sub-category which is specified in column (3) of Schedule 2 as an additional category or sub-category in relation to that category or sub-category unless by that licence he is or was authorised to drive—
  - (i) only motor vehicles having automatic transmission, in which case he shall, subject to paragraph (2), be deemed competent to drive only such classes of motor vehicle included in the additional category or sub-category as have automatic transmission, or
  - (ii) only motor vehicles adapted on account of a disability, in which case he shall be deemed competent to drive only such classes of vehicle included in the additional category or sub-category as are so adapted.

(2) Where the additional category is F, K or P, paragraph (1)(b)(i) shall not apply.

(3) In this regulation and regulations 7 and 8, “relevant full licence” means a full licence granted under Part III of the Traffic Act, a full Northern Ireland licence or a Community licence.

### Competence to drive classes of vehicle: special cases

7.—(1) A person who has held, for a period of at least two years, a relevant full licence authorising the driving of vehicles included in category C, other than vehicles included in sub-category C1, may also drive a motor vehicle of a class included in category D which is—

- (a) damaged or defective and being driven to a place of repair or being road tested following repair, and
- (b) is not used for the carriage of any person who is not connected with its repair or road testing,

unless by that licence he is authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only such of the vehicles mentioned in sub-paragraphs (a) and (b) as have automatic transmission.

(2) A person who holds a relevant full licence authorising the driving of vehicles included in category D, other than vehicles included in sub-category D1 or D1 (not for hire or reward), may drive a passenger-carrying vehicle recovery vehicle unless by that licence he is authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only passenger-carrying vehicle recovery vehicles having automatic transmission.

(3) A person may drive an incomplete large vehicle—

- (a) having a working weight exceeding 3.5 tonnes but not exceeding 7.5 tonnes if he holds a relevant full licence authorising the driving of vehicles in sub-category C1, or
- (b) having a working weight exceeding 7.5 tonnes if he holds a relevant full licence authorising the driving of vehicles in category C, other than vehicles in sub-category C1,

unless by that licence he is authorised to drive only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive only incomplete large vehicles of the appropriate weight specified in paragraph (a) or (b) which have automatic transmission.

(4) A person who holds a relevant full licence authorising the driving of vehicles included in category B, other than vehicles in sub-categories B1 and B1 (invalid carriages), may drive—

- (a) an exempted goods vehicle other than—
  - (i) a passenger-carrying vehicle recovery vehicle, or
  - (ii) a mobile project vehicle,
- (b) an exempted military vehicle, and
- (c) a passenger-carrying vehicle in respect of which the conditions specified in regulation 50(2) or (3) are satisfied,

unless by that licence he is authorised to drive only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive only such of the vehicles mentioned in sub-paragraphs (a), (b) and (c) as have automatic transmission.

(5) A person who—

- (a) holds a relevant full licence authorising the driving of vehicles of a class included in category B, other than vehicles in sub-categories B1 or B1 (invalid carriages),
- (b) has held that licence for an aggregate period of not less than 2 years, and
- (c) is aged 21 or over,

may drive a mobile project vehicle on behalf of a non-commercial body—

- (i) to or from the place where the equipment it carries is to be, or has been, used, or the display or exhibition is to be, or has been, mounted, or
- (ii) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied, or

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(iii) in such circumstances that by virtue of paragraph 22 of Schedule 2 to the Vehicle Excise and Registration Act 1994 <sup>F1</sup> the vehicle is not chargeable with duty in respect of its use on public roads,

unless by that licence he is authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only mobile project vehicles having automatic transmission.

(6) A person who—

- (a) holds a relevant full licence authorising the driving of vehicles of a class included in category B, other than vehicles in sub-categories B1 or B1 (invalid carriages),
- (b) has held that licence for an aggregate period of not less than 2 years,
- (c) is aged 21 or over,
- (d) if he is aged 70 or over, is not suffering from a relevant disability in respect of which the Secretary of State would be bound to refuse to grant him a Group 2 licence, and
- (e) receives no consideration for so doing, other than out-of pocket expenses,

may drive, on behalf of a non-commercial body for social purposes but not for hire or reward, a vehicle of a class included in sub-category D1 which has no trailer attached and has a maximum authorised mass—

- (i) not exceeding 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and
- (ii) not exceeding 4.25 tonnes otherwise,

unless such a person is by that licence authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only such vehicles in sub-category D1 as conform to the above specification and have automatic transmission.

(7) A person who holds a relevant full licence authorising the driving of vehicles of a class included in category B, other than vehicles in sub-categories B1 or B1 (invalid carriages), may drive a vehicle of a class included in category B+E where—

- (a) the trailer consists of a vehicle which is damaged or defective and is likely to represent a road safety hazard or obstruction to other road users,
- (b) the vehicle is driven only so far as is reasonably necessary in the circumstances to remove the hazard or obstruction, and
- (c) he receives no consideration for driving the vehicle,

unless by that licence he is authorised to drive only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive, in the circumstances mentioned above, only vehicles included in category B+E having automatic transmission.

#### Textual Amendments

F1 1994 c. 22.

#### Competence to drive classes of vehicle: dual purpose vehicles

8.—(1) Subject to paragraph (2), a person who is a member of the armed forces of the Crown may drive a dual purpose vehicle when it is being used to carry passengers for naval, military or air force purposes—

- (a) where the vehicle has a maximum authorised mass not exceeding 3.5 tonnes, if he holds a relevant full licence authorising the driving of vehicles included in category B other than vehicles in sub-categories B1 or B1 (invalid carriages),
  - (b) where the vehicle has a maximum authorised mass exceeding 3.5 tonnes but not exceeding 7.5 tonnes, if he holds a relevant full licence authorising the driving of vehicles included in sub-category C1,
  - (c) in any other case, if he holds a relevant full licence authorising the driving of vehicles included in category C other than vehicles in sub-category C1.
- (2) Where the person is authorised by his licence to drive only motor vehicles included in the relevant category or sub-category having automatic transmission, he may drive only dual purpose vehicles having automatic transmission.

*Minimum ages for holding or obtaining licences*

**Minimum ages for holding or obtaining licences**

9.—(1) Subsection (1) of section 101 of the Traffic Act shall have effect as if for the classes of vehicle and the ages specified in the Table in that subsection there were substituted classes of vehicle and ages in accordance with the following provisions of this regulation.

(2) In item 3 (motor bicycles), the age of 21 is substituted for the age of 17 in a case where the motor bicycle is a large motor bicycle except in the following cases, namely—

- (a) a case where a person has passed a test on or after 1st January 1997 for a licence authorising the driving of a motor vehicle of a class included in category A, other than sub-category A1, and the standard access period has elapsed,
- (b) a case where the large motor bicycle—
  - (i) is owned or operated by the Secretary of State for Defence, or
  - (ii) is being driven by a person for the time being subject to the orders of a member of the armed forces of the Crownand is being used for naval, military or air force purposes, and
- (c) a case where a person holds a licence authorising the driving of a large motor bicycle by virtue of having passed a test before 1st January 1997.

(3) In item 4 (agricultural and forestry tractors), in the case of an agricultural or forestry tractor which—

- (a) is so constructed that the whole of its weight is transmitted to the road surface by means of wheels,
- (b) has an overall width not exceeding 2.45 metres, and
- (c) is driven either—
  - (i) without a trailer attached to it, or
  - (ii) with a trailer which has an overall width not exceeding 2.45 metres and is either a two-wheeled or close-coupled four-wheeled trailer,

the age of 16 is substituted for the age of 17 in the case of a person who has passed a test prescribed in respect of category F, or is proceeding to, taking or returning from, such a test.

(4) In item 5 (small vehicles), the age of 16 is substituted for the age of 17 in the case of a small vehicle driven without a trailer attached where the driver of the vehicle is a person in respect of whom an award of the higher rate component of the disability living allowance made in pursuance

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of section 73 of the Social Security Contributions and Benefits Act 1992 <sup>F2</sup> (whether before or after his 16th birthday) is still in force.

(5) In item 6 (medium-sized goods vehicles), the age of 21 is substituted for the age of 18 in the case of a vehicle drawing a trailer where the maximum authorised mass of the combination exceeds 7.5 tonnes.

(6) In item 7 (other vehicles, including large goods and passenger-carrying vehicles), the age of 18 is substituted for the age of 21 in the case of a person driving a vehicle of a class included in sub-category D1 which is an ambulance and which is owned or operated by—

(a) a health service body (as defined in section 60(7) of the National Health Service and Community Care Act 1990 <sup>F3</sup>), or

(b) a National Health Service Trust established under Part I of that Act or under the National Health Service (Scotland) Act 1978<sup>F4</sup>, or

[ an NHS foundation trust within the meaning of section 1(1) of the Health and Social Care <sup>F5</sup>(bb) Act 2003, or]

(c) a Primary Care Trust established under section 16A of the National Health Service Act 1977].

(7) In item 7, the age of 18 is substituted for the age of 21 in the case of a motor vehicle and trailer combination which is in sub-category C1+E and the maximum authorised mass of the combination does not exceed 7.5 tonnes.

(8) In item 7, the age of 18 is substituted for the age of 21 in the case of a person who is registered as an employee of a registered employer in accordance with the Training Scheme, where he is driving a vehicle which is—

(a) of a class to which his training agreement applies, and

(b) owned or operated by his employer or by a registered LGV driver training establishment.

(9) In item 7, the age of 18 is substituted for the age of 21 in relation to a passenger-carrying vehicle—

(a) in the case of a person who holds a provisional licence, and

(b) in the case of a person who holds a full passenger-carrying vehicle driver's licence, where he is driving a vehicle which is operated under a PSV operator's licence, a permit granted under section 19 of the 1985 Act or a community bus permit granted under section 22 of that Act and he is either—

(i) not engaged in the carriage of passengers, or

(ii) engaged in the carriage of passengers on a regular service over a route which does not exceed 50 kilometres, or

(iii) is driving a vehicle of a class included in sub-category D1.

(10) In items 6 and 7, the age of 17 is substituted for the ages of 18 and 21 respectively in the case of—

(a) motor vehicles owned or operated by the Secretary of State for Defence, or

(b) motor vehicles driven by persons for the time being subject to the orders of a member of the armed forces of the Crown,

when they are being used for naval, military or air force purposes.

(11) In item 7, in the case of an incomplete large vehicle—

(a) which has a working weight not exceeding 3.5 tonnes, the age of 17 is substituted for the age of 21;

- (b) which has a working weight exceeding 3.5 tonnes but not exceeding 7.5 tonnes, the age of 18 is substituted for the age of 21.
- (12) In item 7, the age of 17 is substituted for the age of 21 in the case of a road roller which—
- (a) is propelled otherwise than by steam,
  - (b) has no wheel fitted with pneumatic, soft or elastic tyres,
  - (c) has an unladen weight not exceeding 11.69 tonnes, and
  - (d) is not constructed or adapted for the conveyance of a load other than the following things, namely water, fuel or accumulators used for the purpose of the supply of power to or propulsion of the vehicle, loose tools and objects specially designed to be attached to the vehicle for the purpose of temporarily increasing its weight.
- (13) In this regulation—
- (a) for the purposes of paragraph (3)—
    - (i) any implement fitted to a tractor shall be deemed to form part of the tractor notwithstanding that it is not a permanent or essentially permanent fixture,
    - (ii) “closed-coupled”, in relation to wheels on the same side of a trailer, means fitted so that at all times while the trailer is in motion the wheels remain parallel to the longitudinal axis of the trailer and that the distance between the centres of their respective areas of contact with the road surface does not exceed 840 millimetres, and
    - (iii) “overall width”, in relation to a vehicle, means the width of the vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of any driving mirror and so much of the distortion of any tyre as is caused by the weight of the vehicle;
  - (b) for the purposes of paragraph (8), “registered”, “training agreement” and “the Training Scheme” have the meanings respectively given in regulation 54;
  - (c) in paragraph (9), expressions used which are also used in Council Regulation 3820/85/EEC <sup>F6</sup> have the same meanings as in that Regulation.

#### Textual Amendments

- F2** 1992 c. 4.
- F3** 1990 c. 19.
- F4** Reg. 9(6)(c) and word inserted (21.2.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2003 \(S.I. 2003/166\)](#), regs. 1(1), 2
- F5** Reg. 9(6)(bb) inserted (1.4.2004) by [The Health and Social Care \(Community Health and Standards\) Act 2003 \(Supplementary and Consequential Provision\) \(NHS Foundation Trusts\) Order 2004 \(S.I. 2004/696\)](#), art. 1(1)(b), **Sch. 1 para. 32**
- F6** OJ No. L370, 31.12.85, p. 1. See also regulation 4 of the [Community Drivers Hours and Recording Equipment \(Exemptions and Supplementary Provisions\) Regulations 1986 \(S.I. 1986/1456\)](#).

#### *Applications for licences*

#### **Applications for the grant of licences: general**

**10.—(1)** The Secretary of State 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—

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- (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 Secretary of State that he has passed a test shall at the time when he applies for the licence deliver to the Secretary of State—

- (a) a valid test pass certificate, or
- (b) a certificate corresponding to that certificate furnished under the law of Northern Ireland or Gibraltar.

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

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

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 or the law of Gibraltar, to take the test to which the certificate relates.

(5) An applicant for a Group 2 licence shall, if required to do so by the Secretary of State, submit in support of his application a report (in such form as the Secretary of State 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 Secretary of State that he is not suffering from a relevant or prospective disability.

### **Eligibility to apply for provisional licence**

**11.**—(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 (other than a licence which is to be disregarded for the purposes of section 89(1)(d) of the Traffic Act by virtue of section 89(2)(c) of that Act<sup>F7</sup>), a full British Forces licence, an exchangeable licence or a Community licence.



TABLE

(1) Category or sub-category of licence applied for	(2) Category/sub-category of full licence required
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

**Textual Amendments**

- F7** Subsection (2)(c) was substituted by the 1989 Act, section 4(3). For designations made under that provision see S.I. 1996/3206.

**Restrictions on the grant of large goods and passenger-carrying vehicle driver's licences**

**12.**—(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 54), 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 [<sup>F8</sup>at least four penalty points fall] to be taken into account under section 29 of the Offenders Act, or

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- (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
- [<sup>F9</sup>(c) must satisfy the Secretary of State that he has satisfactorily completed the off-road elements of the training programme prescribed for drivers of goods vehicles by Council Directive 76/914/EEC (that is those set out in paragraphs 1 and 2.1 to 2.8 of the Annex to the directive)].
- (4) An applicant for a large goods vehicle driver’s licence who is a member of the armed forces and is under the age of 21 must not be a person who has—
  - (a) been convicted (or is, by virtue of section 58 of the Offenders Act <sup>F10</sup>, to be treated as if he had been convicted) of an offence as a result of which [<sup>F11</sup>at least four penalty points fall] to be taken into account under section 29 of the Offenders Act <sup>F12</sup>, or
  - (b) 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.

**Textual Amendments**

**F8** Words in reg. 12(3)(b)(i) substituted (1.4.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2003 \(S.I. 2003/636\)](#), regs. 1(a), **3(2)**

**F9** Reg. 12(3)(c) substituted (1.4.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2003 \(S.I. 2003/636\)](#), regs. 1(a), **3(3)**

**F10** Section 58(1) was amended by the 1990 Regulations.

**F11** Words in reg. 12(4)(a) substituted (1.4.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2003 \(S.I. 2003/636\)](#), regs. 1(a), **3(2)**

**F12** Section 29 was substituted by section 28 of the 1991 Act.

**Restrictions on the grant of provisional licences to drive motor bicycles**

<sup>F13</sup>**13.** . . . . .

**Textual Amendments**

**F13** [Reg. 13](#) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **4**

**Fees for licences**

- 14.—**(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, only one fee shall be paid and where the fees are different, that fee shall be the higher or the highest of them.

### Provisional licences

#### Duration of provisional licences authorising the driving of motor bicycles

15.—(1) Subject to paragraph (2), there is prescribed for the purposes of section 99(2) of the Traffic Act—

(a) a motor bicycle of any class, and

[<sup>F14</sup>(b) the same period as is provided by section 99(1) of the Traffic Act in relation to a licence to which section 99(1) applies.]

(2) There are prescribed for the purposes of section 99(2)(b)(ii) of that Act the circumstances that—

(a) the 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,

(b) if it has not been so surrendered or revoked, a period of at least one month, commencing on the date of surrender or revocation, would have elapsed before the previous licence would have expired, and

(c) the licence when granted would come into force within the period of one year beginning on the date of surrender or revocation of the previous licence.

#### Textual Amendments

**F14** Reg. 15(1)(b) substituted (1.2.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, 5

#### Conditions attached to provisional licences

16.—(1) A provisional licence of any class is granted subject to the conditions prescribed in relation to a licence of that class in the following paragraphs.

(2) Subject to the following paragraphs, the holder of a provisional licence shall not drive a vehicle of a class which he is authorised to drive by virtue of that licence—

(a) otherwise than under the supervision of a qualified driver who is present with him in or on the vehicle,

(b) unless a distinguishing mark in the form set out in Part 1 of Schedule 4 is displayed on the vehicle in such manner as to be clearly visible to other persons using the road from within a reasonable distance from the front and from the back of the vehicle, or

(c) while it is being used to draw a trailer.

(3) The condition specified in paragraph (2)(a) shall not apply when the holder of the provisional licence—

(a) is driving a motor vehicle of a class included in sub-category B1 or B1 (invalid carriages) or in category F, G, H or K which is constructed to carry only one person and not adapted to carry more than one person;

[<sup>F15</sup>(aa) is driving a motor vehicle of a class included in sub-category B1 which is adapted to carry only one person and has at any time between 1st August 2002 and 1st March 2003, had the use of an NHS invalid carriage that was issued to him by reason of his having a relevant disability.]

(b) is riding a moped or a motor bicycle with or without a side-car; or

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- (c) is driving a motor vehicle, other than a vehicle of a class included in category C, C+E, D or D+E, on a road in an exempted island.
- (4) The condition specified in paragraph (2)(b) shall not apply—
- (a) when the holder of the provisional licence is driving a motor vehicle on a road in Wales, and
  - (b) a distinguishing mark in the form set out in Part 2 of Schedule 4 is displayed on the motor vehicle in the manner described in paragraph (2)(b).
- (5) The condition specified in paragraph (2)(c) shall not apply to the holder of a provisional licence authorising the driving of a vehicle of a class included in category B+E, C+E, D+E or F, in relation to motor vehicles of that class.
- (6) The holder of a provisional licence authorising the driving of—
- (a) a moped, or
  - (b) a motor bicycle with or without a side-car,
- shall not drive such a vehicle while carrying on it another person.
- (7) The holder of a provisional licence authorising the driving of a motor bicycle other than a learner motor bicycle shall not drive such a vehicle otherwise than under the supervision of a certified direct access instructor<sup>F16</sup>... who is—
- (a) present with him on the road while riding another motor bicycle,
  - (b) able to communicate with him by means of a radio which is not hand-held while in operation,
  - (c) supervising only that person or only that person and another person who holds such a provisional licence, and
  - (d) carrying a valid certificate issued in respect of him by the Secretary of State under regulation 65(4),
- while he and the instructor are wearing apparel which is fluorescent or (during hours of darkness) is either fluorescent or luminous.
- [<sup>F17</sup>(7A) The holder of a provisional licence authorising the driving of a moped or a learner motor bicycle shall not drive such a vehicle on a road when undergoing relevant training, unless the instructor giving the training is at all times—
- (a) present with him on the road while riding another moped or learner motor bicycle or any motor bicycle, and
  - (b) supervising only him or him and not more than 3 other persons each of whom holds such a provisional licence.
- (7B) In paragraph (7A)—
- (a) “relevant training” means training (otherwise than as part of an approved training course for motor cyclists) in how to drive a moped or learner motor cycle given by a professional instructor; and
  - (b) “professional instructor” means an instructor paid money or money’s worth for giving such training.]

(8) The holder of a passenger-carrying vehicle driver’s provisional licence shall not drive a vehicle which he is authorised to drive by that licence while carrying any passenger in the vehicle other than—

    - (a) the person specified in paragraph (2)(a), or

(b) a person who holds a passenger-carrying vehicle driver's licence and either is giving or receiving instruction in the driving of passenger-carrying vehicles, or has given or received or is to give or receive, such instruction.

(9) The conditions specified in paragraphs (2)(a), (7) and (8) shall not apply when the holder of the provisional licence is undergoing a test.

(10) The conditions specified in paragraphs (2), (6), (7) and (8) shall not apply in relation to the driving of motor vehicles of a class in respect of which the provisional licence holder has been furnished with a valid test pass certificate stating that he has passed a test for the grant of a licence authorising him to drive vehicles of that class.

(11) The condition specified in paragraph (7)(b) shall not apply in the case of a provisional licence holder who is unable, by reason of impaired hearing, to receive directions from the supervising instructor by radio where the licence holder and the instructor are employing a satisfactory means of communication which they have agreed before the start of the journey.

[<sup>F18</sup>(11A) The holder of a disability assessment licence shall not drive a vehicle of a class which he is authorised to drive by virtue of the licence otherwise than during a period which—

(a) commences with the beginning of such period prior to the taking of the disability assessment test required by a relevant notice as is specified in writing by the Secretary of State when serving that notice; and

(b) ends with the completion of the test;

and, for these purposes, a "relevant notice" is a notice under section 94(5)(c) of the Traffic Act requiring the person to submit to a disability assessment test.]

(12) In the case of an LGV trainee driver's licence issued as a provisional licence, this regulation shall apply as modified by regulation 54.

(13) In this regulation—

(a) "exempted island" means any island outside the mainland of Great Britain from which motor vehicles, unless constructed or adapted specially for that purpose, cannot at any time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicles but excluding any of the following islands, namely, the Isle of Wight, St. Mary's (Isles of Scilly), the islands of Arran, Barra, Bute, Great Cumbrae, Islay, the island which comprises Lewis and Harris, Mainland Orkney, Mainland Shetland, Mull, the island which comprises North Uist, Benbecula and South Uist and Tiree;

[<sup>F19</sup>(aa) "NHS invalid carriage" means a motor vehicle included in sub-category B1 (invalid carriages) that is owned by the Department for Health];

(b) "provisional licence", in relation to a class of vehicles, includes a full licence which is treated, by virtue of section 98 of the Traffic Act, as authorising its holder to drive vehicles of that class as if he held a provisional licence therefor;

(c) "qualified driver" shall be interpreted in accordance with regulation 17.

#### Textual Amendments

**F15** Reg. 16(3)(aa) inserted (1.3.2003) by [Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 2\) Regulations 2003 \(S.I. 2003/222\)](#), regs. 1, **3(1)**

**F16** Words in reg. 16(7) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **6(2)**

**F17** Reg. 16(7A)(7B) inserted (1.2.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **6(3)**

*Status: Point in time view as at 01/11/2005.*

*Changes to legislation: There are currently no known outstanding effects for the The Motor Vehicles (Driving Licences) Regulations 1999, PART II. (See end of Document for details)*

- F18** Reg. 16(11A) inserted (1.1.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 2\) Regulations 2000 \(S.I. 2000/3157\)](#), regs. 1, 4
- F19** Reg. 16(13)(aa) inserted (1.3.2003) by [Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 2\) Regulations 2003 \(S.I. 2003/222\)](#), regs. 1, **3(2)**

### Meaning of “qualified driver”

17.—(1) Subject to paragraph (2), a person is a qualified driver for the purposes of regulation 16 if he—

- (a) is 21 years of age or over,
- (b) holds a relevant licence,
- (c) has the relevant driving experience, and
- (d) in the case of a disabled driver, he is supervising a provisional licence holder who is driving a vehicle of a class included in [<sup>F20</sup>categories B, C, D, C+E, or D+E] and would in an emergency be able to take control of the steering and braking functions of the vehicle in which he is a passenger.

(2) In the case of a person who is a member of the armed forces of the Crown acting in the course of his duties for naval, military or air force purposes sub-paragraphs (a) and (c) of paragraph (1) shall not apply.

(3) For the purposes of this regulation—

- (a) “disabled driver” means a person who holds a relevant licence which is limited by virtue of a declaration made with his application for the licence or a notice served under section 92(5)(b) of the Traffic Act to vehicles of a particular class;
- (b) “full licence” includes a full Northern Ireland licence and a Community licence;
- (c) “relevant licence” means—
  - [<sup>F21</sup>(i) in the case of a disabled driver, a full licence authorising the driving of a class of vehicles in the same category as the provisional licence holder whose driving the disabled driver is supervising provided that, in the case of a licence authorising the driving of vehicles in category B, that licence authorises the driving of vehicles other than vehicles in sub-category B1 or B1 (invalid carriages), and]
  - (ii) in any other case, a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder;
- (d) a person has relevant driving experience if he satisfies either of the following requirements—
  - [<sup>F22</sup>(i) he holds a full licence for the minimum period of time specified in column 2 of the table at the end of this regulation opposite the category in column 1 of that table which includes the vehicle that is being driven by the provisional licence holder whom that person is supervising, or]
  - (ii) he is supervising a provisional licence holder driving a vehicle in category C, D, C+E or D+E, held the relevant licence on 6th April 1998, has held it continuously since that date and has held a full licence authorising the driving of vehicles in category B for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years; and
- [<sup>F23</sup>(e) for the purposes of sub-paragraph (d)(i), a person may meet the requirement for holding a full licence for a minimum period of time either by holding that licence continuously for that period or for periods amounting in aggregate to not less than that period; and

- (f) for the purposes of sub-paragraph (d)(ii), a person shall be regarded as holding a relevant licence during any period in which he holds both a provisional licence and a valid test pass certificate entitling him to a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder.

TABLE

<i>Column (1)</i>	<i>Column (2)</i>
<i>Category which includes the vehicle being driven by the provisional licence holder</i>	<i>Minimum period for holding a full licence</i>
C	3 years for C; or 1 year for C and 2 years for D
C1	3 years for C1; or 1 year for C1 and 2 years for D1
C+E	3 years for C+E; or 1 year for C+E and 2 years for D+E
C1+E	3 years for C1+E; or 1 year for C1+E and 2 years for D1+E
D	3 years for D; or 1 year for D and 2 years for C
D1	3 years for D1; or 1 year for D1 and 2 years for C1
D+E	3 years for D+E; or 1 year for D+E and 2 years for C+E
D1+E	3 years for D1+E; or 1 year for D1+E and 2 years for C1+E]

**Textual Amendments**

- F20** Words in reg. 17(1)(d) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **3(2)**
- F21** Reg. 17(3)(c)(i) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **3(3)**
- F22** Reg. 17(3)(d)(i) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **3(4)**
- F23** Reg. 17(3)(e)(f) and Table substituted for reg. 17(3)(e) (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **3(5)**

**Conditions attached to provisional licences: holders of driving permits other than licences granted under Part III of the Traffic Act**

18. A holder of a provisional licence authorising the driving of vehicles of any class who also holds a permit by virtue of which he is at any time—

- (a) treated, by virtue of regulation 80, as the holder, for the purposes of section 87 of the Traffic Act, of a licence authorising the driving of vehicles of that class, or
- (b) entitled, pursuant to article 2(1) of the Motor Vehicles (International Circulation) Order 1975<sup>F24</sup>, to drive motor vehicles of that class,

need not comply with regulation 16 at that time.

**Textual Amendments**

**F24** [S.I. 1975/1208](#). Article 2(1) was substituted by [S.I. 1989/993](#) and amended by [S.I. 1991/771](#).

**Full licences not carrying provisional entitlement**

19.—(1) The application of sections 98(2) and 99A(5) of the Traffic Act is limited or excluded in accordance with the following paragraphs.

(2) Subject to paragraphs (3), (4), (5), (6), (11) and (12), the holder of a full licence which authorises 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 may drive motor vehicles—

- (a) of other classes included in that category or sub-category, and
- (b) of a class included in each category or sub-category specified, in relation to that category or sub-category, in column (2) of the table,

as if he were authorised by a provisional licence to do so.

(3) Section 98(2) shall not apply to a full licence if it authorises the driving only of motor vehicles adapted on account of a disability, whether pursuant to an application in that behalf made by the holder of the licence or pursuant to a notice served under section 92(5)(b) of the Traffic Act.

(4) In the case of a full licence which authorises the driving of a class of standard motor bicycles, other than bicycles included in sub-category A1, section 98(2) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21 before the expiration of the standard access period.

(5) In the case of a full licence which authorises the driving of motor bicycles of a class included in sub-category A1 section 98(2) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21.

(6) In the case of a full licence which authorises the driving of a class of vehicles included in category C or C+E, paragraph (2) applies subject to the provisions of regulation 54.

(7) Subject to paragraphs (8), (9), (10), (11) and (12), the holder of a Community licence to whom section 99A(5) of the Traffic Act applies and who is authorised to drive in Great Britain 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 may drive motor vehicles—

- (a) of other classes included in that category or sub-category, and
- (b) of a class included in each category or sub-category specified, in relation to that category or sub-category, in column (2) of the Table,

as if he were authorised by a provisional licence to do so.



(8) Section 99A(5) shall not apply to a Community licence if it authorises the driving only of motor vehicles adapted on account of a disability.

(9) In the case of a Community licence which authorises the driving of a class of standard motor bicycle other than bicycles included in sub-category A1, section 99A(5) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21 before the expiration of the period of two years commencing on the date when that person passed a test for a licence authorising the driving of that class of standard motor bicycle (and in calculating the expiration of that period, any period during which that person has been disqualified for holding or obtaining a licence shall be disregarded).

(10) In the case of a Community licence which authorises the driving only of motor bicycles of a class included in sub-category A1 section 98(2) shall not apply so as to authorise the driving of a large motor bicycle by a person under the age of 21.

(11) Except to the extent provided in paragraph (12), section 98(2) shall not apply to a full licence, and section 99A(5) shall not apply to a Community licence, in so far as it authorises its holder to drive motor vehicles of any class included in category B+E, C+E, D+E or K or in sub-category B1 (invalid carriages), C1 or D1 (not for hire or reward).

(12) A person—

- (a) who holds a full licence authorising the driving only of those classes of vehicle included in a category or sub-category specified in paragraph (11) which have automatic transmission (and are not otherwise adapted on account of a disability), or
- (b) who holds a Community licence, to whom section 99A(5) of the Traffic Act applies and who is authorised to drive in Great Britain only those classes of vehicle included in a category or sub-category specified in paragraph (11) which have automatic transmission (and are not otherwise adapted on account of a disability),

may drive motor vehicles of all other classes included in that category or sub-category which have manual transmission as if he were authorised by a provisional licence to do so.

**TABLE**

<b>(1) Full licence held</b>	<b>(2) Provisional entitlement included</b>
A1	A, B, F and K
A	B and F
B1	A, B and F
B	A, B+E, G and H
C	C1+E, C+E
D1	D1+E
D	D1+E, D+E
F	B and P
G	H
H	G
P	A, B, F and K

*Miscellaneous*

**Signatures on licences**

- 20.** In order that a licence may show the usual form of signature of its holder—
- (a) where the Secretary of State so requires, a person applying for a licence shall provide the Secretary of State with a specimen of his signature which can be electronically recorded and reproduced on the licence;
  - (b) where no such requirement is made, a person to whom a licence is granted shall forthwith sign it in ink in the space provided.

**Lost or defaced licences**

- 21.—**(1) If the holder of a licence—
- (a) satisfies the Secretary of State that—
    - (i) the licence or its counterpart has been lost or defaced; and
    - (ii) the holder is entitled to continue to hold the licence; and
  - (b) pays the fee prescribed by regulation 14,

the Secretary of State shall, on surrender of any licence or counterpart that has not been lost, issue to him a duplicate licence and counterpart and shall endorse upon the counterpart any particulars endorsed upon the original licence or counterpart as the case may be and the duplicates so issued shall have the same effect as the originals.

(2) If at any time while a duplicate licence is in force the original licence is found, the person to whom the original licence was issued, if it is in his possession, shall return it to the Secretary of State, or if it is not in his possession, but he becomes aware that it is found, shall take all reasonable steps to take possession of it and if successful shall return it as soon as may be to the Secretary of State.

(3) The obligation in paragraph (2) shall apply in respect of the counterpart of a licence as if for the words “original licence” in each place where they occur there were substituted the words “original counterpart”.

**Status:**

Point in time view as at 01/11/2005.

**Changes to legislation:**

There are currently no known outstanding effects for the The Motor Vehicles (Driving Licences) Regulations 1999, PART II.