
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III E+W+S

TESTS OF COMPETENCE TO DRIVE

Preliminary

Interpretation of Part III E+W+S

22. In this Part of these Regulations—

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

“appointed person” means a person appointed by the Secretary of State to conduct theory tests under paragraph (1)(a)(ii) or (2)(a) of regulation 23;

“DSA examiner” means a person appointed by the Secretary of State to conduct practical or unitary tests under paragraph (1)(a) or (2)(a) of regulation 24;

“large vehicle instructor” means a person operating an establishment for providing instruction in the driving of vehicles included in category B+E, C, C+E, D or D+E, including an establishment which provides tuition to prepare persons for the theory test;

“motor bicycle instructor” means a person operating an establishment for providing instruction in the driving of vehicles included in categories A or P, including an establishment which provides tuition to prepare persons for the theory test;

“standard access period” means the period of two years commencing on the date when a person passes a test for a licence authorising the driving of standard motor bicycles of any class, other than a class included in the sub-category A1, but disregarding—

- (a) any period during which the person is disqualified under section 34 ^{F1} or 35 ^{F2} of the Offenders Act,
- (b) in a case where the person has been disqualified under section 36 of the Offenders Act ^{F3}, the period beginning on the date of the court order under subsection (1) of that section and ending on the date when the disqualification is deemed by virtue of that section to have expired in relation to standard motor bicycles of that class,
- (c) in a case where the Secretary of State has revoked the person’s licence or test pass certificate under section 3(2) of, or Schedule 1 to, the Road Traffic (New Drivers) Act 1995 ^{F4}, the period beginning on the date of the notice of revocation under that Act and ending on the date when the person passes the relevant driving test within the meaning of that Act, and
- (d) any period during which the licence has ceased to be in force;

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“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 Bank and Financial Dealings Act 1971 ^{F5}).

Textual Amendments

- F1** Amended by section 29 of the 1991 Act and section 3(2) of the Aggravated Vehicle-Taking Act 1992 (c. 11).
- F2** Amended by paragraph 95 of Schedule 2 of the 1991 Act.
- F3** Section 36 was substituted by section 32 of the 1991 Act and amended by the 1996 Regulations and the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917).
- F4** 1995 c. 13.
- F5** 1971 c. 80.

Appointment of persons to conduct tests

Persons by whom theory tests may be conducted E+W+S

23.—(1) A theory test other than a test conducted in the circumstances specified in paragraph (2) may be conducted by—

- (a) a person appointed in writing by the Secretary of State—
 - (i) for the purpose of testing a class of persons specified in the instrument of appointment, or
 - (ii) where no class of persons is specified, for the purpose of testing persons generally;
- (b) a person who, or a member of a class of persons which, has been appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department;
- (c) a person appointed by a chief officer of police, for the purpose of testing—
 - (i) members of the police force of which he is the chief officer and persons employed by the police authority for the same police area for the purpose of assisting that force, and,
 - (ii) members of another police force and persons employed by a police authority for another police area for the purpose of assisting that force;
- (d) in England and Wales, a person appointed by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947 ^{F6} or, in Scotland, by the firemaster of such a brigade, for the purpose of testing members of the brigade of which he is the chief officer ^{F7} ...;
- (e) an eligible person appointed by a company which—
 - (i) has been approved by the Secretary of State, and
 - (ii) is the holder of a PSV operator’s licence,
 for the purpose of conducting, in respect of eligible candidates, theory tests in respect of any class of passenger-carrying vehicles.

(2) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a theory test shall be conducted by—

- (a) a person appointed by the Secretary of State for the purpose;

(b) a person who, or a member of a class of persons which, has been appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department.

(3) No person shall be eligible to appoint any person or class of persons to conduct theory tests under the provisions of sub-paragraphs (b), (c), (d) or (e) of paragraph (1) or under paragraph (2) (b) unless, following an application made to him for the purpose of any of those sub-paragraphs, the Secretary of State is satisfied that—

(a) proper arrangements will be made by the applicant, for the conduct of tests in accordance with these Regulations; and

(b) proper records of such tests and the results thereof will be kept by him or them,

and has granted his approval in writing, subject to such conditions as he thinks fit to impose.

(4) In the case of an application made by a chief officer of police for the purposes of sub-paragraph (c) of paragraph (1), the Secretary of State may grant his approval under paragraph (3) in respect of the testing of all the persons mentioned in that sub-paragraph or only in respect of the testing of the persons mentioned in paragraph (i) thereof.

(5) No person or class of persons may be appointed under the provisions of paragraph (b), (c), (d) or (e) of paragraph (1) or under paragraph (2)(b) unless the person making the appointment has appointed a person or class of persons to conduct practical tests under the provisions of regulation 24(1) and the Secretary of State has approved that appointment.

(6) An appointment made under paragraph (1)(a)(ii) may be made subject to such conditions as are, in the opinion of the Secretary of State, reasonably necessary in the general interests of candidates and where an appointed person breaks such a condition the Secretary of State may appoint another person to carry out theory tests in substitution for that person notwithstanding that the first appointment has not been revoked.

(7) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

(8) No person or member of a class of persons appointed by virtue of sub-paragraph (b), (c), (d) or (e) of paragraph (1) or under paragraph (2)(b) may conduct tests unless the Secretary of State has given his approval in writing to the appointment and such approval shall be granted only if the Secretary of State is satisfied that the person (or, in the case of the appointment of a class of persons, each member of that class) is capable of making a proper assessment of a candidate's knowledge and understanding of driving theory relating to the category or sub-category of vehicles in respect of which he is appointed to conduct tests.

(9) In this regulation and regulation 24—

“chief officer of police”, “police area” and “police authority” have the meanings given in section 101(1) of the Police Act 1996^{F8};

“company” includes a body corporate;

“eligible candidate” means—

(i) a person who is employed as a driver by the company which holds the PSV operator's licence or by a sister company of that company which also holds a PSV operator's licence, or

(ii) a person whom any such company as is mentioned in sub-paragraph (i) proposes to employ as a driver;

“eligible person” means a person employed by the company which hold the PSV operator's licence or by a sister company of that company if the sister company also holds a PSV operator's licence,

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and a company is a sister company of another if either is the holding company of the other or both are wholly-owned subsidiaries of a third within the meaning of section 736 of the Companies Act 1985 ^{F9}.

Textual Amendments

- F6** 1947 c. 41.
- F7** Words in reg. 23(1)(d) omitted (1.1.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 2\) Regulations 2000 \(S.I. 2000/3157\)](#), regs. 1, 5
- F8** 1996 c. 16.
- F9** 1985 c. 6. Section 736 was substituted by the Companies Act 1989, section 144(1).

Persons by whom practical and unitary tests may be conducted **E+W+S**

24.—(1) A practical or unitary test other than a test conducted in the circumstances specified in paragraph (2) [^{F10}or (2A)] may, subject to the following provisions of this regulation, be conducted by—

- (a) a person in the public service of the Crown appointed by the Secretary of State;
- (b) a person who, or a member of a class of persons which, has been appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department;
- (c) in England and Wales, a person appointed by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947 or, in Scotland, by the firemaster of such a brigade, for the purpose of testing members of the brigade of which he is the chief officer ^{F11}...;
- (d) a person appointed by a chief officer of police, for the purpose of testing—
 - (i) members of the police force of which he is the chief officer and persons employed by the police authority for the same police area for the purpose of assisting that force, and
 - (ii) members of another police force and persons employed by a police authority for another police area for the purpose of assisting that force;
- (e) a person appointed by a company which—
 - (i) has been approved by the Secretary of State, and
 - (ii) normally employs for the purpose of its operations in excess of 250 persons as drivers of motor vehicles,
 for the purpose of testing persons employed by it as drivers or persons whom it proposes so to employ;
- (f) an eligible person appointed by a company which—
 - (i) has been approved by the Secretary of State, and
 - (ii) is the holder of a PSV operator's licence,
 for the purpose of conducting, in respect of eligible candidates, practical tests in respect of any class of passenger-carrying vehicles.

(2) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a practical or unitary test shall be conducted by—

- (a) a person in the public service of the Crown appointed by the Secretary of State, or

- (b) a person who, or a member of a class of persons which, has been appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department.

[^{F12}(2A) A practical test which is conducted as a disability assessment test shall be conducted by—

- (a) a person in the public service of the Crown appointed by the Secretary of State for the purposes of paragraph (1)(a), or
(b) a person appointed by the Secretary of State for the purpose of conducting the test.]

(3) No person shall be eligible to appoint any person or class of persons to conduct practical or unitary tests under the provisions of sub-paragraphs (b), (c), (d), (e) or (f) of paragraph (1) or under paragraph (2)(b) unless, following an application made to him for the purpose of any of those sub-paragraphs, the Secretary of State is satisfied that—

- (a) proper arrangements will be made by the applicant, for the conduct of tests in accordance with these Regulations; and
(b) proper records of such tests and the results thereof will be kept by him or them,

and has granted his approval in writing, subject to such conditions as he thinks fit to impose.

(4) In the case of an application made by a chief officer of police for the purposes of sub-paragraph (d) of paragraph (1), the Secretary of State may grant his approval under paragraph (3) in respect of the testing of all the persons mentioned in that sub-paragraph or only in respect of the testing of the persons mentioned in paragraph (i) thereof.

(5) No person or member of a class of persons appointed under the provisions of sub-paragraph (b), (c), (d), (e) or (f) of paragraph (1) or under paragraph (2)(b) may conduct tests unless the Secretary of State has given his approval in writing to his appointment and such approval shall be granted only if the Secretary of State is satisfied that the person (or, in the case of the appointment of a class of persons, each member of that class) is capable of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

(6) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

Textual Amendments

- F10** Words in reg. 24(1) inserted (1.1.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 2\) Regulations 2000 \(S.I. 2000/3157\)](#), regs. 1, **6(1)(a)**
- F11** Words in reg. 24(1)(c) omitted (1.1.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 2\) Regulations 2000 \(S.I. 2000/3157\)](#), regs. 1, **6(1)(b)**
- F12** Reg. 24(2A) inserted (1.1.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 2\) Regulations 2000 \(S.I. 2000/3157\)](#), regs. 1, **6(2)**

Revocation of authority to conduct tests **E+W+S**

25.—(1) The Secretary of State may revoke—

- (a) an appointment made under regulation 23(1)(a) or (2)(a) or under regulation 24(1)(a) or (2)(a), or
(b) an approval given under regulation 23(3) or (8) or under regulation 24(3) or (5),

by notice in writing and the authority of the person whose appointment is revoked or whose approval is withdrawn to conduct theory tests or, as the case may be, to appoint other persons to conduct unitary, practical or theory tests, shall cease upon the date specified in the notice.

Status: Point in time view as at 01/01/2001.

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(2) Where a person has his appointment revoked or if an approval given in respect of him under regulation 23(3) or 24(3) is withdrawn, that person shall immediately return to the Secretary of State all forms of pass certificates supplied to him under regulations 47(8) and 48(3) which he still holds.

Applications for tests

Applications for theory tests: applicants in person **E+W+S**

26.—(1) An applicant in person wishing to take a theory test to be conducted by an appointed person shall—

- (a) apply for an appointment to that person,
- (b) provide that person with such details relating to himself, the licence which he holds, the preferred location of the test, and the nature of the test to be taken as he may reasonably require, and
- (c) in the case of an application for a test to be conducted before 4th January 2000, state whether or not he requires the theory test pass certificate or failure statement to be furnished under regulation 47(2) on the day of the test and pay the fee specified in regulation 30.

(2) Upon receipt of such details and such fee the appointed person shall make the arrangements necessary for taking the theory test.

(3) An applicant in person for whom an appointment is made as aforesaid in respect of any category of motor vehicle may neither apply as an applicant in person nor be nominated by virtue of regulation 27 or 28 for a further appointment for a theory test in respect of 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 first appointment (whether or not the test is completed).

Applications for theory tests: motor bicycle instructors **E+W+S**

27.—(1) A motor bicycle instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category A or P to be conducted by an appointed person and to be taken by a person who has, or will have, received from that instructor tuition to prepare him for the theory test shall—

- (a) apply for such an appointment to the appointed person, specifying the date and time of the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to himself, the establishment and the nature of the test as the appointed person may reasonably require,
- (c) where the application proposes an appointment for a test on a date before 4th January 2000, state whether or not he requires the theory test pass certificate or failure statement to be furnished under regulation 47(2) to the person nominated under paragraph (4) on the day of the test, and
- (d) pay the fee (recoverable from the person nominated under paragraph (4)) specified in regulation 30.

(2) The appointed person 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 any appointment specified in the application is unavailable or where, in

the opinion of the appointed person, it is reasonably necessary to do so in the general interests of applicants for theory tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the appointed person shall confirm to the motor bicycle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the appointed person receives from the motor bicycle instructor the name and such further details relating to—

- (a) the person receiving tuition from that instructor who will at the appointment submit himself for that test, and
- (b) the nature of the test,

as the appointed person may reasonably require, the appointed person shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a motor bicycle instructor pursuant to paragraph (4) for a theory test in respect of motor vehicles in category A or P may neither be so nominated nor apply under regulation 26 for a further appointment for such a test unless—

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

(6) The qualifying period for the purposes of paragraph (4) is the period expiring on the day which is three clear working days before the day for which the appointment is made.

Applications for theory tests: large vehicle instructors **E+W+S**

28.—(1) A large vehicle instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category C or D to be conducted by an appointed person and to be taken by a person who has, or will have, received from that instructor tuition to prepare him for the theory test shall—

- (a) apply for such an appointment to the appointed person, specifying the date and time of the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to himself, the establishment and the nature of the test as the appointed person may reasonably require,
- (c) where the application proposes an appointment for a test on a date before 4th January 2000, state whether or not he requires the theory test pass certificate or failure statement to be furnished under regulation 47(2) to the person nominated under paragraph (4) on the day of the test, and
- (d) pay the fee (recoverable from the person nominated under paragraph (4)) specified in regulation 30.

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

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the appointed person shall confirm to the large vehicle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the appointed person receives from the large vehicle instructor the name and such further details relating to—

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- (a) the person receiving tuition from that instructor who will at the appointment submit himself for that test, and
- (b) the nature of the test,

as the appointed person may reasonably require, the appointed person shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a large vehicle instructor pursuant to paragraph (4) for a theory test prescribed in respect of any category may neither be so nominated nor apply under regulation 26 for a further appointment for such a test unless—

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

(6) The qualifying period for the purposes of paragraph (4) is the period ending on the day which is three clear working days before the day for which the appointment is made.

Eligibility to reapply for theory test **E+W+S**

29.—(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 23 and the Secretary of State 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).

Fees for theory tests **E+W+S**

30.—(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 of an application for a theory test to be conducted before 4th January 2000 under which the theory test pass certificate or failure statement is required to be furnished under regulation 47(2) on the day of the test, £21, and
- (b) in the case of any other application, £15.50,

and is payable to the Secretary of State.

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

Applications for practical and unitary tests: applicants in person **E+W+S**

31.—(1) An applicant in person wishing to take a practical or unitary test to be conducted by a DSA examiner shall—

- (a) apply for an appointment for such a test to the Secretary of State,

- (b) provide the Secretary of State with such details relating to himself, the licence which he holds, the preferred location of the test, the nature of the test and the vehicle on which the test is to be taken as the Secretary of State may reasonably require, and
 - (c) pay such fee as is specified in regulation 35.
- (2) Upon receipt of such details and such fee the Secretary of State shall make the arrangements necessary for the taking of the appropriate test.
- (3) An applicant in person for whom an appointment is made as aforesaid in respect of a class of motor vehicle in any category may neither apply as an applicant in person nor be nominated by virtue of regulation 32 or 33 for a further appointment for a practical or, as the case may be, a unitary test on a vehicle of the same class 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 first appointment (whether or not the test is completed).

Applications for practical tests: motor bicycle instructors E+W+S

32.—(1) A motor bicycle instructor who wishes to make an appointment for a practical test prescribed in respect of category A or P which is to be conducted by a DSA examiner and taken by a person who has, or will have, received from that instructor instruction in the driving of vehicles of a class included in either category shall—

- (a) apply for such an appointment to the Secretary of State, specifying the date and time for the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
 - (b) provide such details relating to—
 - (i) himself,
 - (ii) his establishment,
 - (iii) the vehicle on which the test is to be taken, and
 - (iv) the nature of the test,as the Secretary of State may reasonably require, and
 - (c) pay such fee (recoverable from the person nominated under paragraph (4)) as is specified in regulation 35.
- (2) The Secretary of State 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 Secretary of State, it is reasonably necessary to do so in the general interests of applicants for practical or unitary tests.
- (3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the Secretary of State shall confirm to the motor bicycle instructor the date and time of the appointment.
- (4) If, before the expiration of the qualifying period, the Secretary of State receives from the motor bicycle instructor the name and such further details relating to—
- (a) the person receiving instruction from that instructor who will at the appointment submit himself for that test,
 - (b) the licence which that person holds,
 - (c) the nature of the test, and
 - (d) the vehicle on which the test is to be taken,

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as the Secretary of State may reasonably require, the Secretary of State shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a motor bicycle instructor pursuant to paragraph (4) for a practical test in respect of any class of motor vehicle included in category A or P may neither be so nominated nor apply under regulation 31 for a further appointment for a test in respect of a motor vehicle of the same class unless—

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

(6) The qualifying period for the purposes of paragraph (4) is the period expiring at midday on the day which is two working days before the day for which the appointment is made.

Applications for practical tests: large vehicle instructors E+W+S

33.—(1) A large vehicle instructor who wishes to make an appointment for a practical test prescribed in respect of category B+E, C, C+E, D or D+E which is to be conducted by a DSA examiner and taken by a person who has, or will have, received from that instructor instruction in the driving of a class of vehicle included in any of those categories shall—

- (a) apply for such an appointment to the Secretary of State, specifying the date and time for the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to—
 - (i) himself,
 - (ii) his establishment,
 - (iii) the vehicle on which the test is to be taken, and
 - (iv) the nature of the test,
 as the Secretary of State may reasonably require, and
- (c) pay such fee (recoverable from the person nominated under paragraph (4)) as is specified in regulation 35.

(2) The Secretary of State may refuse to accept an application from a large vehicle 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 Secretary of State, it is reasonably necessary to do so in the general interests of applicants for practical or unitary tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the Secretary of State shall confirm to the large vehicle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the Secretary of State receives from the large vehicle instructor the name and such further details relating to—

- (a) the person receiving instruction from that instructor who will at the appointment submit himself for that test,
- (b) the licence which that person holds,
- (c) the nature of the test, and
- (d) the vehicle on which the test is to be taken,

as the Secretary of State may reasonably require, the Secretary of State shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a large vehicle instructor pursuant to paragraph (4) for a practical test in respect of any class of vehicle may neither be so nominated nor apply under regulation 31 for a further appointment for a test in respect of a motor vehicle of a class included in the same category unless—

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

(6) The qualifying period for the purposes of paragraph (4) is the period expiring at midday on the day which is two working days before the day for which the appointment is made.

Eligibility to reapply for practical or unitary test **E+W+S**

34.—(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 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 Secretary of State 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.

Fees in respect of practical or unitary tests **E+W+S**

35.—(1) No fee shall be payable in respect of a practical or unitary test conducted by a person appointed under regulation 24(1)(b), (c), (d), (e) or (f) or (2)(b).

(2) Subject to paragraphs (4) and (5), in the case of a practical or unitary test which—

- (a) is to be conducted by a DSA examiner,
- (b) is not, or does not form part of, an extended driving test,
- (c) is for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the Table in Schedule 5,

the fee payable is that specified in relation to that category or sub-category in column (2) of that Table.

(3) Subject to paragraph (4), in the case of a practical or unitary test which—

- (a) is to be conducted by a DSA examiner,
- (b) is, or forms part of, an extended driving test,

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(c) is for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the Table in Schedule 5, the fee payable is that specified in relation to that category or sub-category in column (3) of that Table.

(4) Where an appointment for a practical test to commence during normal hours is cancelled by or on behalf of the Secretary of State and the appointment cannot reasonably be rearranged so that the test commences during normal hours, the applicant shall pay the fee prescribed for a test commencing during normal hours notwithstanding that it commences out of hours.

(5) In a case where the test is for a licence authorising the driving of vehicles included in category B and the applicant holds a full licence authorising the driving of vehicles included in sub-category B1 (invalid carriages), no fee shall be payable.

(6) For the purposes of this regulation and Schedule 5, a test commences—

- (a) during normal hours, if the time for which the test appointment is made is any time between 0830 hours and 1630 hours on a working day, and
- (b) out of hours, if the time for which the test appointment is made is any other time.

Cancellation of tests E+W+S

36. For the purposes of paragraph (b) of section 91 of the Traffic Act (which section specifies the cases in which a fee paid on an application for an appointment for a test may be repaid) notice cancelling an appointment—

- (a) for a practical or unitary test to be conducted by a DSA examiner must be given to the Secretary of State not less than ten clear working days before the day for which the appointment is made;
- (b) for a theory test to be conducted by an appointed person must be given not less than three clear working days before the day for which the appointment is made.

Requirements at tests

Test vehicles E+W+S

37.—(1) Subject to paragraph (3), the prescribed practical or unitary test for a licence authorising the driving of vehicles included in a category shown in column (1) of the Table at the end of this regulation must be conducted in a vehicle having a specification equivalent to or (except in the case of a test prescribed in respect of category F, G, H, K or P) higher than that shown in relation to that category in column (2) of the Table.

(2) Subject to paragraph (3), the prescribed practical test for a licence authorising the driving of vehicles included in a sub-category shown in column (1) of the Table at the end of this regulation must be conducted in a vehicle having a specification equivalent to or higher than that shown in relation to that sub-category in column (2) of the Table.

(3) Where an applicant for a practical test prescribed in respect of category A declares that he is suffering from a relevant disability of such a nature that he is unable to ride a motor bicycle without a side-car, that test must be conducted on a motor bicycle and side-car combination having the following specification—

- (a) in the case of a test for a licence authorising the driving of a large motor bicycle and side-car combination, a combination in which the bicycle has a maximum net power output of not less than 35 kilowatts,

- (b) in the case of a test for a licence authorising the driving of a standard motor bicycle and side-car combination (other than a combination included in sub-category A1), a combination which has a power to weight ratio not exceeding 0.16 kw/kg., and
 - (c) in the case of a test for a licence authorising the driving of a motor bicycle and side-car combination included in sub-category A1, a combination consisting of a minimum test vehicle for that sub-category and a side-car where the combination has a power to weight ratio not exceeding 0.16 kw/kg.
- (4) A person submitting himself for a practical or unitary test shall provide a vehicle which—
- (a) corresponds to the specification referred to in paragraph (1), (2) or (3), as the case may be,
 - (b) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed, and
 - (c) is reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test.
- (5) A person submitting himself for a practical test prescribed in respect of category B or B+E shall provide a motor vehicle which—
- (a) is fitted with a front passenger seat unless it—
 - (i) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or
 - (ii) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed,
 - (b) has fitted for use with the front passenger seat (or, if there is no such seat, with another seat in which the person conducting the test may conveniently sit for the purpose of the test) a properly anchored and functioning three-point seat belt, and
 - (c) in the case of a vehicle fitted with a front passenger seat, has fitted as an integral part of that seat a head restraint which satisfies the requirements of Council Directive 78/932/EEC^{F13}.
- (6) A person submitting himself for a practical test prescribed in respect of category B shall provide a vehicle which is fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat unless it—
- (a) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or
 - (b) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed.
- (7) A person submitting himself for a practical test prescribed in respect of category B+E, C, C+E, D or D+E shall provide a motor vehicle which is not carrying goods or burden other than fixed items which are characteristic of the class to which it belongs.
- (8) A person submitting himself for a practical test prescribed in respect of category C, C+E, D or D+E shall provide a motor vehicle which is fitted with a seat which is firmly secured to the vehicle and in such a position that the person conducting the test may properly do so and is protected from bad weather during the test.
- (9) A person submitting himself for a practical test prescribed in respect of category D or D+E shall provide a motor vehicle which is fitted with a seat which is so placed that the person conducting the test can, from the deck of the vehicle on which the driver is seated, clearly observe the road to the rear of the vehicle without the use of any optical device, unless—
- (a) the construction of the vehicle makes it impossible to fulfil that requirement, or

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(b) the examiner consents to the requirement not being complied with in consequence of an arrangement to conduct part of the test elsewhere than on a road.

(10) A person submitting himself for a practical test prescribed in respect of category B+E, C+E or D+E shall provide a motor vehicle which is fitted with linkage and braking mechanisms which are designed for use when the trailer is fully laden.

(11) In the case of a test being conducted by a person appointed in accordance with paragraph (1) (b) or (2)(b) of regulation 24, paragraphs (5)(c) and (6) shall not apply.

(12) In the table at the end of this regulation, "minimum test vehicle" means, in relation to any category or sub-category, a vehicle of a specification shown in relation to the category or sub-category in column (2) of the table.

TABLE

(1) Category or sub-category	(2) Specification
A	A motor bicycle without a sidecar having an engine with a maximum net power output of 35 kilowatts.
in the case of a test for a licence authorising the driving of large motor bicycles A	A learner motor bicycle without a sidecar having an engine with a cylinder capacity of 121 cubic centimetres and capable of a speed of 100 kilometres per hour.
in the case of any other test A1	A learner motor bicycle without a sidecar having an engine with a cylinder capacity of 75 cubic centimetres.
B	Any four-wheeled vehicle in category B capable of a speed of 100 kilometres per hour.
B1	Any vehicle in sub-category B1 capable of a speed of 60 kilometres per hour.
B+E	A combination of a minimum test vehicle for category B and a trailer having a maximum authorised mass of 1,000 kilograms which is capable of a speed of 100 kilometres per hour.
C1	Any vehicle in sub-category C1 having a maximum authorised mass of 4,000 kilograms and capable of a speed of 80 kilometres per hour.
C1+E	A combination of a minimum test vehicle for sub-category C1 and a trailer having a maximum authorised mass of 2,000 kilograms, the overall length of which is 8 metres and which is capable of a speed of 80 kilometres per hour.
D1	Any vehicle in sub-category D1 capable of a speed of 80 kilometres per hour.
D1+E	A combination of a minimum test vehicle for sub-category D1 and a trailer having a maximum authorised mass of 1,250 kilograms

	which is capable of a speed of 80 kilometres per hour.
C	Any vehicle in category C, other than an articulated goods vehicle, having a maximum authorised mass of 10,000 kilograms and a length of 7 metres which is capable of a speed of 80 kilometres per hour.
C+E	Either— (a) an articulated goods vehicle combination having a maximum authorised mass of 18,000 kilograms and a length of 12 metres which is capable of a speed of 80 kilometres per hour, or (b) a combination of a minimum test vehicle for category C and a trailer having a length of 4 metres and a maximum authorised mass of 4 tonnes, which has, in aggregate, a maximum authorised mass of 18,000 kilograms and an overall length of 12 metres and which is capable of a speed of 80 kilometres per hour.
D	Any vehicle in category D having a length of 9 metres and capable of a speed of 80 kilometres per hour.
D+E	A combination of a minimum test vehicle for category D and a trailer having a maximum authorised mass of 1,250 kilograms which is capable of a speed of 80 kilometres per hour.
F	Any vehicle in category F.
G	Any vehicle in category G.
H	Any vehicle in category H.
K	Any vehicle in category K.
P	Any vehicle in category P.

Textual Amendments

- F13** Council Directive of 16 October 1978 on the approximation of laws relating to the head restraints of seats of motor vehicles, OJ No. L325, 20.11.78, p. 1.

Further requirements at tests **E+W+S**

38.—(1) Subject to paragraph (2), no person shall submit himself for a theory test, practical test or unitary test unless he satisfies the residence requirement specified in section 89(1A) of the Traffic Act and where any question arises as to whether a person is normally resident in Great Britain or the United Kingdom (as the case may be) he shall be deemed to be normally resident there if he shows that he will have lived there for not less than 185 days during the period of 12 months ending on the day for which the test appointment is made.

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(2) Paragraph (1) shall not apply in the case of a person who submits himself for an appropriate driving test pursuant to section 36 of the Offenders Act or for any part of such a test.

(3) A person submitting himself for a theory test shall—

(a) before the test commences—

(i) except in a case to which paragraph (7) applies, produce to the person conducting the test an appropriate licence authorising him to drive a motor vehicle of a class included in the category or sub-category in respect of which the test is to be taken and a counterpart thereof,

(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 (6), and

(iii) sign a record of his attendance at the test;

(b) during the test comply with all reasonable instructions given by the invigilator for the purpose of ensuring the proper and orderly conduct of the test.

(4) A person submitting himself for a practical test on a motor vehicle of a class included in any category shall, except in a case where—

(a) he is exempt from the requirement to pass a theory test by virtue of regulation 42, or

(b) by virtue of regulation 40(3), no theory test is prescribed for that class,

produce to the person conducting the test before the test commences a valid theory test pass certificate showing that he has passed the theory test prescribed in respect of the same category or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland.

(5) A person submitting himself for a practical or unitary test shall, before the test commences—

(a) produce to the person conducting the test an appropriate licence authorising him to drive a motor vehicle of the class on which the test is to be taken and a counterpart thereof,

(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 (6), and

(c) sign, on the Driving Test Report Form produced to him by the person conducting the test, a declaration to the effect that there is in force, in relation to the use of the vehicle provided for the purposes of the test, a policy of insurance which complies with the requirements of Part VI of the Traffic Act.

(6) 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.

(7) In the case of an applicant who is a full-time member of the armed forces of the Crown (to whom the provisions of regulation 11(1) do not apply), he shall before the commencement of a theory test or, as the case may be, a practical or unitary test prescribed in respect of a category specified in column (1) of the table at the end of regulation 11 satisfy the examiner that he has passed the test prescribed in respect of the category specified in column (2) of the table in relation to the first category.

(8) A person submitting himself for a practical test for a licence authorising the driving of a motor vehicle of a class included in category A or P shall before the test commences, unless he is exempt from the requirement imposed by section 89(2A) of the Traffic Act, produce to the examiner a valid certificate furnished under regulation 68(1).

- (9) A person submitting himself for a practical or a unitary test shall, during the test—
- (a) except where the test is for a licence authorising him to drive a motor vehicle of a class included in category A, G, H, K or P or a motor vehicle in sub-category B1 which has no seat other than the driver's seat, allow to travel in the vehicle—
 - (i) the person authorised to conduct the test; and
 - (ii) any person authorised by the Secretary of State to attend the test for the purpose of supervising it or otherwise;
 - (b) where the test is for a licence authorising him to drive a motor vehicle of a class included in category A, G, H or P or a motor vehicle in sub-category B1 which has no seat other than the driver's seat, allow the attendance of—
 - (i) the person authorised to conduct the test; and
 - (ii) any person authorised by the Secretary of State for the purpose of supervising the test or otherwise.

- (10) In this regulation and regulation 39—

“appropriate licence” means a licence, other than an excepted provisional licence, which—

- (a) is valid at the date of the test,
- (b) bears the signature of the person who has submitted himself for the test, and
- (c) is either—
 - (i) a provisional licence authorising the person submitting himself for the test to drive motor vehicles of the same class as the vehicle which he has provided for the test, or
 - (ii) a full licence which by virtue of section 98 of the Traffic Act and regulation 19, authorises that person to drive motor vehicles of that class subject to the same conditions as if he were so authorised by a provisional licence, or
 - (iii) a Northern Ireland licence corresponding to either of those licences, or
 - (iv) a Community licence which, by virtue of section 99A of the Traffic Act and regulation 19, authorises that person to drive motor vehicles of that class subject to the same conditions as if he were so authorised by a provisional licence;

“excepted provisional licence” means a licence which—

- (a) was in force at a time before 1st January 1997, and
- (b) is issued as a provisional licence in respect of motor vehicles of a class included (by virtue of these Regulations) in category C+E or D+E or sub-categories C1 and D1 (not for hire or reward),

but does not include a licence which was granted to a full-time member of the armed forces of the Crown to whom the provisions of regulation 11(1) do not apply by virtue of paragraph (2) of that regulation.

Examiner's right to refuse to conduct test **E+W+S**

39.—(1) Subject to paragraphs (2) and (3), where a person submitting himself for—

- (a) a theory test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by regulation 38(3), or
- (b) a practical or unitary test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by paragraphs (4) to (10) of regulation 37 or by paragraph (4), (5), (7) or (8) of regulation 38,

the person authorised to conduct the test must refuse to do so.

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- (2) Where a person—
- (a) fails to produce an appropriate licence as required under paragraph (3)(a)(i) or (5)(a) of regulation 38, or
 - (b) where he has submitted himself for a practical or unitary test, fails to produce a document required to be produced under paragraph (4) or (8) of that regulation,
- if the person authorised to conduct the test—
- (i) is satisfied from other evidence that the document in question exists, and
 - (ii) in the case of a person who has failed to produce a licence, is satisfied that the requirements of regulation 38(3)(a)(ii) or (5)(b) have been complied with,
- he may conduct the test.
- (3) Where a person with special needs has failed to give to the person conducting a theory test such notice of those needs (being not less than 15 working days) as he may reasonably require the person authorised to conduct the test may refuse to do so.
- (4) Where a person who requires the assistance of an interpreter at the theory test attends at the test with an interpreter who—
- (a) is not approved by the Secretary of State to act as such, or
 - (b) appears to be acquainted with the test candidate,
- the person authorised to conduct the test must refuse to do so.
- (5) In this regulation, “special needs” means a reasonable requirement for special treatment during the test arising by virtue of—
- (a) the test not being available in a language which the test candidate understands,
 - (b) the test candidate having reading difficulties, or
 - (c) the test candidate being physically disabled.

Nature and conduct of tests

Nature of tests other than extended tests E+W+S

- 40.**—(1) This regulation applies to tests other than extended driving tests.
- (2) Subject to the following provisions of this regulation and regulation 42, the test for a licence authorising the driving of a motor vehicle of a class included in category A, B, C, D, or P shall be conducted in two parts, namely—
- (a) a theoretical test, and
 - (b) a practical test of driving skills and behaviour,
- and a person taking such a test must pass both parts.
- (3) The test for a licence authorising the driving of a motor vehicle of a class included in category B+E, C+E and D+E—
- (a) in a case where the test is for a licence authorising the driving of vehicles in sub-category C1+E and the applicant is the holder of a full licence which was in force at a time before 1st January 1997 and authorises the driving of motor vehicles included in sub-category C1+E (8.25 tonnes) but not the driving of any other vehicles included in category C+E, shall consist of the specified matters prescribed in respect of the theory test for category C and the specified requirements prescribed in respect of practical test for category C+E, and
 - (b) in any other case, shall consist of a practical test only.
- (4) Where a test is required to be conducted in two parts, a person taking the test—

- (a) must pass the theory test before he take the practical test, and
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 32(4) or 33(4)) for a practical test in respect of a motor vehicle of a class included in any category until he has been furnished with—
 - (i) a valid theory test pass certificate stating that he has passed the theory test prescribed in respect of that category, or
 - (ii) a certificate corresponding to such a certificate furnished under the law of Northern Ireland stating that he has during the relevant period passed the theory test in respect of the same category.
- (5) A person shall be treated as having passed—
 - (a) the theory test if he satisfies the person conducting it that he has a knowledge and sound understanding of the specified matters;
 - (b) the practical test if he satisfies the person conducting it of his ability to drive safely and to comply with the specified requirements.
- (6) The test for a licence authorising the driving of a motor vehicle of a class included in category F, G, H or K shall be a unitary test and a person taking such a test shall be treated as having passed it if he satisfies the person conducting it that he is—
 - (a) generally competent to drive a vehicle of that class without danger to, and with due consideration for, other road users,
 - (b) fully conversant with the Highway Code, and
 - (c) able to comply with the specified requirements.
- (7) The practical test and the unitary test shall each be conducted so that—
 - (a) the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads, and
 - (b) the time during which that person is required to drive on roads is—
 - (i) in the case of a test for a licence authorising the driving of a class of vehicle included in category B+E, C, C+E, D or D+E, not less than 50 minutes;
 - (ii) in the case of any other test, not less than 30 minutes.
- (8) The theory test shall—
 - (a) be conducted as an approved form of examination consisting of 35 questions, the questions being in either a multiple choice or multiple response form and testing a candidate on the specified matters in accordance with Schedule 7;
 - (b) have a duration of 40 minutes or, in the circumstances specified in paragraph (9), 80 minutes;and an approved form of examination is one which is conducted in writing or by means of data recorded on equipment operating automatically in response to instructions given by the candidate.
- (9) The circumstances referred to in paragraph (8) are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.
- (10) The specified matters for a theory test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table at the end of this regulation are the matters specified in relation to that category in column (2) of the table.
- (11) The specified requirements for a practical or unitary test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table are the requirements specified in relation to that category in column (3) of the table.

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TABLE

(1) Category	(2) Specified matters	(3) Specified requirements
A	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.
B	Matters specified in Part 2 of Schedule 7.	Requirements specified in Part 2 of Schedule 8.
B+E		Requirements specified in Part 2 of Schedule 8.
C	Matters specified in Part 3 of Schedule 7.	Requirements specified in Part 3 of Schedule 8.
D	Matters specified in Part 4 of Schedule 7.	Requirements specified in Part 4 of Schedule 8.
C+E		Requirements specified in Part 3 of Schedule 8.
D+E		Requirements specified in Part 4 of Schedule 8.
F		Requirements specified in Parts 5 and 6 of Schedule 8.
G		Requirements specified in Parts 5 and 6 of Schedule 8.
H		Requirements specified in Parts 5 and 7 of Schedule 8.
K		Requirements specified in Part 5 of Schedule 8.
P	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.

Nature of extended driving tests **E+W+S**

41.—(1) Where a person is disqualified by order of a court under section 36 of the Offenders Act until he passes an extended driving test, the test which he must pass is a test conducted in accordance with paragraphs (2) to (11) of regulation 40 as modified by virtue of paragraph (2) of this regulation.

(2) For the purpose of an extended driving test, the provisions of regulation 40 shall apply but as if paragraph (1) were omitted and for paragraph (7)(b) there were substituted—

“(b) the time during which that person is required to drive on roads is not less than 60 minutes”.

Exemption from theory test **E+W+S**

42.—(1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category A if—

- (a) he has, on or after 1st July 1996, passed the test prescribed in respect of category P and holds a full licence authorising the driving of a class of vehicles in that category; or
- (b) he holds a full licence authorising the driving of motor vehicles either of another class included in category A or of a class included in category B; or

- (c) he has passed a Northern Ireland test of competence corresponding to the test mentioned in sub-paragraph (a), or is the holder of a Northern Ireland licence corresponding to a licence mentioned in sub-paragraph (b); or
 - (d) he has passed a test for a licence authorising the driving of motor vehicles either of another class included in category A or of a class included in category B and is in either case a full-time member of the armed forces of the Crown.
- (2) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category B if—
- (a) he has, on or after 1st July 1996, passed the test prescribed in respect of category P and holds a full licence authorising the driving of a class of vehicles in that category; or
 - (b) he holds a full licence authorising the driving of motor vehicles either of another class included in category B or of a class included in category A; or
 - (c) he has passed a Northern Ireland test of competence corresponding to the test mentioned in sub-paragraph (a) or is the holder of a Northern Ireland licence corresponding to the licence mentioned in sub-paragraph (b); or
 - (d) he has passed a test for a licence authorising the driving of motor vehicles either of another class included in category B or of a class included in category A and is in either case a full-time member of the armed forces of the Crown.
- (3) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category C if—
- (a) he holds a full licence authorising the driving of motor vehicles of another class included in category C, other than a licence authorising the driving only of vehicles of a class included in sub-category C1 which was in force at a time before 1st January 1997, or a Northern Ireland licence corresponding to such a licence; or
 - (b) on or after 1st January 1997, he has passed a test for a licence authorising the driving of motor vehicles of another class included in category C and is a full-time member of the armed forces of the Crown.
- (4) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category D if—
- (a) he holds a full licence authorising the driving of motor vehicles of another class included in category D other than—
 - (i) vehicles of a class included in sub-category D1 (not for hire or reward), and
 - (ii) vehicles in category D which are driven otherwise than for hire or reward;or a Northern Ireland licence corresponding to such a licence; or
 - (b) on or after 1st January 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category D and is a full-time member of the armed forces of the Crown.
- (5) Where a person is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test, he shall not be exempt from the requirement to pass a theory test in respect of any class of motor vehicle by virtue of the foregoing provisions of this regulation until the disqualification is deemed to have expired in relation to that class.
- (6) Where the Secretary of State has revoked a person's licence or test pass certificate under section 3(2) of, or Schedule 1 to, the Road Traffic (New Drivers) Act 1995 he shall not be exempt from the requirement to pass a theory test in respect of any class of motor vehicle by virtue of the foregoing provisions of this regulation until the day following the date on which he passes a relevant driving test within the meaning of section 4(2) of, or paragraph 6 or 9 of Schedule 1 to, that Act.

*Entitlements upon passing test***Entitlement upon passing a test other than an appropriate driving test** **E+W+S**

43.—(1) Where a person passes a test other than an appropriate driving test prescribed in respect of any category for a licence which (by virtue of regulation 37) authorises the driving of motor vehicles included in that category or in a sub-category thereof, or has passed a Northern Ireland test of competence corresponding to that test, the Secretary of State shall grant to him a licence in accordance with paragraphs (2), (3) and (4).

(2) Subject to regulation 44, the licence shall authorise the driving of all classes of motor vehicle included in that category or sub-category unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the test or, as the case may be, the practical test, is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case it shall authorise the driving only of 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).

(3) The licence shall in addition authorise the driving of all classes of motor vehicle included in a category or sub-category which is specified in column (3) of Schedule 2 as an additional category or sub-category in relation to a category or sub-category specified in column (1) of that Schedule unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall (subject to paragraph (4)) authorise the driving only of such classes of vehicle included in the additional category or sub-category as have automatic transmission;
- (b) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test in which case it shall authorise the driving only of such classes of vehicle included in the additional category or sub-category as are so adapted.

(4) Where the additional category is F, K or P, paragraph (3)(a) shall not apply.

Entitlement upon passing a test other than an appropriate driving test: category A **E+W+S**

44.—(1) This regulation applies where a person has passed a test (or a Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of motor bicycles of any class other than a class included in sub-category A1.

(2) Where this regulation applies the Secretary of State shall grant to the person who passed the test—

- (a) in a case where he has passed the practical test (or the Northern Ireland test of competence corresponding to the practical test) on a motor bicycle without a side-car, the engine of which has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor vehicle included in category A;
- (b) subject to paragraph (3), in a case where the practical test (or the Northern Ireland test of competence corresponding to the practical test) was passed on any other motor bicycle without a side-car, a licence authorising him to drive standard motor bicycles;

- (c) in a case where he has passed the practical test (or the Northern Ireland test of competence corresponding to the practical test) on a motor bicycle and side-car combination and the engine of the bicycle has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor bicycle and side-car combinations included in category A;
 - (d) subject to paragraph (4), in a case where the practical test (or the Northern Ireland test of competence corresponding to the practical test) was passed on a motor bicycle and a side-car combination the power to weight ratio of which does not exceed 0.16 kw/kg. but which does not fall within paragraph (c), a licence authorising him to drive standard motor bicycles and side-car combinations.
- (3) A licence granted to a person by virtue of paragraph (2)(b) shall authorise him to drive all classes of motor vehicle included in category A upon the expiration of the standard access period.
- (4) A licence granted to a person by virtue of paragraph (2)(d) shall authorise him to drive all classes of motor bicycle and side-car combinations included in category A upon the expiration of the standard access period.

Upgrading of entitlements by virtue of passing second test **E+W+S**

45.—(1) A person who has passed tests for a licence authorising the driving of motor vehicles included in—

- (a) category D or sub-category D1 as specified in column (1) of Table A in Schedule 9, and
- (b) category C+E or sub-category C1+E as respectively specified at the top of columns (2) and (3) of Table A,

is deemed, subject to the following paragraphs of this regulation, competent to drive (in addition to the classes of motor vehicle in respect of which the tests were passed) vehicles included in the category or sub-category shown in column (2) or (3) of Table A in relation to the relevant test pass in column (1).

(2) Where, in a case to which paragraph (1) applies, each practical test is passed on a vehicle having automatic transmission the person passing the tests is deemed competent to drive only such classes of vehicle in the upgrade category as have automatic transmission.

(3) A person who has passed a test for a licence authorising the driving of—

- (a) motor vehicles included in a category or sub-category specified in column (A) of Table B in Schedule 9 which have automatic transmission, and
- (b) motor vehicles included in a category or sub-category specified at the head of one of the columns in that table numbered (1) to (8) which have manual transmission,

is, subject to the following paragraphs of this regulation, deemed competent to drive in addition to the classes of vehicle in respect of which the tests were passed all vehicles included in the category or sub-category shown in the relevant numbered column of Table B in relation to the relevant test pass mentioned in column (A).

(4) Where a person has passed tests for a licence authorising the driving of—

- (a) motor vehicles in category D not more than 5.5 metres in length having automatic transmission, and
- (b) motor vehicles in category C, other than vehicles in sub-category C1, having manual transmission,

he is deemed competent to drive vehicles in category D not more than 5.5 metres in length which have manual transmission.

(5) In the case of a person who holds a licence which, by virtue of regulation 76 (notwithstanding that he may not have passed a test authorising the driving of such vehicles), authorises the driving of

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a class of vehicles in category D when used under a section 19 permit or (if not so used) are driven otherwise than for hire or reward, Tables A and B shall be read as if—

- (a) for “D” there were substituted “vehicles in category D, driven otherwise than for hire or reward”, and
- (b) for “D+E” there were substituted “vehicles in category D+E driven otherwise than for hire or reward”.

(6) In the case of a person who has passed a test for a licence authorising the driving only of those classes of vehicle in category C+E which are drawbar trailer combinations, paragraphs (1), (2) and (3) and Tables A and B in Schedule 9 shall apply as if he had passed a test for a licence authorising only the driving of the corresponding classes of vehicle in category C.

(7) Where, in Table B, the upgrade category is qualified by the expression “(a)”, the person is deemed competent to drive only such classes of vehicle therein as have automatic transmission.

(8) Where a person has passed a test prescribed in respect of category B+E which authorises the driving only of classes of vehicle having automatic transmission and a test prescribed in respect of any class of vehicle in category C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B+E with manual transmission.

(9) Where a person, who is the holder of a licence which authorises the driving of motor vehicles included in categories B and B+E and sub-categories C1, C1+E (8.25 tonnes), D1 (not for hire or reward) and D1+E (not for hire or reward) which have automatic transmission, passes a test prescribed in respect of category B, B+E, C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B+E and in sub-categories C1, C1+E (8.25 tonnes), D1 (not for hire or reward) and D1+E (not for hire or reward) which have manual transmission.

(10) Where a person has passed tests for a licence authorising the driving of—

- (a) motor vehicles included in category B, other than vehicles included in sub-categories B1 and B1 (invalid carriages), having automatic transmission, and
- (b) motor vehicles included in category B+E, C or D having manual transmission,

he is deemed competent to drive vehicles in category B which have manual transmission.

(11) In this regulation—

- (a) “upgrade category” means the additional category or sub-category which the person passing the tests (or holding the licence and passing the test) is deemed competent to drive by virtue of the relevant provision of this regulation, and
- (b) a reference to a test or a practical test includes, as the case may be, a reference to a Northern Ireland test of competence or a Northern Ireland practical test corresponding thereto.

Entitlement upon passing an appropriate driving test **E+W+S**

46.—(1) Where a person—

- (a) is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test, and
- (b) passes the appropriate driving test for a licence authorising the driving of a class of motor vehicles included in any category or sub-category,

the disqualification shall, subject to paragraph (8), be deemed to have expired in relation to that class and such other classes of motor vehicle as are specified in paragraphs (2), (3), (4), (5) and (6).

(2) Subject to paragraph (4), the disqualification shall be deemed to have expired in relation to all classes of vehicle included in the category or sub-category referred to in paragraph (1)(b) unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that category or sub-category as have automatic transmission;
 - (b) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor 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).
- (3) The disqualification shall be deemed to have expired in relation to all classes of vehicle included in any other category which is specified in column (3) of Schedule 2 as being an additional category or sub-category in relation to that category or sub-category unless—
- (a) subject to paragraph (5), the test or, as the case may be, the practical test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as have automatic transmission;
 - (b) the test or, as the case may be, the practical test, is passed on a vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as are so adapted.
- (4) Where, at the date on which a person is disqualified—
- (a) he holds a licence which was granted pursuant to regulation 44(2)(b) or (d), and
 - (b) the standard access period has not expired,
- the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired—
- (i) in a case to which regulation 44(2)(b) applies, in relation to large motor bicycles, or
 - (ii) in a case to which regulation 44(2)(d) applies, in relation to large motor bicycle and side-car combinations,
- until the standard access period has expired.
- (5) Paragraph (3)(a) shall not apply where the additional category is F, G, H, K, L or P.
- (6) Where the person who is disqualified passes the practical test on a vehicle of a class included in category A, other than sub-category A1, the disqualification shall be deemed to have expired additionally in relation to all classes of vehicle included in—
- (a) categories B, B+E, C, C+E, D and D+E, unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in those categories as have automatic transmission;
 - (b) categories F, G, H and L.
- (7) Where the person who is disqualified passes the practical test on a vehicle of a class included in category B, other than a vehicle included in sub-category B1, the disqualification shall be deemed to have expired additionally in relation to all classes of vehicle included in—
- (a) categories A, B+E, C, C+E, D and D+E, unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in those categories as have automatic transmission;
 - (b) categories G, H and L.

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(8) Where a person is, pursuant to regulation 56, disqualified by the Secretary of State until he passes a driving test prescribed in respect of a class of large goods or passenger-carrying vehicle, the disqualification shall not be deemed to have expired in relation to any class of large goods or passenger-carrying vehicle until he passes that test.

Test results

Evidence of result of theory test **E+W+S**

47.—(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 to be marked—

- (a) in the case of a test conducted before 4th January 2000 in respect of which no request has been made for the theory test pass certificate or failure statement to be furnished on the day of the test, as soon as practicable after completion of the test, and
- (b) in any other case, on the day of the test.

(2) A person conducting the theory test shall, upon completion of the marking of the test, furnish—

- (a) a person who passes the test with a theory test pass certificate in the form set out in Part 1 of Schedule 10;
- (b) a person who fails to pass the test with a failure statement in the form set out in Part 2 of Schedule 10.

(3) Where a person who has conducted a theory test is satisfied that a theory test pass certificate or a failure statement has been furnished in error to a person who took a theory test, he shall, upon receipt of that document from the person who took the test and subject to paragraph (4), furnish that person with a correct certificate or statement, as the case may be.

(4) Where the person who took the test alleges that a failure statement has been furnished in error returns the statement not later than 14 days after it is furnished to him to the person who conducted the test with a request in writing that the test be remarked, the person who conducted the test shall comply with that request for the purpose of ascertaining whether an error has been made but subject thereto he shall not be obliged to remark any test.

(5) A theory test pass certificate furnished in error, or with an error in the particulars required to be specified in it, may not be presented, in support of an application for a licence, as evidence that a person has passed the test mentioned in such certificate.

(6) A theory test pass certificate shall be valid for the purposes of regulation 38(4) for a period commencing on the date on which the test was taken and ending—

- (a) two years later, or
- (b) on the date on which the person to whom the certificate was given is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test,

whichever is the earlier.

(7) A theory test pass certificate is not valid for the purposes of regulation 38(4) 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.

(8) A person authorised to conduct theory tests by virtue of paragraphs (b), (c), (d) or (e) of regulation 23(1) or regulation 23(2)(b) shall issue theory test pass certificates using forms supplied by the Secretary of State who may make a charge of £5 per form.

Evidence of the result of practical or unitary test **E+W+S**

48.—(1) A person conducting a practical or unitary test shall upon completion of the test furnish—

- (a) a person who passes the test with a test pass certificate in the form set out in Part 1 of Schedule 11;
- (b) a person who fails to pass the test with a statement in the form set out in Part 2 of Schedule 11.

(2) A test pass certificate is invalid if—

- (a) the person to whom it is issued is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take the practical test to which the certificate relates;
- (b) at the time when it is issued, the theory test pass certificate produced to the person conducting the test in accordance with regulation 38(4) is invalid by virtue of regulation 47(7).

(3) A person authorised to conduct practical or unitary tests by virtue of sub-paragraphs (b), (c), (d), (e) or (f) of regulation 24(1) or regulation 24(2)(b) shall issue test pass certificates using the forms supplied by the Secretary of State who may make a charge—

- (a) in the case of forms supplied to a person authorised under regulation 24(1)(b) or (2)(b), of £2.43 per form, and
- (b) in the case of forms supplied to any other person, of £15 per form.

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