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## STATUTORY INSTRUMENTS

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# 1999 No. 2864

## The Motor Vehicles (Driving Licences) Regulations 1999

### PART III

#### TESTS OF COMPETENCE TO DRIVE

##### *Preliminary*

#### **Interpretation of Part III**

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;

[<sup>F1</sup>“appointed person” means—

- (a) in the case of a safe road use test, a person appointed by the Secretary of State to conduct such a test under paragraph (1)(a) of regulation 22A; <sup>F2</sup>...
- (b) in the case of a theory test, a person appointed by the Secretary of State to conduct such a test under paragraph (1)(a)(ii) or (2)(a) of regulation 23; [<sup>F3</sup>and]
- (c) [<sup>F4</sup>in the case of a large vehicle off road manoeuvres test, a large vehicle off road manoeuvres test examiner;]

[<sup>F5</sup>“the CPC subjects” means the list of subjects set out in section 1 of Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15 July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC in so far as these subjects are not already covered by the matters specified in regulation 40C(5) in respect of a vehicle of the relevant class][<sup>F6</sup>, reading point 2.1 of section 1 of Annex 1 as if the references to Regulations (EEC) No 3820/85 and (EEC) No 3821/85 were references to Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport and to Regulation (EU) No 165/2014 on tachographs in road transport;]

“[<sup>F7</sup>DVSA examiner]” means a person appointed by the Secretary of State to conduct [<sup>F8</sup>manoeuvres tests, [<sup>F9</sup>large vehicle off road manoeuvres tests,] practical tests] or unitary tests under paragraph (1)(a) or (2)(a) of regulation 24;

[<sup>F10</sup>“educational qualification” means—

- (a) a qualification awarded by the Scottish Qualifications Authority pursuant to section 2(1) of the Education (Scotland) Act 1996;
- (b) a qualification accredited by the Scottish Qualifications Authority pursuant to section 3(1) of the Education (Scotland) Act 1996;
- (c) <sup>F11</sup>...

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- (d) <sup>F11</sup> ...
- (e) a qualification which has been awarded or authenticated by an awarding body recognised for either of those purposes by the Office of Qualifications and Examinations Regulation (“Ofqual”) under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 and, where that qualification is subject to the accreditation requirement under section 138 of that Act, which has been accredited by Ofqual under section 139 of that Act; or
- (f) [<sup>F12</sup>[<sup>F13</sup>a qualification which has been awarded by a body in respect of the award of which it is recognised by Qualifications Wales under Part 3 of the Qualifications Wales Act 2015;]]

“excepted matters” means the matters falling within Schedule 7, Part 2, section B paragraph 2, section C paragraph 3, section D paragraph 2, section E and section F paragraphs 1 and 3;]

“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 [<sup>F14</sup>AM or A], including an establishment which provides tuition to prepare persons for the theory test;

[<sup>F15</sup>“motor car instructor” means a person operating an establishment for providing instruction in the driving of vehicles included in category B, including an establishment which provides tuition to prepare persons for the theory test;]

[<sup>F16</sup>“qualification award certificate” means a certificate which certifies that the person to whom it has been issued has been awarded the Safe Road User Award;

“relevant awarding authority” means a body which awards or authenticates relevant qualifications;

“relevant qualification” means an educational qualification in respect of which a safe road use test must be passed before the qualification can be awarded;

“relevant qualification certificate” means a certificate issued by a relevant awarding authority which certifies that the person to whom it has been issued has been awarded a relevant qualification;

“safe road use test” means an examination the content of which is set out in regulation 40B(ZA1);

“Safe Road User Award” means the qualification of that name which is awarded by the Scottish Qualifications Authority before 1st May 2010;]

<sup>F17</sup> ...

“working day” means [<sup>F18</sup>(other than in regulation 35)] a day other than a <sup>F19</sup>... 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 [<sup>F20</sup>the Banking and Financial Dealings Act 1971]<sup>F21</sup>).

#### Textual Amendments

**F1** Words in reg. 22 substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **6(a)**

**F2** Word in reg. 22 omitted (15.11.2021 at 1.00 a.m.) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **4(a)(i)**

- F3** Word in reg. 22 inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **4(a)(ii)**
- F4** Words in reg. 22 inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **4(a)(iii)**
- F5** Words in reg. 22 inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **4(a)** (with reg. 22)
- F6** Words in reg. 22 inserted (22.12.2018) by The Driving Licences (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1251), regs. 1(3), **6(6)**
- F7** Words in reg. 22 substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **6(2)**
- F8** Words in reg. 22 substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **5** (with reg. 33)
- F9** Words in reg. 22 inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **4(b)**
- F10** Words in reg. 22 inserted (1.5.2010) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203), regs. 1(2), **6(b)**
- F11** Words in reg. 22 omitted (1.4.2017) by virtue of The Qualifications Wales Act 2015 (Consequential Provision) Order 2017 (S.I. 2017/121), arts. 1, **2(2)**
- F12** Words in reg. 22 omitted (1.4.2017 for specified purposes) by virtue of The Qualifications Wales Act 2015 (Consequential Provision) Order 2017 (S.I. 2017/121), arts. 1, **2(3)**
- F13** Words in reg. 22 substituted (1.5.2016) by The Qualifications Wales Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/236), regs. 1, **7**
- F14** Words in reg. 22 substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 14(a)**
- F15** Words in reg. 22 inserted (1.4.2006) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2006 (S.I. 2006/524), regs. 1(2), **4**
- F16** Words in reg. 22 inserted (1.5.2010) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203), regs. 1(2), **6(c)**
- F17** Words in reg. 22 omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 14(b)**
- F18** Words in reg. 22 inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **4(b)** (with reg. 22)
- F19** Word in reg. 22 omitted (1.11.2005) by virtue of The Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2005 (S.I. 2005/2717), regs. 1, **4**
- F20** Words in reg. 22 substituted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **4(b)** (with reg. 22)
- F21** 1971 c. 80.

## **[<sup>F22</sup>Persons by whom safe road use test may be conducted**

**22A.**—(1) Subject to the provisions of this regulation, a safe road use test may only be conducted by—

- (a) a person (including a relevant awarding authority) appointed in writing for that purpose by the Secretary of State; or
- (b) a person or class of persons appointed by a relevant awarding authority for the purpose of testing persons taking a safe road use test as part of a relevant qualification.

(2) No relevant awarding authority shall be eligible to appoint any person or class of persons under paragraph (1)(b) unless, following an application made to the Secretary of State for the purpose of that paragraph, the Secretary of State is satisfied in relation to such an appointment that—

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- (a) proper arrangements will be made by the authority for the conduct of the test in accordance with these Regulations; and
  - (b) proper records of the tests and the results of the tests will be kept by the authority, and has granted approval in writing to the authority making the appointments, the approval to be subject to such conditions as the Secretary of State thinks fit to impose.
- (3) An appointment made under paragraph (1)(a) 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.
- (4) The Secretary of State may vary any conditions imposed under paragraphs (2) or (3) by notice in writing given to the appointed person or to the relevant awarding authority in the case of an approval granted under paragraph (2).
- (5) No person, or member of a class of persons appointed by virtue of paragraph (1)(b), may conduct tests unless the Secretary of State has approved the appointments in writing and such approval shall be granted only if the Secretary of State is satisfied that that person is, or the members of that class of persons are, capable of making a proper assessment of a candidate’s knowledge of the matters in Schedule 7 Part 2 other than the excepted matters.

**22B.**—(1) The Secretary of State shall, on request, supply (by electronic or other means) a test set to any relevant awarding authority.

(2) In this regulation, a “test set” means a set of the information and materials necessary for the conduct of the safe road use test, for each person taking the test.]

**Textual Amendments**

**F22** Regs. 22A-22B inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), 7

*Appointment of persons to conduct tests*

**Persons by whom theory tests may be conducted**

**23.**—(1) [<sup>F23</sup>Subject to paragraph (8A).] 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;
- [<sup>F24</sup>(c) a person appointed by a chief officer of police, for the purpose of testing—
  - (i) members of a police force, and
  - (ii) persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;]

[<sup>F25</sup>(d) .....

[<sup>F26</sup>(da) in England, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]

- [<sup>F27</sup>(da) in England or Wales, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]
- [<sup>F28</sup>(db) in Scotland, a person appointed by [<sup>F29</sup>any relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))][<sup>F29</sup>the Scottish Fire and Rescue Service] for the purpose of testing employees of [<sup>F30</sup>any relevant authority][<sup>F30</sup>that Service];]
- [<sup>F31</sup>(dc) in England or Wales, a person appointed by any ambulance service NHS trust, or ambulance service NHS foundation trust, for the purpose of testing employees of any of those trusts;
- (dd) in Scotland, a person appointed by the Scottish Ambulance Service Board, for the purpose of testing employees of that Board;
- (de) a person who, or a member of a class of persons which—
- (i) has been appointed to conduct theory tests under sub-paragraph (b) of paragraph (1), and
  - (ii) has the prior written approval of the Secretary of State for the purpose of testing employees of one or more emergency services;
- (df) a person who—
- (i) is appointed to conduct theory tests under any one of sub-paragraphs (c) to (dd) of paragraph (1), and
  - (ii) has the prior written approval of the Secretary of State for the purpose of testing either or both—
- (aa) defence personnel;
  - (bb) employees of one or more other emergency services;]
- (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<sup>F32</sup>, or
- (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 goods vehicle operator's licence,
- for the purpose of conducting, in respect of eligible candidates, theory tests in respect of any class of goods vehicles.]
- [<sup>F33</sup>(1A) The Secretary of State may grant approval under paragraph (1)(de)(ii) or (df)(ii) subject to such conditions as the Secretary of State thinks fit and may vary any such conditions by notice in writing given to the person to whom the approval was granted.]
- (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 [<sup>F34</sup>sub-paragraphs (b), (c), (da), (db), [<sup>F35</sup>(dc), (dd),] (e) or (f) of

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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.

[<sup>F36</sup>(3A) The Secretary of State may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.]

(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 [<sup>F37</sup>sub-paragraphs (b), (c), (da), (db), [<sup>F38</sup>(dc), (dd),] (e) or (f) of paragraph (1)] or under paragraph (2)(b) unless the person making the appointment has appointed a person or class of persons to conduct [<sup>F39</sup>manoeuvres tests or] 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 [<sup>F40</sup>sub-paragraphs (b), (c), (da), (db), [<sup>F41</sup>(dc), (dd),] (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 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.

[<sup>F42</sup>(8A) The following persons may not conduct a theory test within the meaning of regulation 3A(1)(ab)—

- (a) a person appointed under paragraph (1)(da), (db), (dc), (dd), (e) or (f);
- (b) a person to whom paragraph 1(df) applies on grounds that included prior appointment under paragraph 1(da) to (dd).]

(9) In this regulation and regulation 24—

[<sup>F43</sup>“ambulance service NHS trust” or “ambulance service NHS foundation trust” means—

- (i) in England, a National Health Service trust or NHS foundation trust established under the National Health Service Act 2006 which has a function of providing ambulance services;
- (ii) in Wales, a National Health Service trust established under the National Health Service (Wales) Act 2006 which has a function of providing ambulance services;]

<sup>F44</sup>“chief officer of police”, “police area” and “police authority” have [<sup>F45</sup>in relation to England and Wales] the meanings given in section 101(1) of the Police Act 1996 ;

“company” includes a body corporate;

[<sup>F46</sup>“defence personnel” means members of the armed forces of the Crown and persons in the public service of the Crown under the department of the Secretary of State for Defence;]

“eligible candidate” means—

- (i) [<sup>F47</sup>a person who is employed as a driver by the company which holds the PSV licence where paragraph (1)(e) applies, or the goods vehicle operator’s licence where paragraph (1)(f) applies, or by a sister company of that company which holds a licence of the same description, or;]
- (ii) a person whom any such company as is mentioned in sub-paragraph (i) proposes to employ as a driver;

[<sup>F48</sup>“eligible person” means a person employed by the company which holds the PSV licence where paragraph (1)(e) applies, or the goods vehicle operator’s licence where paragraph (1)(f) applies, or by a sister company of that company which holds a licence of the same description, or;]

[<sup>F49</sup>“emergency services” means—

- (i) a police force, and a reference to employees of a police force includes a reference to members of the force and persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;
- (ii) a fire and rescue authority;
- (iii) the Scottish Fire and Rescue Service;
- (iv) an ambulance service NHS Trust or ambulance service NHS Foundation Trust;
- (v) the Scottish Ambulance Service Board;]

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 <sup>MI</sup>Companies Act 1985 .

[<sup>F50</sup>“goods vehicle operator’s licence” means the holder of an operator’s licence within the meaning of section 58(1) of the Goods Vehicles (Licensing of Operators) Act 1995.]

#### Textual Amendments

- F23** Words in reg. 23(1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **8(a)**
- F24** Reg. 23(1)(c) substituted (16.1.2012) by [The Local Policing Bodies \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/3058\)](#), regs. 1(2), **16(2)**
- F25** Reg. 23(1)(d) omitted (1.4.2008) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **3(a)**
- F26** Reg. 23(1)(da) inserted (E.) (30.12.2004) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(England\) Order 2004 \(S.I. 2004/3168\)](#), arts. 1(1), **51(2)(b)**
- F27** Reg. 23(1)(da) inserted (W.) (25.10.2005) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(Wales\) Order 2005 \(S.I. 2005/2929\)](#), arts. 1(1), **51(2)(b)**
- F28** Reg. 23(1)(db) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) \(No. 2\) Order 2005 \(S.S.I. 2005/344\)](#), art. 1, **Sch. 1 para. 24(2)(b)**; S.S.I. 2005/392, arts. 1, 2
- F29** Words in reg. 23(1)(db) substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 18(2)(a)**
- F30** Words in reg. 23(1)(db) substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 18(2)(b)**
- F31** Regs. 23(1)(dc)-(df) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **4(a)**

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- F32** Reg. 23(1)(f) and word inserted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **3(a)**
- F33** Reg. 23(1A) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(b)**
- F34** Words in reg. 23(3) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **3(b)**
- F35** Words in reg. 23(3) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(c)**
- F36** Reg. 23(3A) inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **5** (with reg. 22)
- F37** Words in reg. 23(5) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **3(c)**
- F38** Words in reg. 23(5) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(c)**
- F39** Words in reg. 23(5) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **6** (with reg. 33)
- F40** Words in reg. 23(8) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **3(b)**
- F41** Words in reg. 23(8) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(c)**
- F42** Reg. 23(8A) substituted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(d)**
- F43** Words in reg. 23(9) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(e)(i)**
- F44** 1996 c. 16.
- F45** Words in reg. 23(9) inserted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 79**
- F46** Words in reg. 23(9) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(e)(ii)**
- F47** Words in reg. 23(9) substituted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **3(b)(i)**
- F48** Words in reg. 23(9) substituted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **3(b)(ii)**
- F49** Words in reg. 23(9) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **4(e)(iii)**
- F50** Words in reg. 23(9) inserted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **3(b)(iii)**

#### Modifications etc. (not altering text)

- C1** Reg. 23 applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 43(2)**

#### Marginal Citations

- M1** 1985 c. 6. Section 736 was substituted by the Companies Act 1989, section 144(1).

[<sup>F51</sup>23A.—(1) The Secretary of State shall, on request, supply (by electronic or other means) a test set to any person who has appointed another person or class of persons to conduct theory tests under sub-paragraph (b), (c), (da), (db), [<sup>F52</sup>(dc), (dd),] (e) or (f) of regulation 23(1) or under regulation 23(2)(b).

[<sup>F53</sup>(2) For each test set supplied under paragraph (1) in respect of a test which—



- (a) is of the type specified in column (2) of an item in the table;  
 (b) relates to a vehicle falling within a category specified in column (3); and  
 (c) is to be conducted at a time specified in column (4),  
 the Secretary of State may make a charge of the amount specified in column (5).

Table

(1) Item	(2) Type of test	(3) Vehicle category	(4) Time	(5) Charge £
1.	Any test	AM, A or B	Before 1st October 2014	18.50
2.	Any test	AM, A or B	On or after 1st October 2014	15
3.	Large vehicle test of driving theory	C or D	Before 1st October 2014	20
4.	Large vehicle test of driving theory	C or D	On or after 1st October 2014	12
5.	Large vehicle test of hazard perception	C or D	Any time	9]

(3) The charge referred to in paragraph (2) is payable by the person who has appointed a person or class of persons to conduct the theory test for which a test set has been supplied.

(4) In this regulation, a “test set” means—

- (a) in respect of [<sup>F54</sup>a test falling within item 1 or 2 of the table in paragraph (2)], a set of [<sup>F55</sup>the information and materials necessary for the conduct of that test, including the film clips] as described in regulation 40B, for each person taking the test; and
- (b) in respect of [<sup>F56</sup>a test falling within item 3, 4 or 5 of the table in paragraph (2)], a set of theory test questions, in the case of the large vehicle test of driving theory or a set of film clips, in the case of the large vehicle test of hazard perception, the set of questions or clips each being as described in regulation 40B, for each person taking the test.]

#### Textual Amendments

- F51** Reg. 23A inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **6** (with reg. 22)
- F52** Words in reg. 23A(1) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **5**
- F53** Reg. 23A(2) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(2)(a)**
- F54** Words in reg. 23A(4)(a) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(2)(b)(i)**
- F55** Words in reg. 23A(4)(a) substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **9**
- F56** Words in reg. 23A(4)(b) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(2)(b)(ii)**

*Status: Point in time view as at 15/11/2021.*

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

**[<sup>F57</sup>Persons by whom manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests may be conducted]**

24.—(1) A [<sup>F58</sup>manoeuvres test, large vehicle off road manoeuvres test, practical test] or unitary test other than a test conducted in the circumstances specified in paragraph (2) [<sup>F59</sup>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) <sup>F60</sup> ... <sup>F61</sup> ... <sup>F60</sup> ... <sup>F62</sup> ...

[<sup>F63</sup>(ca) in England, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]

[<sup>F64</sup>(ca) in England or Wales, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]

[<sup>F65</sup>(cb) in Scotland, a person appointed by [<sup>F66</sup>any relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))] [<sup>F66</sup>the Scottish Fire and Rescue Service] for the purpose of testing employees of [<sup>F67</sup>any relevant authority][<sup>F67</sup>that Service];]

[<sup>F68</sup>(cc) in England or Wales, a person appointed by any ambulance service NHS trust, or ambulance service NHS foundation trust, for the purpose of testing employees of any of those trusts;

(cd) in Scotland, a person appointed by the Scottish Ambulance Service Board for the purpose of testing employees of that Board;

- (ce) a person who, or a member of a class of persons which, —
  - (i) has been appointed to conduct manoeuvres, practical or unitary tests under sub paragraph (b) of paragraph (1), and
  - (ii) has the prior written approval of the Secretary of State for the purpose of testing employees of one or more emergency services;

- (cf) a person who—
  - (i) is appointed to conduct manoeuvres, practical or unitary tests under any one of sub paragraphs (ca) to (cd) or (d) of paragraph (1), and
  - (ii) has the prior written approval of the Secretary of State for the purpose of testing either or both—
    - (aa) defence personnel;
    - (bb) employees of one or more other emergency services;]

[<sup>F69</sup>(d) a person appointed by a chief officer of police, for the purpose of testing—

- (i) members of a police force, and,
- (ii) persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;]

<sup>F70</sup>(e) .....

- (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 [<sup>F71</sup>, or

- (g) an eligible person appointed by a company which—
  - (i) has been approved by the Secretary of State, and
  - (ii) is the holder of a goods vehicle operator’s licence,

for the purpose of conducting, in respect of eligible candidates, practical tests in respect of any class of goods vehicles.]

[<sup>F72</sup>(1ZA) A large vehicle off road manoeuvres test other than a large vehicle off road manoeuvres test conducted in the circumstances specified in paragraph (2) or (2A) may, subject to the following provisions of this regulation, be conducted by—

- (a) a person appointed by a body which has been approved by the Secretary of State for the purpose of conducting large vehicle off road manoeuvres tests, and
- (b) such person must also be approved in writing by the Secretary of State for the purpose of testing a class of persons specified in the instrument of appointment, and such appointment—
  - (i) 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
  - (ii) where a person so approved breaks such a condition, the Secretary of State may approve another person to carry out large vehicle off road manoeuvres tests in substitution for that person notwithstanding that the first approval has not been revoked.]

[<sup>F73</sup>(1) The Secretary of State must ensure that persons appointed as examiners for the purposes of paragraph (1)—

- (a) who were appointed on or after 19th January 2013 meet and maintain the minimum standards set out in paragraphs 1, 2.1 and 2.2 of Annex IV, and
- (b) who were appointed before 19th January 2013 meet the quality assurance and regular periodic training arrangements in place in accordance with paragraph 4 of Annex IV.

(1B) The Secretary of State must establish arrangements for authorising an examiner to conduct driving tests and ensure that such arrangements are in compliance with paragraphs 2.3, 3 and 5.1 of Annex IV.

(1C) The Secretary of State must ensure that there are in place quality assurance and regular periodic training arrangements of driving examiners in accordance with paragraph 4 of Annex IV.

(1D) In this regulation, “Annex IV” means Annex IV of [Directive 2006/126/EC](#) of the European Parliament and of the Council on driving licences [<sup>F74</sup>reading that Annex as if—

- (a) in the fifth indent of point 1.3, “EU and” was omitted, and
- (b) references to “Member States” or “Member State” were references to the Secretary of State.]]

[<sup>F75</sup>(1E) The Secretary of State may grant approval under paragraph (1)(ce)(ii) or (cf)(ii) subject to such conditions as the Secretary of State thinks fit, and may vary any such conditions by notice in writing given to the person to whom the approval was granted.]

(2) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a [<sup>F76</sup>manoeuvres test, large vehicle off road manoeuvres test, practical test] or unitary test shall be conducted by—

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

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- (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.

[<sup>F77</sup>(2A) [<sup>F78</sup>A [<sup>F79</sup>manoeuvres test, a large vehicle off road manoeuvres test or 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 [<sup>F80</sup>manoeuvres tests, large vehicle off road manoeuvres tests, practical tests] or unitary tests under the provisions of [<sup>F81</sup>sub-paragraphs (b), (ca), (cb) [<sup>F82</sup>(cc), (cd)], (d), (f) or (g) of paragraph (1)][<sup>F83</sup>, paragraph (1ZA)] 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.

[<sup>F84</sup>(3A) The Secretary of State may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.]

(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 [<sup>F85</sup>sub-paragraphs (b), (ca), (cb) [<sup>F86</sup>(cc), (cd)], (d), (f) or (g) of paragraph (1)][<sup>F87</sup>, under paragraph (1ZA)] 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.

[<sup>F88</sup>(7) Each person who has appointed a person to conduct tests under sub-paragraph (ca), (cb) [<sup>F89</sup>(cc), (cd)], (d), (f) or (g) of paragraph (1) shall pay an annual charge of £950 during the currency of the appointment to the Secretary of State in accordance with paragraph (8) in respect of each person so appointed.

(8) In the case of an appointment made—

- (a) on or after 4 August 2008, the annual charge is payable on the making of the appointment and on each anniversary of the appointment; and
- (b) before 4 August 2008, the annual charge is payable on 4 August 2008 and on each anniversary of that date.]

#### Textual Amendments

**F57** Reg. 24 heading substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), 5(a)

- F58** Words in reg. 24(1) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(b)**
- F59** 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)**
- F60** Words in reg. 24(1)(c) omitted (W.) (25.10.2005) by virtue of The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 (S.I. 2005/2929), arts. 1(1), **51(3)(a)**
- F61** Words in reg. 24(1)(c) omitted (E.) (30.12.2004) by virtue of The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 (S.I. 2004/3168), arts. 1(1), **51(3)(a)**
- F62** Words in reg. 24(1)(c) omitted (S.) (2.8.2005) by virtue of The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) (No. 2) Order 2005 (S.S.I. 2005/344), art. 1, **Sch. 1 para. 24(3)(a)**; S.S.I. 2005/392, **arts. 1, 2**
- F63** Reg. 24(1)(ca) inserted (E.) (30.12.2004) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 (S.I. 2004/3168), arts. 1(1), **51(3)(b)**
- F64** Reg. 24(1)(ca) inserted (W.) (25.10.2005) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 (S.I. 2005/2929), arts. 1(1), **51(3)(b)**
- F65** Reg. 24(1)(cb) inserted (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) (No. 2) Order 2005 (S.S.I. 2005/344), art. 1, **Sch. 1 para. 24(3)(b)**; S.S.I. 2005/392, **arts. 1, 2**
- F66** Words in reg. 24(1)(cb) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 2 para. 18(3)(a)**
- F67** Words in reg. 24(1)(cb) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 2 para. 18(3)(b)**
- F68** Regs. 24(1)(cc)-(cf) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(a)**
- F69** Reg. 24(1)(d) substituted (16.1.2012) by The Local Policing Bodies (Consequential Amendments) Regulations 2011 (S.I. 2011/3058), regs. 1(2), **16(3)**
- F70** Reg. 24(1)(e) omitted (1.9.2003) by virtue of The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2003 (S.I. 2003/2003), regs. 1(1)(a), **3(3)**
- F71** Reg. 24(1)(g) and preceding word inserted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **4**
- F72** Reg. 24(1ZA) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(c)**
- F73** Reg. 24(1)-(1D) inserted (29.12.2014) by virtue of The Road Traffic Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/3190), regs. 1, **6**
- F74** Words in reg. 24(1D) inserted (31.12.2020) by The Driving Licences (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1251), regs. 1(2), **6(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F75** Reg. 24(1E) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(b)**
- F76** Words in reg. 24(2) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(d)**
- F77** 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)**
- F78** Words in reg. 24(2A) added (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **7(d)** (with reg. 33)
- F79** Words in reg. 24(2A) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(e)**
- F80** Words in reg. 24(3) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(f)(i)**
- F81** Words in reg. 24(3) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **4(a)**
- F82** Words in reg. 24(3) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(e)**

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- F83** Words in reg. 24(3) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(f)(ii)**
- F84** Reg. 24(3A) inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **7(a)** (with reg. 22)
- F85** Words in reg. 24(5) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **4(b)**
- F86** Words in reg. 24(5) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(c)**
- F87** Words in reg. 24(5) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(g)**
- F88** Reg. 24(7)(8) inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **7(b)** (with reg. 22)
- F89** Words in reg. 24(7) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(c)**

#### **Modifications etc. (not altering text)**

- C2** Reg. 24 applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 43(3)**

#### **Revocation of authority to conduct tests**

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) [<sup>F90</sup>, (1ZA)] or (2)(a), or
- (b) an approval given under regulation 23 [<sup>F91</sup>(1)(de)(ii), (1)(df)(ii),] (3) or (8) or under regulation 24 [<sup>F92</sup>(1)(ce)(ii), (1)(cf)(ii)] [<sup>F93</sup>, (1ZA)(a), (3)] (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 [<sup>F94</sup>or large vehicle off road manoeuvres tests] or, as the case may be, to appoint other persons to conduct [<sup>F95</sup>unitary tests, manoeuvres tests, [<sup>F96</sup>large vehicle off road manoeuvres tests,] practical tests] or theory tests, shall cease upon the date specified in the notice.

(2) Where a person has his appointment revoked or if an approval given in respect of him under regulation [<sup>F97</sup>23(1)(de)(ii), (1)(df)(ii), (3), 24(1)(ce)(ii), (1)(cf)(ii) [<sup>F98</sup>, 24(1ZA)] or (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.

#### **Textual Amendments**

- F90** Word in reg. 25(1)(a) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **6(a)(i)**
- F91** Words in reg. 25(1)(b) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **7(a)(i)**
- F92** Words in reg. 25(1)(b) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **7(a)(ii)**
- F93** Words in reg. 25(1)(b) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **6(a)(ii)**
- F94** Words in reg. 25(1) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **6(a)(iii)**
- F95** Words in reg. 25(1) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **8** (with reg. 33)

- F96** Words in reg. 25(1) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **6(a)(iv)**
- F97** Words in reg. 25(2) substituted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **7(b)**
- F98** Words in reg. 25(2) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **6(b)**

[<sup>F99</sup>**25A.**—(1) The Secretary of State may revoke—

- (a) an appointment made under regulation 22A(1)(a), or
- (b) an approval given under regulation 22A(2),

by notice in writing and the authority of the person whose appointment or approval is revoked to conduct safe road use tests or, as the case may be, to appoint others to do so shall cease upon the date specified in the notice.]

#### Textual Amendments

- F99** Reg. 25A inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **10**

#### [<sup>F100</sup>**Applications for safe road use tests**

**25B.**—(1) Subject to paragraph (4), a relevant awarding authority which is approved under regulation 22A(2) but which is not an appointed person may apply to an appointed person for an appointment for a safe road use test in respect of a person seeking to attain a relevant qualification (“the candidate”).

(2) An application made under paragraph (1) shall specify the date, time and location of the appointment sought and provide the name and such further details relating to—

- (i) the candidate who is to attend the appointment to take the test, and
- (ii) whether the candidate has special needs,  
as the appointed person may reasonably require.

(3) Subject to paragraph (4), upon receipt of such details the appointed person shall confirm to the relevant awarding authority the date and time of the appointment.

(4) The appointed person may refuse to accept an application from a relevant awarding authority (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 safe road use tests.

(5) Subject to paragraph (6), no application may be made for an appointment on behalf of a person who has failed to pass a safe road use test if less than three working days, commencing with the day after the first test, would expire before the day on which the subsequent test would take place.

(6) Paragraph (5) shall not apply in a case where the appointed person has given notice, prior to the first test, that an appointment for a subsequent test would be accepted without the interval referred to in that paragraph having expired.]

*Status: Point in time view as at 15/11/2021.*

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

### Textual Amendments

**F100** Reg. 25B inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **11**

### *Applications for tests*

#### **Applications for theory tests: applicants in person**

**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) <sup>F101</sup>... pay [<sup>F102</sup>the appropriate fee as 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 [<sup>F103</sup>regulation 27, 28 or 28A] 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).

### Textual Amendments

**F101** Words in reg. 26(1)(c) omitted (1.4.2006) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2006 \(S.I. 2006/524\)](#), regs. 1(2), **5(2)**

**F102** Words in reg. 26(1)(c) substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **12**

**F103** Words in reg. 26(3) substituted (1.4.2006) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2006 \(S.I. 2006/524\)](#), regs. 1(2), **5(3)**

#### **Applications for theory tests: motor bicycle instructors**

**27.**—(1) A motor bicycle instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category [<sup>F104</sup>AM or A] 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, [<sup>F105</sup>and]



<sup>F106</sup>(c) .....

(d) pay the fee (recoverable from the person nominated under paragraph (4)) specified in [<sup>F107</sup>regulation 30(3)].

(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 [<sup>F108</sup>AM or A] 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 [<sup>F109</sup>at 16.00 hours on the day which allows one clear working day to elapse between that day and] the day for which the appointment is made.

**Textual Amendments**

- F104** Words in reg. 27(1) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 16**
- F105** Word in reg. 27(1)(b) added (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **8(a)** (with reg. 22)
- F106** Reg. 27(1)(c) omitted (7.7.2008) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **8(b)** (with reg. 22)
- F107** Words in reg. 27(1)(d) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(3)**
- F108** Words in reg. 27(5) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 16**
- F109** Words in reg. 27(6) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **5**

**Applications for theory tests: large vehicle instructors**

**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

*Status: Point in time view as at 15/11/2021.*

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

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, [<sup>F110</sup>and]
- <sup>F111</sup>(c) .....
- (d) pay the fee (recoverable from the person nominated under paragraph (4)) specified in [<sup>F112</sup>regulation 30(1) or (2)].

(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—

- (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 [<sup>F113</sup>at 16.00 hours on the day which allows one clear working day to elapse between that day and] the day for which the appointment is made.

#### Textual Amendments

- F110** Word in reg. 28(1)(b) added (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **9(a)** (with reg. 22)
- F111** Reg. 28(1)(c) omitted (7.7.2008) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **9(b)** (with reg. 22)
- F112** Words in reg. 28(1)(d) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(4)**
- F113** Words in reg. 28(6) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **5**

### <sup>F114</sup>Applications for theory tests: motor car instructors

**28A.**—(1) A motor car instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category B 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 nature of the test as the appointed person may reasonably require,
- (c) pay the fee (recoverable from the person nominated under paragraph (4)) specified in <sup>F115</sup>regulation 30(3)].

(2) The appointed person may refuse to accept an application from a motor car 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 car instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the appointed person receives from the motor car 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 car 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 at 16.00 hours on the day which allows one clear working day to elapse between that day and the day for which the appointment is made.]

#### Textual Amendments

**F114** Reg. 28A inserted (1.4.2006) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2006 \(S.I. 2006/524\)](#), regs. 1(2), 6

**F115** Words in [reg. 28A\(1\)\(c\)](#) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, 2(5)

*Status: Point in time view as at 15/11/2021.*

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

### Eligibility to reapply for theory test

**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).

### [<sup>F116</sup> Fees for theory tests

**30.**—(1) The fee payable for a large vehicle test of driving theory to be conducted by an appointed person is—

- (a) £35 if the test is to be conducted before 1st October 2014;
- (b) £28 if the test is to be conducted during the period beginning with 1st October 2014 and ending on 30th September 2015;
- (c) £26 if the test is to be conducted on or after 1st October 2015.

(2) The fee payable for a large vehicle test of hazard perception to be conducted by an appointed person is—

- (a) £15 if the test is to be conducted before 1st October 2014;
- (b) £12 if the test is to be conducted during the period beginning with 1st October 2014 and ending on 30th September 2015;
- (c) £11 if the test is to be conducted on or after 1st October 2015.

(3) Subject to paragraph (4), the fee payable for a theory test to be conducted by an appointed person in respect of a motor vehicle in category AM, A or B is—

- (a) £31 if the test is to be conducted before 1st October 2014;
- (b) £25 if the test is to be conducted during the period beginning with 1st October 2014 and ending on 30th September 2015;
- (c) £23 if the test is to be conducted on or after 1st October 2015.

(4) The fee payable for a theory test within the meaning of regulation 3A(1)(ab) is—

- (a) £24 if the test is to be conducted before 1st October 2014;
- (b) £19 if the test is to be conducted during the period beginning with 1st October 2014 and ending on 30th September 2015;
- (c) £18 if the test is to be conducted on or after 1st October 2015.]

#### Textual Amendments

**F116** Reg. 30 substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(6)**

**[<sup>F117</sup>Applications for manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests: applicants in person]**

**31.**—(1) An applicant in person wishing to take a [<sup>F118</sup>manoeuvres test, [<sup>F119</sup>large vehicle off road manoeuvres test,] practical test] or unitary test to be conducted by a [<sup>F120</sup>DVSA 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.

[<sup>F121</sup>(1A) An applicant in person wishing to take a large vehicle off road manoeuvres test to be conducted by a large vehicle off road manoeuvres test examiner shall—

- (a) apply for an appointment for such a test to a large vehicle off road manoeuvres test provider,
- (b) provide the large vehicle off road manoeuvres test provider with such details relating to themselves, the licence which they hold, the preferred location of the test, the nature of the test and the vehicle on which the test is to be taken as the large vehicle off road manoeuvres test provider may reasonably require, and
- (c) pay such fee as may be specified in regulation 35.]

(2) Upon receipt of such details and such fee the Secretary of State [<sup>F122</sup>or a large vehicle off road manoeuvres test provider, as the case may be,] 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 [<sup>F123</sup>manoeuvres test, [<sup>F124</sup>large vehicle off road manoeuvres test,] practical test or unitary test, as the case may be,] 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).

[<sup>F125</sup>(4) For the purposes of paragraph (1A), no application may be made for a large vehicle off road manoeuvres test which can or will be conducted by a large vehicle off road manoeuvres test examiner that has provided any form of instruction in any capacity to the applicant in person.]

**Textual Amendments**

- F117** Reg. 31 heading substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **7(a)**
- F118** Words in reg. 31(1) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **10(b)** (with reg. 33)
- F119** Words in reg. 31(1) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **7(b)**
- F120** Words in reg. 31(1) substituted (1.4.2014) by [The Driving Standards Agency and the Vehicle and Operator Services Agency \(Merger\) \(Consequential Amendments\) Regulations 2014 \(S.I. 2014/480\)](#), regs. 1, **6(3)**
- F121** Reg. 31(1A) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **7(c)**

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

- F122** Words in reg. 31(2) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **7(d)**
- F123** Words in reg. 31(3) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **10(c)** (with reg. 33)
- F124** Words in reg. 31(3) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **7(e)**
- F125** Reg. 31(4) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **7(f)**

### Applications for [<sup>F126</sup>manoeuvres or] practical tests: motor bicycle instructors

**32.**—(1) A motor bicycle instructor who wishes to make an appointment for [<sup>F127</sup>a manoeuvres test or] a practical test prescribed in respect of category [<sup>F128</sup>AM or A] which is to be conducted by a [<sup>F129</sup>DVSA 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 [<sup>F130</sup>manoeuvres tests, practical tests] 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,

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 [<sup>F131</sup>a manoeuvres test or] a practical test in respect of any class of motor vehicle included in category [<sup>F132</sup>AM or A] may neither be so nominated nor apply under regulation 31 for a further appointment for a test [<sup>F133</sup>of the same sort] 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 <sup>[F134]</sup>16.00 hours on the day which allows one clear working day to elapse between that day and] the day for which the appointment is made.

#### Textual Amendments

- F126** Words in reg. 32 heading inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **11(a)** (with reg. 33)
- F127** Words in reg. 32(1) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **11(b)** (with reg. 33)
- F128** Words in reg. 32(1) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 18**
- F129** Words in reg. 32(1) substituted (1.4.2014) by [The Driving Standards Agency and the Vehicle and Operator Services Agency \(Merger\) \(Consequential Amendments\) Regulations 2014 \(S.I. 2014/480\)](#), regs. 1, **6(4)**
- F130** Words in reg. 32(2) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **11(c)** (with reg. 33)
- F131** Words in reg. 32(5) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **11(d)(i)** (with reg. 33)
- F132** Words in reg. 32(5) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 18**
- F133** Words in reg. 32(5) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **11(d)(ii)** (with reg. 33)
- F134** Words in reg. 32(6) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **6**

#### <sup>[F135]</sup>Applications for large vehicle off road manoeuvres tests or practical tests: large vehicle instructors]

33.—(1) A large vehicle instructor who wishes to make an appointment for a <sup>[F136]</sup>large vehicle off road manoeuvres test or a] practical test prescribed in respect of category B+E, C, C+E, D or D+E which is to be conducted by a <sup>[F137]</sup>DVSA 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

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

(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 [<sup>F138</sup>large vehicle off road manoeuvres tests, practical tests 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 [<sup>F139</sup>or a large vehicle off road manoeuvres 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 [<sup>F140</sup>16.00 hours on the day which allows one clear working day to elapse between that day and] the day for which the appointment is made.

#### Textual Amendments

- F135** Reg. 33 heading substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **8(a)**
- F136** Words in reg. 33(1) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **8(b)**
- F137** Words in reg. 33(1) substituted (1.4.2014) by [The Driving Standards Agency and the Vehicle and Operator Services Agency \(Merger\) \(Consequential Amendments\) Regulations 2014 \(S.I. 2014/480\)](#), regs. 1, **6(5)**
- F138** Words in reg. 33(2) substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **8(c)**
- F139** Words in reg. 33(5) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **8(d)**
- F140** Words in reg. 33(6) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **6**



**[<sup>F141</sup>Applications for large vehicle off road manoeuvres tests conducted by large vehicle off road manoeuvres test examiners: large vehicle instructors**

**33A.**—(1) A large vehicle instructor who wishes to make an appointment for a large vehicle off road manoeuvres test prescribed in respect of category or sub-category B + E, C, C1, C + E, C1 + E, D, D1, D + E or D1 + E which is to be conducted by a large vehicle off road manoeuvres test 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 a large vehicle off road manoeuvres test provider, 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) the instructor,
  - (ii) the instructor’s establishment,
  - (iii) the vehicle on which the test is to be taken, and
  - (iv) the nature of the test, as the large vehicle off road manoeuvres test provider may reasonably require, and
- (c) pay such fee (recoverable from the person nominated under paragraph (4)) as may be specified in regulation 35.

(2) The large vehicle off road manoeuvres test provider 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.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the large vehicle off road manoeuvres test provider shall confirm to the large vehicle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the large vehicle off road manoeuvres test provider 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 large vehicle off road manoeuvres test provider may reasonably require,

the large vehicle off road manoeuvres test provider 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 large vehicle off road manoeuvres 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) they have kept that appointment (whether or not the test is completed).

*Status: Point in time view as at 15/11/2021.*

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

(6) The qualifying period for the purposes of paragraph (4) is the period expiring at 16.00 hours on the day which allows one clear working day to elapse between that day and the day for which the appointment is made.

(7) For the purposes of paragraph (1), no application may be made for a large vehicle off road manoeuvres test which can or will be conducted by a large vehicle off road manoeuvres test examiner that has provided any form of instruction in any capacity to the applicant in person.]

#### Textual Amendments

**F141** Reg. 33A inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **9**

#### [<sup>F142</sup>Eligibility to reapply for manoeuvres tests, large vehicle off road manoeuvres tests, practical tests or unitary tests]

**34.**—(1) Subject to the following provisions of this regulation, a person who has failed to pass a [<sup>F143</sup>manoeuvres test, [<sup>F144</sup>large vehicle off road manoeuvres test,] practical test] 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 [<sup>F145</sup>DVSA 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—

- [<sup>F146</sup>(za) in the case of a manoeuvres test, 3 clear working days,]
- [<sup>F147</sup>(zb) in the case where the first test is a large vehicle off road manoeuvres test conducted by a large vehicle off road manoeuvres test examiner, 1 clear calendar day,]
- (a) [<sup>F148</sup>subject to sub-paragraph (zb),] in the case of a test for a licence authorising the driving of a vehicle of a class included in category [<sup>F149</sup>B+E,] 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.

#### Textual Amendments

**F142** Reg. 34 heading substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **10(a)**

**F143** Words in reg. 34(1) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **12(b)** (with reg. 33)

**F144** Words in reg. 34(1) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **10(b)**

- F145** Words in reg. 34(2)(b) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **6(6)**
- F146** Reg. 34(3)(za) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **12(c)** (with reg. 33)
- F147** Reg. 34(3)(zb) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **10(c)(i)**
- F148** Words in reg. 34(3)(a) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **10(c)(ii)**
- F149** Word in reg. 34(3)(a) inserted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **6**

**[<sup>F150</sup>Fees in respect of manoeuvres tests, large vehicle off road manoeuvres tests, practical tests or unitary tests]**

**35.**—(1) No fee shall be payable in respect of a [<sup>F151</sup>manoeuvres test, <sup>F152</sup>large vehicle off road manoeuvres test,] practical test] or unitary test conducted by a person appointed under [<sup>F153</sup>regulation 24(1)(b), (ca), (cb), [<sup>F154</sup>(cc), (cd)] (d), (f) or (g)] [<sup>F155</sup>or (2)(b)] [<sup>F156</sup>or approved under regulation 24(1)(ce)(ii) or (cf)(ii)].

(2) Subject to [<sup>F157</sup>paragraphs (3ZA), [<sup>F158</sup>(3ZB), <sup>F159</sup>...] (4) and (5)], in the case of a [<sup>F160</sup>large vehicle off road manoeuvres test, practical test or unitary test] which—

- (a) is to be conducted by a [<sup>F161</sup>DVSA 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 [<sup>F162</sup>paragraphs (3ZA) [<sup>F163</sup>(3ZB), <sup>F164</sup>...] and (4)], in the case of a [<sup>F165</sup>large vehicle off road manoeuvres test, practical test or unitary test] which—

- (a) is to be conducted by a [<sup>F166</sup>DVSA examiner],
- (b) is, or forms 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 (3) of that Table.

[<sup>F167</sup>(3ZA) Subject to paragraphs (3C) and (4), in the case of a manoeuvres test or practical test which—

- (a) is to be conducted by a [<sup>F168</sup>DVSA 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 category [<sup>F169</sup>AM or A],

the fee payable is that specified in relation to that test in column (2) of the Table in Schedule 5A.]

<sup>F170</sup>(3A) .....

[<sup>F171</sup>(3ZB) Subject to [<sup>F172</sup>paragraph (4)], in the case of a manoeuvres test or practical test which—

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- (a) is to be conducted by a [<sup>F173</sup>DVSA examiner],
- (b) is, or forms part of, an extended driving test,
- (c) is for a licence authorising the driving of a motor vehicle of a class included in category [<sup>F174</sup>AM or A],

the fee payable is that specified in relation to that test in column (3) of the Table in Schedule 5A.

<sup>F175</sup>(3ZC) .....

(4) Where an appointment for a [<sup>F176</sup>large vehicle off road manoeuvres test or 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.

[<sup>F177</sup>(6) For the purposes of this regulation and Schedule 5, a test—

- (a) for a licence authorising the driving of a motor vehicle in category [<sup>F178</sup>AM,] A, B, F, G, H [<sup>F179</sup>or K] or subcategory A1 [<sup>F180</sup>... commences during normal hours if the time for which the test appointment is made is any time between 0730 hours and 1630 hours on a working day,
- (b) for a licence authorising the driving of a motor vehicle in any other category commences 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
- (c) commences out of hours, if the time for which the test appointment is made is at a time not specified above for the type of licence in question.]

[<sup>F181</sup>(7) In this regulation “working day” means a day other than a Saturday, Sunday, bank holiday, Christmas Day or Good Friday (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971).]

#### Textual Amendments

- F150** Reg. 35 heading substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **11(a)**
- F151** Words in reg. 35(1) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **13(b)** (with reg. 33)
- F152** Words in reg. 35(1) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **11(b)**
- F153** Words in reg. 35(1) substituted (1.4.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **6(a)**
- F154** Words in reg. 35(1) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **8(a)**
- F155** Words in reg. 35(1) substituted (1.9.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(a), **3(5)**
- F156** Words in reg. 35(1) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **8(b)**
- F157** Words in reg. 35(2) substituted (1.4.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **6(b)**
- F158** Words in reg. 35(2) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **13(c)** (with reg. 33)

- F159** Words in reg. 35(2) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(a)**
- F160** Words in reg. 35(2) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **11(c)**
- F161** Words in reg. 35(2)(a) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **6(7)**
- F162** Words in reg. 35(3) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **6(c)**
- F163** Words in reg. 35(3) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **13(d)** (with reg. 33)
- F164** Words in reg. 35(3) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(b)**
- F165** Words in reg. 35(3) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **11(d)**
- F166** Words in reg. 35(3)(a) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **6(7)**
- F167** Reg. 35(3ZA) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **13(e)** (with reg. 33)
- F168** Words in reg. 35(3ZA)(a) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **6(7)**
- F169** Words in reg. 35(3ZA)(c) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(c)**
- F170** Reg. 35(3A) omitted (2.4.2007) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **7(c)**
- F171** Reg. 35(3ZB)(3ZC) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **13(f)** (with reg. 33)
- F172** Words in reg. 35(3ZB) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(d)(i)**
- F173** Words in reg. 35(3ZB)(a) substituted (1.4.2014) by The Driving Standards Agency and the Vehicle and Operator Services Agency (Merger) (Consequential Amendments) Regulations 2014 (S.I. 2014/480), regs. 1, **6(7)**
- F174** Words in reg. 35(3ZB)(c) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(d)(ii)**
- F175** Reg. 35(3ZC) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(e)**
- F176** Words in reg. 35(4) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **11(e)**
- F177** Reg. 35(6) substituted (8.12.2004) by The Motor Vehicles (Driving Licences) (Amendment) (No.3) Regulations 2004 (S.I. 2004/3028), regs. 1, **3**
- F178** Word in reg. 35(6)(a) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(f)(i)**
- F179** Words in reg. 35(6)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(f)(ii)**
- F180** Words in reg. 35(6)(a) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 19(f)(iii)**
- F181** Reg. 35(7) added (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **11** (with reg. 22)

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

## Cancellation of tests

**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 [<sup>F182</sup>manoeuvres test, [<sup>F183</sup>large vehicle off road manoeuvres test,] practical test] or unitary test to be conducted by a [<sup>F184</sup>DVSA examiner] must be given to the Secretary of State not less than [<sup>F185</sup>three] clear working days before the day for which the appointment is made;
- [<sup>F186</sup>(ab) for a large vehicle off road manoeuvres test to be conducted by a large vehicle off road manoeuvres test examiner must be given to the large vehicle off road manoeuvres test provider not less than three 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.

### Textual Amendments

- F182** Words in reg. 36 substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **14** (with reg. 33)
- F183** Words in reg. 36(a) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **12(a)**
- F184** Words in reg. 36(a) substituted (1.4.2014) by [The Driving Standards Agency and the Vehicle and Operator Services Agency \(Merger\) \(Consequential Amendments\) Regulations 2014 \(S.I. 2014/480\)](#), regs. 1, **6(8)**
- F185** Word in reg. 36(a) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, 7
- F186** Reg. 36(ab) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **12(b)**

## Requirements at tests

### Test vehicles

**37.**—[<sup>F187</sup>(1) Subject to [<sup>F188</sup>paragraphs (3) and (3A)], the prescribed [<sup>F189</sup>manoeuvres test, [<sup>F190</sup>large vehicle off road manoeuvres test,] practical test] or unitary test for a licence authorising the driving of vehicles included in a category shown in column (1) of [<sup>F191</sup>Table 1] at the end of this regulation must be conducted in a vehicle having a power, mass, size or other specification, equivalent to or (except in the case of a test prescribed in respect of category [<sup>F192</sup>AM, F, G, H or K]) greater than that shown, and conforming to such description as may be set out, in relation to that category in column (2) of [<sup>F191</sup>Table 1].]

[<sup>F193</sup>(2) Subject to [<sup>F194</sup>paragraphs (3) and (3A)], the prescribed [<sup>F195</sup>manoeuvres test, large vehicle off road manoeuvres test or] practical test for a licence authorising the driving of vehicles included in a sub-category shown in column (1) of [<sup>F191</sup>Table 1] at the end of this regulation must be conducted in a vehicle having a power, mass, size or other specification, equivalent to or greater than that shown, and conforming to such description as may be set out, in relation to that sub-category in column (2) of [<sup>F191</sup>Table 1].]

[<sup>F196</sup>(2A) Where in an application for a manoeuvres test or a practical test prescribed in respect of category AM it is declared that the applicant is suffering from a relevant disability of such a

nature that the applicant is unable to ride a moped with two wheels, that test shall be conducted on a specially adapted two-wheeled moped, a three-wheeled moped or a light quadricycle.]

[<sup>F197</sup><sup>F198</sup>(3) Subject to paragraph (3A), where the test referred to in paragraph (1) is for a licence authorising the driving of vehicles in sub-category A1, A2 or A3 shown in column (1) of Table 1, the test must be conducted in a vehicle conforming to the description set out in relation to that sub-category in column (2) of Table 1.]

[<sup>F199</sup>(3A) Where in an application for a manoeuvres test or a practical test prescribed in respect of category A it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a motorcycle without side-car, the test must be conducted—

- (a) in the case of the test for a licence authorising the driving of a vehicle in sub-category A1, on an A1 motor tricycle or an A1 motorcycle with sidecar where the capacity and unassisted speed on the level of the motor tricycle or the motorcycle, (as the case may be), conforms to the specification in the description set out in relation to sub-category A1 in column (2) of Table 1;
- (b) in the case of the test for a licence authorising the driving of a vehicle in sub-category A2, on an A2 motorcycle with sidecar where the capacity and power output of the motorcycle conforms to the specification in the description set out in relation to sub-category A2 in column (2) of Table 1; and
- (c) in the case of the test for a licence authorising the driving of a vehicle in sub-category A3, on an A3 motor tricycle or an A3 motorcycle with sidecar where the capacity and unassisted speed on the level of the motor tricycle or the motorcycle, (as the case may be) conforms to the specification in the description set out in relation to sub-category A3 in column (2) of Table 1 which-

- (i) applies until 30<sup>th</sup> December 2018 where the test is conducted on or before that date; and

- (ii) applies on and from 31<sup>st</sup> December 2018 where the test is conducted on or after that date]

(4) A person submitting himself for a [<sup>F200</sup>manoeuvres test, [<sup>F201</sup>large vehicle off road manoeuvres test,] practical test] or unitary test shall provide a vehicle which—

- (a) corresponds to the specification referred to in paragraph (1), (2) [<sup>F202</sup>, (2A)] 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—

- <sup>F203</sup>(i) .....

- (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

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- (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 <sup>F204</sup>Regulation (EC) No 661/2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor].

<sup>F205</sup>(6) .....

<sup>F206</sup>(7) A person submitting himself for a <sup>F207</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category B+E, C, C+E, D, or D+E shall provide a vehicle which is not carrying goods or burden other than either or both of the following—

- (a) fixed items which are characteristic of the class to which it belongs;
- (b) any load carried in accordance with paragraph (7A).]

<sup>F208</sup>(7A) A person submitting himself for a <sup>F209</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of any of the categories or sub-categories shown in column 1 of Table 2 at the end of this regulation—

- (a) may, during the period beginning with 15th August 2013 and ending with 14th November 2013, provide a vehicle which—
  - (i) is carrying a load of the nature and weight shown in column 2 of Table 2, in relation to that category or sub-category and description of vehicle; and
  - (ii) is loaded in such a way that the person authorised to conduct the test can visually assess the weight of the load without the load being disturbed;
- (b) shall, on or after 15th November 2013, provide a vehicle which—
  - (i) is carrying a load of the nature and weight shown in column 2 of Table 2, in relation to that category or sub-category and description of vehicle; and
  - (ii) is loaded in such a way that the person authorised to conduct the test can visually assess the weight of the load without the load being disturbed.]

(8) A person submitting himself for a <sup>F210</sup>large vehicle off road manoeuvres test or] 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
- (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 <sup>F211</sup>large vehicle off road manoeuvres test or] 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.

<sup>F212</sup>(10A) A person submitting himself for a <sup>F213</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category C, C+E, D, or D+E shall provide a motor vehicle which is fitted with an anti-lock braking system and a tachograph.

(10B) A person submitting himself for a <sup>F214</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category C or C+E shall provide a motor vehicle which <sup>F215</sup>is capable of manual transmission].]



[<sup>F216</sup>(10C) A person submitting himself for a [<sup>F217</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category [<sup>F218</sup>C, C+E, D or D+E] shall provide a motor vehicle in which any seat which is used by the person conducting the test and any seat used by any person authorised by the Secretary of State to attend the test for the purpose of supervising it or otherwise, are each fitted with a properly anchored and functioning two or three-point seat belt.

(10D) A person submitting himself for a [<sup>F219</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category B+E, C, C+E, D or D+E shall provide a motor vehicle which is fitted with an exterior nearside mirror and an exterior offside mirror providing adequate rearward vision from the seat occupied by the person conducting the test.]

(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 [<sup>F220</sup>Table 1] 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 [<sup>F220</sup>Table 1].

[<sup>F221</sup>Table 1]

<sup>F222</sup> (1) Category or sub-category	(2) Specification or description
<sup>F223</sup> AM	Any two-wheeled moped]
<sup>F224</sup> A1	[ <sup>F225</sup> An A1 motorcycle without side-car, with a power rating not exceeding 11kW and a power to weight ratio not exceeding 0.1 kW/kg that is capable of an unassisted speed of at least 90 kilometres per hour on the level. If powered by an internal combustion engine, the cylinder capacity shall be at least 115 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.08 kW/kg.]
A2	[ <sup>F226</sup> An A2 motorcycle without side-car, with a power rating of at least 20kW but not exceeding 35kW and a power to weight ratio not exceeding 0.2 kW/kg. If powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 395 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.15 kW/kg.]
A3	[ <sup>F227</sup> Until 30th December 2018, an A3 motorcycle without side-car and a power of at least 40kW. If powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 595 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.25 kW/kg.

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	From 31st December 2018, an A3 motorcycle without side-car with a power of at least 50kW whose unladen mass is more than 175kg. If powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 595 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.25 kW/kg.]]
B	Any four-wheeled vehicle in category B capable of an unassisted speed of 100 kilometres per hour on the level.
B1	Any vehicle in sub-category B1 capable of an unassisted speed of 60 kilometres per hour on the level.
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 combination is capable of an unassisted speed of 100 kilometres per hour on the level. The cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the tractor vehicle. The closed box body may be narrower than the tractor vehicle provided that the driver's view to the rear of the trailer is only made possible by the use of the external rear-view mirrors of the tractor vehicle.
C1	Any vehicle in sub-category C1 having a maximum authorised mass of 4,000 kilograms, a length of at least 5 metres, and capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the vehicle shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab.
C1+E	A combination of a minimum test vehicle for sub-category C1 and a trailer with a maximum authorised mass of 2,000 kilograms, which combination is at least 8 metres long and capable of an unassisted speed of 80 kilometres per hour on the level. The combination must have a maximum authorised mass of 4,000 kilograms. The cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the tractor vehicle. The closed box body may be narrower than the tractor vehicle provided that the driver's view to the rear of the trailer is only

	made possible by the use of the external rear-view mirrors of the tractor vehicle.
D1	Any vehicle in sub-category D1 having a maximum authorised mass of 4,000 kilograms, a length of at least 5 metres, which is capable of an unassisted speed of 80 kilometres per hour on the level.
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 an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the trailer shall consist of a closed box body which is at least 2 metres wide and at least 2 metres high.
C	Any vehicle in category C, other than an articulated goods vehicle, having a maximum authorised mass of 12,000 kilograms, a length of at least 8 metres and a width of at least 2.4 metres, which is capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the vehicle shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab.
C+E	Either— <ul style="list-style-type: none"><li>(a) (a) an articulated goods vehicle combination having a maximum authorised mass of 20,000 kilograms, a length of at least 14 metres and a width of at least 2.4 metres, and which is capable of an unassisted speed of 80 kilometres per hour on the level, or</li><li>(b) (b) a combination of a minimum test vehicle for category C and a trailer having a length of at least 7.5 metres (each having a width of at least 2.4 metres), a maximum authorised mass of 4,000 kilograms, and which has, in aggregate, a maximum authorised mass of 20,000 kilograms and an overall length of 14 metres and which is capable of an unassisted speed of 80 kilometres per hour on the level.</li></ul> The cargo compartment of the articulated goods vehicle combination or the trailer (as the case may be) shall consist of a closed box body which is at least as wide and as high as the

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	corresponding dimensions of the cab or tractor vehicle.
D	Any vehicle in category D having a length of at least 10 metres, a width of at least 2.4 metres, and capable of an unassisted speed of 80 kilometres per hour on the level.
D+E	A combination of a minimum test vehicle for category D and a trailer of a width of at least 2.4 metres having a maximum authorised mass of 1,250 kilograms, which combination is capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the trailer shall consist of a closed box body which is at least 2 metres wide and at least 2 metres high.
F	Any vehicle in category F.
G	Any vehicle in category G.
H	Any vehicle in category H.
K	Any vehicle in category K.
F228	F228
...	...]

**[<sup>F229</sup>Table 2**

**Load requirements for test vehicles**

<i>(1) Category or sub-category and description of vehicle</i>	<i>(2) Nature and weight of load required to be carried on the vehicle or trailer or both.</i>
B+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
C	Water or foam carried on the fire engine so that the total laden weight of the fire engine is at least 10,000kg.
(a) fire engine	
C	Five IBCs loaded on the motor vehicle.
(b) other motor vehicles	
C+E	Eight IBCs loaded on the combination.
(a) articulated goods vehicle combination	
C+E	Five IBCs loaded on the motor vehicle and three IBCs loaded on the trailer.
(b) combination of a minimum test vehicle for category C and a trailer	

(1) Category or sub-category and description of vehicle	(2) Nature and weight of load required to be carried on the vehicle or trailer or both.
C1+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
D+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
D1+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.]]

### Textual Amendments

- F187** Reg. 37(1) substituted (1.10.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(b), **5(2)** (with reg. 5(6))
- F188** Words in reg. 37(1) Table 1 substituted (10.4.2014) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/613\)](#), regs. 1, **5(a)**
- F189** Words in reg. 37(1) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **15(a)** (with reg. 33)
- F190** Words in reg. 37(1) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **13(a)**
- F191** Words in reg. 37(1)(2) substituted (15.8.2013) by [The Motor Vehicles \(Driver Testing and Vehicle Load\) Regulations 2013 \(S.I. 2013/1753\)](#), regs. 1(1), **2(3)(a)**
- F192** Words in reg. 37(1) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 20(a)**
- F193** Reg. 37(2) substituted (1.10.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(b), **5(3)** (with reg. 5(6))
- F194** Words in reg. 37(2) substituted (10.4.2014) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/613\)](#), regs. 1, **5(a)**
- F195** Words in reg. 37(2) substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **13(b)**
- F196** Reg. 37(2A) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 20(b)**
- F197** Reg. 37(3) substituted (10.4.2014) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/613\)](#), regs. 1, **5(b)**
- F198** Reg. 37(3) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 20(c)**
- F199** Reg. 37(3A) inserted (10.4.2014) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/613\)](#), regs. 1, **5(c)**
- F200** Words in reg. 37(4) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **15(d)** (with reg. 33)
- F201** Words in reg. 37(4) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **13(c)**
- F202** Word in reg. 37(4)(a) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 20(d)**
- F203** Reg. 37(5)(a)(i) and word omitted (19.1.2013) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 20(e)**
- F204** Words in reg. 37(5)(c) substituted (22.12.2018) by [The Driving Licences \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1251\)](#), regs. 1(3), **6(8)**

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- F205** Reg. 37(6)(a) and word omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(f)**
- F206** Reg. 37(7) substituted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(e)**
- F207** Words in reg. 37(7) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(d)**
- F208** Reg. 37(7A) inserted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(d)**
- F209** Words in reg. 37(7A) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(e)**
- F210** Words in reg. 37(8) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(f)**
- F211** Words in reg. 37(10) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(g)**
- F212** Reg. 37(10A)(10B) inserted (1.10.2003) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2003 (S.I. 2003/2003), regs. 1(1)(b), **5(4)** (with reg. 5(6))
- F213** Words in reg. 37(10A) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(h)**
- F214** Words in reg. 37(10B) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(i)**
- F215** Words in reg. 37(10B) substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(d)**
- F216** Reg. 37(10C)(10D) inserted (1.4.2006) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2006 (S.I. 2006/524), regs. 1(2), **9(2)**
- F217** Words in reg. 37(10C) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(j)**
- F218** Words in reg. 37(10C) substituted (1.7.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2006 (S.I. 2006/524), regs. 1(2), **9(3)**
- F219** Words in reg. 37(10D) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **13(k)**
- F220** Words in reg. 37(12) substituted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(e)**
- F221** Words in reg. 37(12) substituted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(f)**
- F222** Reg. 37 Table substituted (1.10.2003) by The Motor Vehicles (Driving Licences) (Amendment)(No. 4) Regulations 2003 (S.I. 2003/2003), regs. 1(1)(b), **5(5)** (with reg. 5(6))
- F223** Words in reg. 37 Table inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(g)(i)**
- F224** Words in reg. 37 Table substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(g)(ii)**
- F225** Words in reg. 37 Table 1 substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(e)(i)**
- F226** Words in reg. 37 Table 1 substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(e)(ii)**
- F227** Words in reg. 37 Table 1 substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(e)(iii)**
- F228** Words in reg. 37 Table omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(g)(iii)**
- F229** Reg. 37(12) Table 2 inserted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(g)**

### Further requirements at tests

**38.**—<sup>F230</sup>(ZA1) A person submitting to a safe road use test (“the candidate”) to be conducted by an appointed person shall be accompanied by a person who is employed by a school, college or other body which has responsibility for the candidate or that candidate’s undertaking of that test.]

<sup>F231</sup>(1) Subject to paragraph (2), a person submitting to a theory test, manoeuvres test, <sup>F232</sup>large vehicle off road manoeuvres test,] practical test or unitary test must satisfy the residence requirement in section 97A(1)(d) of the Traffic Act as if that person were making an application under section 97, except that the requirement shall be met at the time of attending the test.]

(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 <sup>F233</sup> ...,

(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), <sup>F234</sup> ...

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

<sup>F235</sup>(ia) where the test is a theory test within the meaning of regulation 3A(1)(ab), produce a valid qualification award certificate or a valid relevant qualification certificate, as appropriate; and]

(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.

<sup>F236</sup>(4) Subject to paragraph (4A), a person submitting to a manoeuvres test <sup>F237</sup>, large vehicle off road manoeuvres test] or a practical test must, before the test commences, produce to the person conducting the test—

(a) in the case of a test on a motor vehicle of a class included in any category other than category A, a valid standard theory test pass or a valid large vehicle theory test pass certificate showing that the person submitting to the test 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; or

(b) in the case of a test on a motor vehicle of a class included in category A, a valid standard theory test pass certificate showing that the person submitting to the test has passed the theory test prescribed in respect of category A or category AM or a valid certificate corresponding to either such certificate furnished under the law of Northern Ireland.]

<sup>F238</sup>(4A) Paragraph (4) does not apply in a case where—

(a) a person submitting to a manoeuvres test <sup>F239</sup>, large vehicle off road manoeuvres test] or a practical test is exempt from the requirement to pass a theory test by virtue of regulation 42; or

(b) by virtue of regulation 40(4) no theory test is prescribed for the class of vehicle on which a manoeuvres test <sup>F240</sup>, large vehicle off road manoeuvres test] or a practical test (as the case may be) is to be taken]

(5) A person submitting himself for a <sup>F241</sup>manoeuvres test, <sup>F242</sup>large vehicle off road manoeuvres test,] practical test] or unitary test shall, before the test commences—

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- (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<sup>F243</sup> ...,
- (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
- <sup>F244</sup>(c) sign, on the Driving Test Report Form produced to him by the person conducting the test, a declaration to the effect that—
  - (i) there is in force, in relation to the use of the vehicle provided for the test, a policy of insurance which complies with the requirements of Part VI of the Traffic Act, and
  - (ii) he satisfies the residence requirement as described in paragraph (1).]

<sup>F245</sup>(5A) A person submitting himself for a theory test [<sup>F246</sup>manoeuvres test], [<sup>F247</sup>large vehicle off road manoeuvres test,] practical test or unitary test who produces a licence which fails to satisfy the person conducting the test, after an examination or otherwise, that it is an appropriate licence as required under paragraph (3)(a)(i) or (5)(a) must surrender the licence forthwith to the person conducting the test.]

<sup>F248</sup>(6) For the purposes of this regulation, a person conducting a test may be satisfied as to a person's identity –

- (a) from a valid passport [<sup>F249</sup>or a valid identity card issued under the Identity Cards Act 2006], or
- (b) where the person conducting the test is a person to whom regulation 23(1)(b) or regulation 24(1)(b) applies, from such evidence as that person considers appropriate.]

(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 [<sup>F250</sup>manoeuvres test, [<sup>F251</sup>large vehicle off road manoeuvres test,] practical test] 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 [<sup>F252</sup>manoeuvres test or] practical test for a licence authorising the driving of a motor vehicle of a class included in category [<sup>F253</sup>AM or A] 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) [<sup>F254</sup>, or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland.]

<sup>F255</sup><sup>F256</sup>(8A) Subject to paragraph (8B), before commencement of a practical test in relation to a vehicle of a class included in category AM or A the person submitting to the test shall produce to the person conducting the test—

- (a) a module 1 pass certificate which—
  - (i) is valid;
  - (ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken; and
  - (iii) save in a case where sub-paragraph (a) of paragraph (4A) applies, records as the date of the theory test the same date as is recorded for that test in the valid standard theory test pass certificate which is produced in accordance with paragraph (4); or
- (b) a certificate, furnished under the law of Northern Ireland, indicating that the person submitting to the practical test has passed that part of a Northern Ireland test corresponding to the manoeuvres test, which—
  - (i) is valid; and



(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken.]

(8B) In the case of a person who is exempt from the requirement to pass a theory test by virtue of regulation 42(1), the certificate produced in accordance with paragraph (8A) shall be dated no earlier than six months before the date on which it is produced.]

(9) A person submitting himself for a [<sup>F257</sup>manoeuvres test, [<sup>F258</sup>large vehicle off road manoeuvres test,] practical test] 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 [<sup>F259</sup>category AM, A, G, H or K], 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 [<sup>F259</sup>category AM, A, G, H or K], 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 [<sup>F260</sup>, or

(v) a Community licence, which by virtue of section 37(4) of the Offenders Act, authorises that person to drive motor vehicles of that class subject to the same conditions as if the person 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.

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## Textual Amendments

- F230** Reg. 38(ZA1) inserted (1.5.2010) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203), regs. 1(2), **16(a)**
- F231** Reg. 38(1) substituted (29.12.2014) by The Road Traffic Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/3190), regs. 1, **7**
- F232** Words in reg. 38(1) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(a)**
- F233** Words in reg. 38(3)(a)(i) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 11(c)(i)**
- F234** Word in reg. 38(3)(a)(ii) omitted (1.5.2010) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203), regs. 1(2), **16(b)(i)**
- F235** Reg. 38(3)(a)(iia) inserted (1.5.2010) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203), regs. 1(2), **16(b)(ii)**
- F236** Reg. 38(4) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 21(a)**
- F237** Words in reg. 38(4) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(b)**
- F238** Reg. 38(4A) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 21(b)**
- F239** Words in reg. 38(4A)(a) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(c)(i)**
- F240** Words in reg. 38(4A)(b) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(c)(ii)**
- F241** Words in reg. 38(5) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **16(c)** (with reg. 33)
- F242** Words in reg. 38(5) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(d)**
- F243** Words in reg. 38(5)(a) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 11(c)(ii)**
- F244** Reg. 38(5)(c) substituted (1.11.2005) by The Motor Vehicles (Driving Licences) (Amendment) (No 2) Regulations 2005 (S.I. 2005/2717), regs. 1, **8**
- F245** Reg. 38(5A) inserted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **8**
- F246** Words in reg. 38(5A) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **16(d)** (with reg. 33)
- F247** Words in reg. 38(5A) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(e)**
- F248** Reg. 38(6) substituted (1.11.2005) by The Motor Vehicles (Driving Licences) (Amendment) (No 2) Regulations 2005 (S.I. 2005/2717), regs. 1, **9**
- F249** Words in reg. 38(6)(a) inserted (27.4.2010) by The Vehicles Regulations (Amendment) Order 2010 (S.I. 2010/1111), arts. 1(1), **2**
- F250** Words in reg. 38(7) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **16(e)** (with reg. 33)
- F251** Words in reg. 38(7) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **14(f)**
- F252** Words in reg. 38(8) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **16(f)** (with reg. 33)
- F253** Words in reg. 38(8)(8A) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 21(c)**
- F254** Words in reg. 38(8) inserted (31.12.2015) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015 (S.I. 2015/1797), regs. 1, **4(a)**

- F255** Reg. 38(8A) substituted (31.12.2015) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **4(b)**
- F256** Reg. 38(8A)(8B) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **16(g)** (with reg. 33)
- F257** Words in reg. 38(9) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **16(h)** (with reg. 33)
- F258** Words in reg. 38(9) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **14(g)**
- F259** Words in reg. 38(9)(a)(b) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 21(d)**
- F260** Words in reg. 38(10) added (4.1.2016) by [The Road Traffic Offenders Act 1988 and Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2015 \(S.I. 2015/2004\)](#), regs. 1, **3(2)**

### Examiner's right to refuse to conduct test

**39.**—<sup>F261</sup>(ZA1) An appointed person shall refuse to conduct a safe road use test where the requirement in regulation 38(ZA1) is not met.]

- (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 <sup>F262</sup>test (other than in relation to <sup>F263</sup>a two-wheeled vehicle] of a class included in category [<sup>F263</sup>AM or A]) 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) <sup>F264</sup>or (7)] of regulation 38,

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

<sup>F265</sup>(1A) Subject to paragraphs (2) and (3), the person authorised to conduct a test in relation to <sup>F266</sup>a two-wheeled vehicle] of a class included in category [<sup>F266</sup>AM or A] must refuse to do so where—

- (a) a person submitting to a manoeuvres test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7) or (8) of regulation 38 or by paragraph (1A)(a) of regulation 40A has been complied with; or
  - (b) a person submitting to a practical test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7), (8), (8A) or (8B) of regulation 38 or by paragraph (1A)(c) of regulation 40A has been complied with.]
- (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 <sup>F267</sup>manoeuvres test, <sup>F268</sup>large vehicle off road manoeuvres test,] practical test] or unitary test, fails to produce a document required to be produced <sup>F269</sup>in accordance with paragraph (4), (8), (8A) or (8B)] 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.

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(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.

<sup>F270</sup>(4) . . . . .

(5) In this regulation, “special needs” means a reasonable requirement for special treatment during the test arising by virtue of—

<sup>F271</sup>(a) . . . . .

- (b) the test candidate having reading difficulties, or
- (c) the test candidate being physically disabled.

#### Textual Amendments

- F261** Reg. 39(ZA1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **17**
- F262** Words in reg. 39(1)(b) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(a)(i)** (with reg. 33)
- F263** Words in reg. 39(1)(b) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 22**
- F264** Words in reg. 39(1)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(a)(ii)** (with reg. 33)
- F265** Reg. 39(1A) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(b)** (with reg. 33)
- F266** Words in reg. 39(1A) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 22**
- F267** Words in reg. 39(2)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(c)(i)** (with reg. 33)
- F268** Words in reg. 39(2)(b) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **15**
- F269** Words in reg. 39(2)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(c)(ii)** (with reg. 33)
- F270** Reg. 39(4) omitted (31.12.2015) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **5(a)**
- F271** Reg. 39(5)(a) omitted (31.12.2015) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **5(b)**

#### *Nature and conduct of tests*

##### **Nature of tests other than extended tests**

<sup>F272</sup>**40.**—(1) This regulation and regulations 40A to 40C apply to tests other than extended driving tests and are subject to regulation 42.

<sup>F273</sup>(1A) The test for a licence authorising the driving of a motor vehicle in category [<sup>F274</sup>AM or A] shall be conducted in three parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception;
- (b) the manoeuvres test; and
- (c) the practical test.

(1B) A person taking the test referred to in paragraph (1A) must—

- (a) pass all three parts; and
- (b) take all three parts in the same category or sub-category of vehicle.]

[<sup>F275</sup>(2) Subject to paragraph (2C), the test for a licence authorising the driving of a motor vehicle of a class included in category B shall be conducted in accordance with either paragraph (2A) or paragraph (2B).

(2A) A test conducted in accordance with this paragraph shall consist of two parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception, and
- (b) the practical test,

and a person taking such a test must pass both parts.

(2B) A test conducted in accordance with this paragraph shall consist of three parts, namely—

- (a) the safe road use test,
- (b) the abridged standard test of driving theory and the standard test of hazard perception, and
- (c) the practical test,

and a person taking such a test must pass all three parts.

(2C) Where a person has been issued with a valid qualification award certificate, the test for a licence authorising the driving of a motor vehicle included in category B shall be conducted in two parts, namely—

- (a) the abridged standard test of driving theory and the standard test of hazard perception, and
- (b) the practical test,

and a person taking such a test must pass both parts.]

[<sup>F276</sup>(3) Subject to paragraphs (3A) and (4), the test for a licence authorising the driving of a motor vehicle of a class included in category C, C + E, D or D + E shall be conducted in four parts, namely—

- (a) the large vehicle test of driving theory,
- (b) the large vehicle test of hazard perception,
- (c) the large vehicle off road manoeuvres test, and
- (d) a practical test of driving skills and behaviour,

and a person taking such a test must pass all four parts.]

[<sup>F277</sup>(3A) Where a large vehicle off road manoeuvres test and practical test are to be conducted by a DVSA examiner, such tests may be conducted concurrently and the requirements of regulation 40A(2)(c) shall not apply.]

(4) 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 matters prescribed in respect of the large vehicle test of driving theory for category C, the large vehicle hazard perception test and the specified requirements prescribed in respect of the [<sup>F278</sup>large vehicle off road manoeuvres test and] practical test for category C+E, <sup>F279</sup> ...

[<sup>F280</sup>(aa) in a case where the test is for a licence authorising the driving of vehicles in category C + E and the applicant is not the holder of a full licence which authorises the driving of motor vehicles included in category C, shall consist of the matters prescribed in respect of

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- the large vehicle test of driving theory for category C, the large vehicle hazard perception test and the specified requirements prescribed in respect of the [<sup>F281</sup>large vehicle off road manoeuvres test and] practical test for category C + E;
- (ab) in a case where the test is for a licence authorising the driving of vehicles in sub-category D1 + 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 D1 + E (not for hire or reward) but not the driving of any other vehicles included in category D + E, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category D, the large vehicle hazard perception test and the specified requirements prescribed in respect of the [<sup>F282</sup>large vehicle off road manoeuvres test and] test for category D + E;
- (ac) in a case where the test is for a licence authorising the driving of vehicles in category D + E and the applicant is not the holder of a full licence which authorises the driving of motor vehicles included in category D, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category D, the large vehicle hazard perception test and the specified requirements prescribed in respect of the [<sup>F283</sup>large vehicle off road manoeuvres test and] practical test for category D + E; and]
- (b) in any other case, shall consist of [<sup>F284</sup>a large vehicle off road manoeuvres test and] a practical test only.
- (5) 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 the test 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 requirements specified in regulation 40C(6) in respect of a vehicle of that class.]

### Textual Amendments

- F272** Reg. 40 substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **13** (with reg. 22)
- F273** Reg. 40(1A)(1B) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **18(a)** (with reg. 33)
- F274** Words in reg. 40(1A) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 23**
- F275** Reg. 40(2)-(2C) substituted for reg. 40(2) (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **18**
- F276** Reg. 40(3) substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **16(a)**
- F277** Reg. 40(3A) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **16(b)**
- F278** Words in reg. 40(4)(a) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **16(c)(i)**
- F279** Word in reg. 40(4) omitted (15.11.2021) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/1251\)](#), regs. 1(2), **6(a)** (with reg. 9)
- F280** Reg. 40(4)(aa)-(ac) inserted (15.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2021 \(S.I. 2021/1251\)](#), regs. 1(2), **6(b)** (with reg. 9)
- F281** Words in reg. 40(4)(aa) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **16(c)(ii)**

- F282** Words in reg. 40(4)(ab) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **16(c)(iii)**
- F283** Words in reg. 40(4)(ac) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **16(c)(iv)**
- F284** Words in reg. 40(4)(b) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **16(c)(v)**

<sup>F285</sup>**40A.**—(1) Where a test is required to be conducted in two parts [<sup>F286</sup>pursuant to regulation 40(2A) or (2C) or consists of three parts pursuant to regulation 40(2B)], a person taking the test—

- (a) must pass the theory test [<sup>F287</sup>or have passed, within the last 2 years, that part of a Northern Ireland test concerning the theory of driving vehicles in category B and corresponding to the theory test] before he takes the practical test, and
- (b) shall not be entitled to apply for an appointment <sup>F288</sup>... for a practical test in respect of a motor vehicle of a class included in [<sup>F289</sup>category B] until he has been furnished with—
  - (i) a valid standard theory test pass certificate stating that he has passed the theory test prescribed in respect of that category, or
  - <sup>F290</sup>(ii) a certificate relating to the passing of the part of the Northern Ireland test referred to in sub-paragraph (a).]

[<sup>F291</sup>(1A) Where a test is required to be conducted in three parts pursuant to regulation 40(1A) a person—

- (a) must, pass the theory test in respect of a vehicle in category [<sup>F292</sup>AM or A] or have passed, within the last 2 years, that part of a Northern Ireland test concerning the theory of driving vehicles in category [<sup>F292</sup>AM or A] before taking the manoeuvres test;
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 32(4)) for the manoeuvres test in respect of a vehicle in category [<sup>F292</sup>AM or A] until that person has been furnished with—
  - (i) a valid standard theory test pass certificate stating that the person has passed the theory test in respect a vehicle in category A or P; or
  - (ii) a certificate relating to the passing of the part of the Northern Ireland test referred to in sub-paragraph (a); and
- (c) must, before taking a practical test in relation to a vehicle in category A or P, or in sub-category A1, pass the manoeuvres test in respect of a vehicle in the same category or sub-category as that in respect of which the practical test is to be taken [<sup>F293</sup>, or have passed that part of a Northern Ireland test corresponding to the manoeuvres test in respect of a vehicle in the same category or sub-category as that in respect of which the practical test is to be taken.]]

[<sup>F294</sup>(2) Where a test is required to be conducted in four parts pursuant to regulation 40(3), a person—

- (a) must pass the large vehicle test of driving theory and the large vehicle test of hazard perception or have passed, within the last 2 years, those parts of a Northern Ireland test concerning the theory of driving vehicles in category C, C + E, D or D + E (including hazard perception), before they take the large vehicle off road manoeuvres test or practical test;

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- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 33(4) or regulation 33A(4)) for a large vehicle off road manoeuvres test or a practical test in respect of a motor vehicle of a class included in category C, C + E, D or D + E until they have been furnished with—
- (i) a valid large vehicle theory test pass certificate in respect of that category; or
  - (ii) a certificate or certificates relating to the passing of those parts of the Northern Ireland test referred to in sub-paragraph (a); and
- (c) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 33(4)) for a practical test in respect of a motor vehicle of a class included in category C, C + E, D or D + E until they have been furnished with—
- (i) a valid large vehicle off road manoeuvres test pass certificate in respect of that category; or
  - (ii) a certificate or certificates relating to the passing of those parts of the Northern Ireland test referred to in sub-paragraph (a); and
- (d) must, before taking a practical test in relation to a vehicle in category C, C + E, D or D + E, or in sub-category C1, C1 + E, D1 or D1 + E, have passed the large vehicle off road manoeuvres test in respect of a vehicle in the same category or sub-category and transmission as that in respect of which the practical test is to be taken within the last six months.]

#### Textual Amendments

- F285** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F286** Words in reg. 40A(1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **19**
- F287** Words in reg. 40A(1)(a) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), 19(a)(i) (with reg. 33)
- F288** Words in reg. 40A(1)(b) omitted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), 19(a)(ii)(aa) (with reg. 33)
- F289** Words in reg. 40A(1)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), 19(a)(ii)(bb) (with reg. 33)
- F290** Reg. 40A(1)(b)(ii) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), 19(a)(ii)(cc) (with reg. 33)
- F291** Reg. 40A(1A) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), 19(b) (with reg. 33)
- F292** Words in reg. 40A(1A) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 24**
- F293** Words in reg. 40A(1A)(c) inserted (31.12.2015) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **6**
- F294** Reg. 40A(2) substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **17**

#### Content of the tests

##### 40B.—[

<sup>F295</sup>(ZA1) The safe road use test shall—

- (a) be conducted as an approved form of examination and test a candidate's knowledge of the matters in Schedule 7 Part 2, other than the excepted matters;



(b) have a duration of 30 minutes or, in the circumstances specified in paragraph (6), 60 minutes.]

(1) The standard test of driving theory shall—

(a) be conducted as an approved form of examination <sup>F296</sup>... testing a [<sup>F297</sup>candidate's knowledge and understanding of] the matters specified in regulation 40C(4) in respect of a vehicle of the relevant class; and

(b) have a duration of 57 minutes or, in the circumstances specified in paragraph (6), 114 minutes.

[  
<sup>F298</sup>(1A) The abridged standard test of driving theory shall—

(a) be conducted as an approved form of examination with the questions testing a candidate's knowledge and understanding of the matters specified in Part 2 of Schedule 7; and

(b) have a duration of 40 minutes or, in the circumstances specified in paragraph (6), 80 minutes.]

(2) The large vehicle test of driving theory shall—

(a) be conducted as an approved form of examination consisting of 100 questions, the questions being in either multiple choice or multiple response form and testing the candidate on the matters specified in regulation 40C(5) in respect of a vehicle of the relevant class and the CPC subjects applicable to that class; and

(b) have a duration of 115 minutes or, in the circumstances specified in paragraph (6), 230 minutes.

(3) The standard test of hazard perception shall—

(a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and

(b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard to traffic on the road.

(4) The large vehicle test of hazard perception shall comply with the requirements set out in paragraph (3) for the standard test of hazard perception and shall be in a form considered appropriate by the Secretary of State for testing the candidate's competence in hazard perception in relation to vehicles in categories C and D.

(5) The practical test and the unitary test shall each be conducted so that—

(a) <sup>F299</sup>... the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads,

<sup>F300</sup>(b) .....

(c) the time during which that person is required to drive on roads is—

(i) in the case of a test taken before 1st September 2008 for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 50 minutes;

(ii) in the case of a test taken on or after 1st September 2008 for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 60 minutes;

(iii) in the case of a test for a licence authorising the driving of a class of vehicle included in category B+E, C1+E, C+E, D1+E or D+E, not less than 50 minutes; and

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

(iv) in the case of any other test, not less than 30 minutes.

[<sup>F301</sup>(5A) The manoeuvres test may be conducted on a special testing ground or on roads.]

[<sup>F302</sup>(5B) The large vehicle off road manoeuvres test may be conducted on a special testing ground or on roads.]

(6) The circumstances referred to in [<sup>F303</sup>paragraphs (ZA1), (1), (1A) and (2)] are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.

(7) For the purposes of this regulation—

“an approved form of examination” means a form of examination which is conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate; and

“film clip” means a sequence of visual images displayed electronically.

#### Textual Amendments

- F285** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F295** Reg. 40B(ZA1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **20(a)**
- F296** Words in reg. 40B(1)(a) omitted (28.9.2009) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 2\) Regulations 2009 \(S.I. 2009/2362\)](#), regs. 1, **2**
- F297** Words in reg. 40B(1)(a) substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **20(b)**
- F298** Reg. 40B(1A) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), **regs. 1(2), 20(c)**
- F299** Words in reg. 40B(5)(a) omitted (30.3.2009) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **20(a)(i)** (with reg. 33)
- F300** Reg. 40B(5)(b) omitted (30.3.2009) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **20(a)(ii)** (with reg. 33)
- F301** Reg. 40B(5A) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **20(b)** (with reg. 33)
- F302** Reg. 40B(5B) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **18**
- F303** Words in reg. 40B(6) substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), **regs. 1(2), 20(d)**

#### Passing the test

##### 40C.—[

<sup>F304</sup>(ZA1) A person (“the candidate”) shall be treated as having passed the safe road use test if the candidate satisfies the person conducting the test of the candidate’s knowledge of the matters in Schedule 7 Part 2 other than the excepted matters.]

(1) A person shall be treated as having passed the theory test described in regulation [<sup>F305</sup>40(1A) (a) or][<sup>F306</sup>40(2A)(a)] if he satisfies the person conducting the test—

(a) in respect of the standard test of driving theory, of his knowledge and understanding of the specified matters; and

- (b) in respect of the standard test of hazard perception, that his performance in the test demonstrates an ability to perceive hazards on the road.

[  
<sup>F307</sup>(1A) A candidate shall be treated as having passed the theory test described in regulation 3A(1) (ab) if the candidate satisfies the person conducting the test—

- (a) in respect of the abridged standard test of driving theory, of the candidate's knowledge and understanding of the matters specified in Part 2 of Schedule 7; and  
 (b) in respect of the standard test of hazard perception, that the candidate's performance in the test demonstrates an ability to perceive hazards on the road.]

(2) A person shall be treated as having passed—

- (a) the large vehicle test of driving theory if he satisfies the person conducting the test of his knowledge and understanding of the specified matters and the CPC subjects; and  
 (b) the large vehicle test of hazard perception if he satisfies the person conducting the test that his performance in the test demonstrates an ability to perceive hazards on the road.

(3) A person shall be treated as having passed the [<sup>F308</sup>manoeuvres test, large vehicle off road manoeuvres test or] practical test if he satisfies the person conducting it of his ability to drive safely and to comply with the specified requirements.

(4) The specified matters for a standard test of driving theory in respect of 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.

(5) The specified matters for a large vehicle test of driving theory in respect of 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.

(6) <sup>F309</sup>... The specified requirements for a practical or unitary test in respect of 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.

**Table**

<i>(1) Category</i>	<i>(2) Specified matters</i>	<i>(3) Specified requirements</i>
[ <sup>F310</sup> AM	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.]
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.

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

<i>(1) Category</i>	<i>(2) Specified matters</i>	<i>(3) Specified requirements</i>
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.
F311	F311	F311
...	...	...

[<sup>F312</sup>(7) The specified requirements for the manoeuvres test are those specified in Schedule 8A.]

[<sup>F313</sup>(8) The specified requirements for the large vehicle off road manoeuvres test are those specified in Schedule 8B.]

#### Textual Amendments

- F285** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F304** Reg. 40C(ZA1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **21(a)**
- F305** Words in reg. 40C(1) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 25(a)**
- F306** Word in reg. 40C(1) substituted (31.12.2015) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **7**
- F307** Reg. 40C(1A) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **21(b)**
- F308** Words in reg. 40C(3) substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **19(a)**
- F309** Words in reg. 40C(6) omitted (30.3.2009) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **21(b)** (with reg. 33)
- F310** Words in reg. 40C Table inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 25(b)(i)**
- F311** Words in reg. 40C Table omitted (19.1.2013) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 25(b)(ii)**
- F312** Reg. 40C(7) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **21(c)** (with reg. 33)
- F313** Reg. 40C(8) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **19(b)**

### Nature of extended driving tests

**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 [F314 regulations 40 to 40C] as modified by virtue of paragraph (2) of this regulation.

[F315(2) For the purposes of an extended driving test, the provisions of regulations 40 to 40C shall apply as if regulation 40(1) were omitted and as if for sub-paragraph (c) of regulation 40B(5) there were substituted—

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

#### Textual Amendments

- F285** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F314** Words in reg. 41(1) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **15(a)** (with reg. 22)
- F315** Reg. 41(2) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **15(b)** (with reg. 22)

### Exemption from theory test

**42.**—[F316(1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising that person to drive a motor vehicle of a class included in sub-category A1 if that person—

- (a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A; or
- (b) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).]

[F317(1A) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in sub-category A2 if that person—

- (a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A;
- (b) has, for a period of not less than two years, held a full licence which authorises the driving of A1 motorcycles; or
- (c) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).

(1B) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in sub-category A3 if that person—

- (a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A;
- (b) has, for a period of not less than two years, held a full licence which authorises the driving of A2 motorcycles; or
- (c) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).

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

(1C) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category AM or A if that person has held, for a period of not more than two years, a standard theory test pass certificate issued before 19th January 2013 in respect of a motor vehicle which—

- (a) is of a class included in former category P; or
- (b) is a motor bicycle.

(1D) A person who has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to a certificate mentioned in paragraph (1C) is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category AM or A.

(1E) A person who is a full time member of the armed forces is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category A if that person has passed a test for a licence authorising the driving of motor vehicles of another class included in category A.]

(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—

- <sup>F318</sup>(a) .....
- (b) he holds a full licence authorising the driving of motor vehicles <sup>F319</sup>...of another class included in category B <sup>F319</sup>...; 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 <sup>F320</sup>... of another class included in category B <sup>F320</sup>... and is <sup>F320</sup>... 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.]

#### Textual Amendments

- F285** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F316** Reg. 42(1) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 26(a)**
- F317** Reg. 42(1A)-(1E) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 26(b)**
- F318** Reg. 42(2)(a) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **7(3)(a)**
- F319** Words in reg. 42(2)(b) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **7(3)(b)**
- F320** Words in reg. 42(2)(d) omitted (21.2.2003) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2003 \(S.I. 2003/166\)](#), regs. 1(1), **3(b)**

#### *Entitlements upon passing test*

#### **Entitlement upon passing a test other than an appropriate driving test**

**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 <sup>F321</sup>the following provisions of this regulation].

(2) Subject to <sup>F322</sup><sup>F323</sup>regulation] 44A], the licence shall authorise the driving of all classes of motor vehicle included in that category or sub-category unless—

- (a) the test <sup>F324</sup>, <sup>F325</sup>large vehicle off road manoeuvres test,] practical test (other than in relation to a vehicle of a class included in category <sup>F326</sup>AM or A]) or two-part practical test, as the case may be,] 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 <sup>F324</sup>, <sup>F327</sup>large vehicle off road manoeuvres test,] practical test (other than in relation to a vehicle of a class included in category <sup>F326</sup>AM or A]) or two-part practical test, as the case may be,] 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) <sup>F328</sup>Subject to <sup>F329</sup>paragraph (5)], 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)

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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 [<sup>F330</sup>, [<sup>F331</sup>large vehicle off road manoeuvres test,] practical test (other than in relation to a vehicle of a class included in category A or P) or two-part practical test, as the case may be,] 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 [<sup>F330</sup>, [<sup>F332</sup>large vehicle off road manoeuvres test,] practical test (other than in relation to a vehicle of a class included in category A or P) or two-part practical test, as the case may be,] 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 [<sup>F333</sup>Q, AM, F or K], paragraph (3)(a) shall not apply.

[<sup>F334</sup>(5) Where a person has passed a test (or Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of vehicles included in category B, the effect of paragraph (3) in relation to the driving of vehicles in [<sup>F335</sup>category Q or AM] shall be as follows—

(a) the licence granted by the Secretary of State shall authorise the driving of vehicles within [<sup>F336</sup>category Q or AM] if and only if—

(i) the test was passed before 1st February 2001;

[<sup>F337</sup>(ii) the person concerned held at the date on which he passed the test either—

(aa) the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was at that time valid in accordance with regulation 68(2), or

(bb) a valid certificate corresponding to such a certificate which was furnished to him under the law of Northern Ireland;]<sup>F338</sup> ...

[<sup>F339</sup>(iii) the person concerned holds either—

(aa) the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was furnished to him after the date on which he passed the test, and was valid in accordance with regulation 68(2) when furnished, or

(bb) a certificate corresponding to such a certificate which was furnished to him under the law of Northern Ireland after the date on which he passed the test and was valid when so furnished,]<sup>F340</sup>; or

(iv) the vehicles in category Q are electric scooters being used in a trial] and

(b) where a certificate referred to in sub-paragraph (a)(ii) or (iii) shows that the person concerned has successfully completed an approved training course for riders of three-wheeled [<sup>F341</sup>vehicles], the only vehicles in [<sup>F335</sup>category Q or AM] authorised by the licence to be driven shall be three-wheeled [<sup>F341</sup>vehicles].]

<sup>F342</sup>(6) .....

[<sup>F343</sup>(7) In this regulation “two-part practical test” means—

(a) in relation to a vehicle of a class included in category [<sup>F344</sup>AM or A], the manoeuvres test and the practical test in respect of a vehicle of a class included in category [<sup>F344</sup>AM or A], as appropriate;

(b) in relation to a vehicle of a class included in sub-category A1, the manoeuvres test and the practical test in respect of a vehicle of a class included in sub-category A1.]



**Textual Amendments**

- F321** Words in reg. 43(1) substituted (1.2.2001) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2001 (S.I. 2001/53), regs. 1, **8(2)**
- F322** Words in reg. 43(2) substituted (1.2.2001) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2001 (S.I. 2001/53), regs. 1, **8(3)**
- F323** Word in reg. 43(2) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(a)(i)**
- F324** Words in reg. 43(2) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **22(a)** (with reg. 33)
- F325** Words in reg. 43(2)(a) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **20(a)(i)**
- F326** Words in reg. 43(2)(a)(b) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(a)(ii)**
- F327** Words in reg. 43(2)(b) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **20(a)(ii)**
- F328** Words in reg. 43(3) substituted (1.2.2001) by The Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 2001 (S.I. 2001/236), regs. 1, **3(2)**
- F329** Words in reg. 43(3) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(b)**
- F330** Words in reg. 43(3) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **22(a)** (with reg. 33)
- F331** Words in reg. 43(3)(a) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **20(b)(i)**
- F332** Words in reg. 43(3)(b) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **20(b)(ii)**
- F333** Words in reg. 43(4) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(c)**
- F334** Reg. 43(5) inserted (1.2.2001) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2001 (S.I. 2001/53), regs. 1, **8(5)**
- F335** Words in reg. 43(5) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(d)(i)**
- F336** Words in reg. 43(5)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(d)(ii)**
- F337** Reg. 43(5)(a)(ii) substituted (31.12.2015) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015 (S.I. 2015/1797), regs. 1, **8(a)**
- F338** Word in reg. 43(5)(a) omitted (4.7.2020) by virtue of The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 (S.I. 2020/663), Pt. 1 regs. 1(2), **4(7)(a)**
- F339** Reg. 43(5)(a)(iii) substituted (31.12.2015) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015 (S.I. 2015/1797), regs. 1, **8(b)**
- F340** Reg. 43(5)(a)(iv) and word inserted (4.7.2020) by The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 (S.I. 2020/663), Pt. 1 regs. 1(2), **4(7)(b)**
- F341** Words in reg. 43(5)(b) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(d)(iii)**
- F342** Reg. 43(6) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(e)**
- F343** Reg. 43(7) added (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **22(b)** (with reg. 33)
- F344** Words in reg. 43(7)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 27(f)**

*Status: Point in time view as at 15/11/2021.*

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

## Entitlement upon passing a test other than an appropriate driving test: category A

<sup>F345</sup>44. ....

### Textual Amendments

**F345** Reg. 44 omitted (19.1.2013) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 28**

## <sup>F346</sup>Entitlement upon passing a test other than an appropriate driving test: category [<sup>F347</sup>AM]

**44A.**—(1) This regulation applies where a person has passed a test (or Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of vehicles included in category [<sup>F348</sup>AM].

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

- <sup>F349</sup>(a) in a case where the test was passed on a three-wheeled moped or a light quadricycle, a licence authorising the driving of all vehicles having three or four wheels included in category AM;]
- (b) in any other case, a licence authorising the driving of all vehicles included in category [<sup>F350</sup>AM].]

### Textual Amendments

**F346** Reg. 44A inserted (1.2.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **9**

**F347** Word in reg. 44A heading substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 29**

**F348** Word in reg. 44A(1) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 30(a)**

**F349** Reg. 44A(2)(a) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 30(b)(i)**

**F350** Word in reg. 44A(2)(b) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 30(b)(ii)**

## Upgrading of entitlements by virtue of passing second test

**45.**—<sup>F351</sup>(1) A person who has passed tests for a licence authorising the driving of motor vehicles included in category D and category C + E 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 D + E.]

(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 [<sup>F352</sup>(10)] 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 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, [<sup>F353</sup>Table 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 [<sup>F354</sup>Table 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 [<sup>F355</sup>former sub-category B1 or category”] 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, <sup>F356</sup>...

*Status: Point in time view as at 15/11/2021.*

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

- (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.
- [<sup>F357</sup>(c) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of motor vehicles in former sub-category D1, references to “sub-category D1” shall include vehicles which would fall within sub-category D1, save that the maximum length of the vehicle exceeds 8 metres,
- (d) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of motor vehicles in former sub-category D1+E, references to “sub-category D1+E” shall include vehicles which would fall within sub-category D1+E save that the maximum length of the tractor vehicle exceeds 8 metres, and
- (e) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of vehicles in former category B+E, references to “category B+E” shall include vehicles which would fall within category B+E save that the maximum authorised mass of the trailer or semi-trailer (as the case may be) exceeds 3500 kilograms.]
- [<sup>F358</sup>(12) Paragraph (11)(c) and (d) shall apply to references in Schedule 9 to “sub-category D1” and “sub-category D1+E” as that paragraph applies to such references in this regulation.]

#### Textual Amendments

- F351** Reg. 45(1) substituted (29.12.2014) by [The Road Traffic Act 1988 and Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/3190\)](#), regs. 1, **8(a)**
- F352** Word in reg. 45(3)(b) substituted (10.4.2014) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/613\)](#), regs. 1, **6**
- F353** Words in reg. 45(5) substituted (29.12.2014) by [The Road Traffic Act 1988 and Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/3190\)](#), regs. 1, **8(b)**
- F354** Words in reg. 45(6) substituted (29.12.2014) by [The Road Traffic Act 1988 and Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/3190\)](#), regs. 1, **8(c)**
- F355** Words in reg. 45(10) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 31(a)**
- F356** Word in reg. 45(11)(a) omitted (19.1.2013) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 31(b)(i)**
- F357** Reg. 45(11)(c)-(e) added (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 31(b)(ii)**
- F358** Reg. 45(12) inserted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 31(c)**

#### Entitlement upon passing an appropriate driving test

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) [<sup>F359</sup>, (6) and (6A)].

(2) Subject to [<sup>F360</sup> paragraphs (4) and (4A)], 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 [<sup>F361</sup>practical test (other than in relation to a vehicle of a class included in category [<sup>F362</sup>AM or A]) or two-part practical test, as the case may be,] 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 [<sup>F361</sup>practical test (other than in relation to a vehicle of a class included in category [<sup>F362</sup>AM or A]) or two-part practical test, as the case may be,] 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 [<sup>F363</sup>practical test (other than in relation to a vehicle of a class included in category [<sup>F364</sup>AM or A]) or two-part practical test, as the case may be,] 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 [<sup>F363</sup>practical test (other than in relation to a vehicle of a class included in category [<sup>F364</sup>AM or A]) or two-part practical test, as the case may be,] 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.
- <sup>F365</sup>(4) In the case of a non-side car licence holder who—
- (a) was disqualified before 19th January 2013 where the standard access period had not expired at the date of disqualification and has not expired, or
- (b) is disqualified on or after 19th January 2013 and upon the date of disqualification the standard access period has not expired,
- the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired in relation to A3 motorcycles until the standard access period has expired.]
- <sup>F366</sup>(4A) In the case of a side-car licence holder who—
- (a) was disqualified before 19th January 2013 where the standard access period had not expired at the date of disqualification and has not expired, or
- (b) is disqualified on or after 19th January 2013 and upon the date of disqualification the standard access period has not expired,
- the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired in relation to A3 motorcycle and side-car combinations until the standard access period has expired.]
- (5) Paragraph (3)(a) shall not apply where the additional category is [<sup>F367</sup>AM, F, G, H, K or L].
- (6) [<sup>F368</sup>Subject to paragraph (6A),] where the person who is disqualified passes the [<sup>F369</sup>two-part 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—

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- (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.

[<sup>F370</sup>(6A) Where a person passes the two-part practical test on a vehicle of a class included in sub-category A2 the disqualification is deemed to have expired additionally in relation to all classes of vehicle included in sub-category A3 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 sub-category A3 as have automatic transmission.]

(7) Where the person who is disqualified passes the practical test on a vehicle of a class included in category B<sup>F371</sup>..., 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.

(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.

[<sup>F372</sup>(9) In this regulation—

“non side-car licence holder” means a person who held a licence, granted before 19th January 2013, authorising the driving of standard motor cycles without a side-car;

“side-car licence holder” means a person who held a licence, granted before 19th January 2013, authorising the driving of standard motor bicycle and side-car combinations;” and

“two-part practical test means—

- (a) in relation to a vehicle of a class included in category AM or A, the manoeuvres test and the practical test in respect of a vehicle of a class included in category AM or A, as appropriate;
- (b) in relation to a vehicle of a class included in sub-category A1, the manoeuvres test and the practical test in respect of a vehicle of a class included in sub-category A1.]

#### Textual Amendments

**F359** Words in reg. 46(1) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 32(a)**

**F360** Words in reg. 46(2) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 32(b)(i)**

**F361** Words in reg. 46(2) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **24(a)** (with reg. 33)

**F362** Words in reg. 46(2)(a)(b) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 32(b)(ii)**

**F363** Words in reg. 46(3) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **24(a)** (with reg. 33)

**F364** Words in reg. 46(3)(a)(b) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 32(c)**

- F365** Reg. 46(4) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(d)**
- F366** Reg. 46(4A) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(e)**
- F367** Words in reg. 46(5) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(f)**
- F368** Words in reg. 46(6) added (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(g)**
- F369** Words in reg. 46(6) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **24(b)** (with reg. 33)
- F370** Reg. 46(6A) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(h)**
- F371** Words in reg. 46(7) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(i)**
- F372** Reg. 46(9) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 32(j)**

### **[<sup>F373</sup>Results of safe road use test and validity of certificates**

**46A.**—(1) The person conducting a safe road use test shall arrange for the test to be marked on the day it was undertaken and shall upon completion of the marking of the test furnish the person who undertook it with notification of the result of that test.

(2) A qualification award certificate or a relevant qualification certificate shall be valid for the purposes of regulation 38(3)(a)(iia) for a period commencing on the date of the certificate and ending—

- (a) three years later,
  - (b) on the date on which the person to whom the certificate is issued is disqualified by order of a court under section 34 or 35 of the Offenders Act,
  - (c) on the date on which that person is disqualified by order of a court under section 36 of the Offenders Act until that person passes an appropriate driving test, or
  - (d) on the date on which that person's driving licence is revoked under section 3 of the New Drivers Act 1995,
- whichever is the earliest.]

### **Textual Amendments**

- F373** Reg. 46A inserted (1.5.2010) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2010 (S.I. 2010/1203), regs. 1(2), **22**

### *Test results*

### **Evidence of result of theory test [<sup>F374</sup>: vehicles other than category C or D]**

**47.**—[<sup>F375</sup>(1) The person conducting a theory test described in regulation [<sup>F376</sup>40(2A)(a), (2B)(b) or (2C)(a)] shall arrange for the test to be marked on the day of the test.]

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

*Status: Point in time view as at 15/11/2021.*

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

- (a) a person who passes the test with a [F377standard 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 [F377standard 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 [F377standard 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 [F377standard theory test pass certificate] shall be valid for the purposes of [F378regulation 38(4), 40A(1)(b)(i) or (1A)(b)(i) or 42(1)(a), (1A)(a), (1B)(a) or (1C)] 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 [F377standard theory test pass certificate] is not valid for the purposes of [F378regulation 38(4), 40A(1)(b)(i) or (1A)(b)(i) or 42(1)(a), (1A)(a), (1B)(a) or (1C)] 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.
- [F379(8) A person authorised to conduct theory tests by virtue of sub-paragraphs (b), (c), (da), (db), [F380(dc), (dd), (de), (df),] (e) or (f) of regulation 23(1) or regulation 23(2)(b) shall issue [F377standard theory test pass certificates] using forms supplied by the Secretary of State<sup>F381</sup> ... ]

#### Textual Amendments

- F374** Words in reg. 47 heading added (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **16(a)** (with reg. 22)
- F375** Reg. 47(1) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **16(c)** (with reg. 22)
- F376** Words in reg. 47(1) substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **23**
- F377** Words in reg. 47 substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **16(b)** (with reg. 22)
- F378** Words in reg. 47(6)(7) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 33**
- F379** Reg. 47(8) substituted (1.4.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **8**



**F380** Words in reg. 47(8) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **9**

**F381** Words in reg. 47(8) omitted (7.7.2008) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **16(d)** (with reg. 22)

**[<sup>F382</sup>Evidence of result of theory test: category C and D**

**47A.**—(1) The person conducting—

- (a) a large vehicle test of driving theory; or
- (b) a large vehicle test of hazard perception,

shall arrange for the test to be marked on the day of the test.

(2) The person conducting a large vehicle test of driving theory shall, upon completion of the marking of the test, furnish—

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

(3) The person conducting a large vehicle test of hazard perception shall, upon completion of the test, furnish—

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

(4) Where a person who has conducted a large vehicle test of driving theory or a large vehicle test of hazard perception is satisfied that a statement of performance has been furnished in error to a person who took the test, he shall, upon receipt of that document from that person, and subject to paragraph (5), furnish that person with a correct statement.

(5) Where the person who took the test alleges that a statement of performance has been furnished under paragraph (2)(b) or (3)(b) in error he may return 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.

(6) The person who conducted the test shall comply with a request under paragraph (5) for the purpose of ascertaining whether an error has been made but otherwise shall not be obliged to remark any test.

(7) A statement of performance is not valid for the purposes of regulation 47B(1)—

- (a) if 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 statement relates; or
- (b) if the statement is furnished in error or with an error in the particulars required to be specified in it.]

**Textual Amendments**

**F382** Regs. 47A, 47B inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **17** (with reg. 22)

**[<sup>F382</sup>Large vehicle theory test pass certificates**

**47B.**—(1) Where a person has obtained statements of performance under regulation 47A(2)(a) and (3)(a) he shall be entitled to be furnished with a large vehicle theory test pass certificate in the form set out in Schedule 10C.

(2) The large vehicle theory test pass certificate shall be furnished as soon as practicable to a person entitled to it under paragraph (1) by the person who conducted the test to which the later of the two statements relates.

(3) A large vehicle 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 the person has passed the tests mentioned in such a certificate.

(4) A large vehicle theory test pass certificate shall be valid for the purposes of regulation 38(4) [<sup>F383</sup>or 40A(2)(b)(i)] for a period commencing on the earlier of the dates on which a person passes the large vehicle test of driving theory or the large vehicle hazard perception test and ending—

- (a) two years later, or
- (b) on the date on which that person 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.

(5) A large vehicle theory test pass certificate is not valid for the purposes of regulation 38(4) [<sup>F384</sup>or 40A(2)(b)(i)] 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 any test to which the certificate relates.

(6) Where a person who has furnished a large vehicle theory test pass certificate is satisfied that it has been furnished with an error in the particulars specified in it, he shall upon receipt of that document from the person to whom it was furnished, furnish that person with a correct certificate.

(7) A large vehicle theory test pass certificate shall cease to be valid if the person to whom it is furnished is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test.

(8) A person authorised to conduct theory tests by virtue of paragraphs (b), (c), (da), (db), [<sup>F385</sup>(dc), (dd), (de), (df),] (e) or (f) of regulation 23(1) or regulation 23(2)(b) shall issue large vehicle theory test pass certificates using forms supplied by the Secretary of State.]

**Textual Amendments**

**F382** Regs. 47A, 47B inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **17** (with reg. 22)

**F383** Words in reg. 47B(4) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **26** (with reg. 33)

**F384** Words in reg. 47B(5) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **26** (with reg. 33)

**F385** Words in reg. 47B(8) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **9**

**[<sup>F386</sup>Evidence of the result of manoeuvres test, large vehicle off road manoeuvres test, practical test or unitary test]**

**48.**—[<sup>F387</sup>(ZA1) A person conducting a manoeuvres test shall upon completion of the test furnish—

- (a) a person who passes the test with a module 1 pass certificate which, save where the person is exempt from the requirement to pass a theory test by virtue of regulation 42, shall record the date of the standard theory test as recorded in the standard theory test pass certificate which was produced in accordance with regulation 38(4) when that person submitted to the manoeuvres test;
- (b) a person who fails to pass the test with a module 1 failure statement;]

[<sup>F388</sup>(ZB1) A person conducting a large vehicle off road manoeuvres test shall upon completion of the test furnish—

- (a) a person who passes the test with a large vehicle off road manoeuvres test pass certificate;
- (b) a person who fails to pass the test with a large vehicle off road manoeuvres test statement of failure.]

(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.

[<sup>F389</sup>(1A) A module 1 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 manoeuvres test to which the certificate relates; or
- (b) at the time when it was issued, the standard 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).

(1B) A module 1 pass certificate is not valid for the purpose of regulation 38(8A)(a) if—

- (a) it is furnished in error or with an error in the particulars required to be specified in it; or
- (b) it is invalid by virtue of paragraph (1A)]

(2) A test pass certificate is invalid if—

[<sup>F390</sup>(za) it is furnished in error or with an error in the particulars required to be specified in it;]

- (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 [<sup>F391</sup>standard 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) [<sup>F392</sup>, <sup>F393</sup> ...
- (ba) at the time when it is issued, the large vehicle theory test pass certificate produced to the person conducting the test in accordance with regulation 38(4) is invalid by virtue of regulation 47B(5)] [<sup>F394</sup>; or
- (bb) it was issued in relation to a vehicle of a class included in category A or P and at the time when it was issued the module 1 pass certificate produced to the person conducting the test in accordance with regulation 38(8A) is invalid by virtue of paragraph (1B).]

*Status: Point in time view as at 15/11/2021.*

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

- [<sup>F395</sup>(2A) A large vehicle off road manoeuvres test pass certificate is invalid if—
- (a) 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 any test to which the certificate relates, or
  - (b) at the time when it was issued, the large vehicle theory test pass certificate produced to the person conducting the test in accordance with regulation 38(4) is invalid by virtue of regulation 47B(5).
- (2B) A large vehicle off road manoeuvres test pass certificate is not valid for the purposes of regulation 40A(2) if—
- (a) it is furnished in error or with an error in the particulars required to be specified in it, or
  - (b) it is invalid by virtue of paragraph (2A).]

(3) A person authorised to conduct [<sup>F396</sup>large vehicle off road manoeuvres tests, practical tests or] unitary tests by virtue of [<sup>F397</sup>sub-paragraphs (b), (ca), (cb), [<sup>F398</sup>(cc), (cd), (ce), (cf),] (d), (f) or (g) of regulation 24(1)] [<sup>F399</sup>or regulation 24(1ZA)] or regulation 24(2)(b) shall issue test pass certificates using the forms supplied by the Secretary of State <sup>F400</sup>...

#### Textual Amendments

- F386** Reg. 48 heading substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **21(a)**
- F387** Reg. 48(ZA1) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **27(b)** (with reg. 33)
- F388** Reg. 48(ZB1) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **21(b)**
- F389** Reg. 48(1A)(1B) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **27(c)** (with reg. 33)
- F390** Reg. 48(2)(za) inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **27(d)(i)** (with reg. 33)
- F391** Words in reg. 48(2)(b) substituted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **18(a)** (with reg. 22)
- F392** Reg. 48(2)(ba) and preceding word inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **18(b)** (with reg. 22)
- F393** Word in reg. 48(2)(b) omitted (30.3.2009) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **27(d)(ii)** (with reg. 33)
- F394** Reg. 48(2)(bb) and word inserted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **27(d)(iii)** (with reg. 33)
- F395** Reg. 48(2A)(2B) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **21(c)**
- F396** Words in reg. 48(3) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **21(d)(i)**
- F397** Words in reg. 48(3) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **9**
- F398** Words in reg. 48(3) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **10**
- F399** Words in reg. 48(3) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **21(d)(ii)**
- F400** Words in reg. 48(3) omitted (7.7.2008) by virtue of The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **18(c)** (with reg. 22)

**Status:**

Point in time view as at 15/11/2021.

**Changes to legislation:**

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