
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III

TESTS OF COMPETENCE TO DRIVE

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) in the case of an application for a test to be conducted before 4th January 2000, state whether or not he requires the theory test pass certificate or failure statement to be furnished under regulation 47(2) on the day of the test and pay the fee specified in regulation 30.

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

(3) An applicant in person for whom an appointment is made as aforesaid in respect of any category of motor vehicle may neither apply as an applicant in person nor be nominated by virtue of regulation 27 or 28 for a further appointment for a theory test in respect of the same category unless—

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

Applications for theory tests: motor bicycle instructors

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

- (a) apply for such an appointment to the appointed person, specifying the date and time of the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to himself, the establishment and the nature of the test as the appointed person may reasonably require,

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- (c) where the application proposes an appointment for a test on a date before 4th January 2000, state whether or not he requires the theory test pass certificate or failure statement to be furnished under regulation 47(2) to the person nominated under paragraph (4) on the day of the test, and
- (d) pay the fee (recoverable from the person nominated under paragraph (4)) specified in regulation 30.

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

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

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

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

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

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

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

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

Applications for theory tests: large vehicle instructors

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

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

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

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

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

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

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

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

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

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

Eligibility to reapply for theory test

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

(2) Paragraph (1) shall not apply—

- (a) in a case where the person is either a member of the armed forces of the Crown or a person in the civil service of the Crown under the Secretary of State for Defence and the application is made with the consent of a person authorised by the Secretary of State for Defence; or
- (b) in a case where the first test is conducted by an appointed person in accordance with paragraph (1)(a) or (2)(a) of regulation 23 and the Secretary of State has, prior to that test, given notice to the person that he will accept an application for a further test to be conducted before the expiry of the period mentioned in paragraph (1).

Fees for theory tests

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

- (a) in a case of an application for a theory test to be conducted before 4th January 2000 under which the theory test pass certificate or failure statement is required to be furnished under regulation 47(2) on the day of the test, £21, and
- (b) in the case of any other application, [^{F1}£18],

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and is payable to the Secretary of State.

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

Textual Amendments

F1 Word in [reg. 30\(1\)\(b\)](#) substituted (14.11.2002) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2002 \(S.I. 2002/2641\)](#), regs. 1, 4

Applications for practical and unitary tests: applicants in person

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

- (a) apply for an appointment for such a test to the Secretary of State,
- (b) provide the Secretary of State with such details relating to himself, the licence which he holds, the preferred location of the test, the nature of the test and the vehicle on which the test is to be taken as the Secretary of State may reasonably require, and
- (c) pay such fee as is specified in regulation 35.

(2) Upon receipt of such details and such fee the Secretary of State shall make the arrangements necessary for the taking of the appropriate test.

(3) An applicant in person for whom an appointment is made as aforesaid in respect of a class of motor vehicle in any category may neither apply as an applicant in person nor be nominated by virtue of regulation 32 or 33 for a further appointment for a practical or, as the case may be, a unitary test on a vehicle of the same class unless—

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

Applications for practical tests: motor bicycle instructors

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

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

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

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

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

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

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

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

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

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

Applications for practical tests: large vehicle instructors

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

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

(2) The Secretary of State may refuse to accept an application from a large vehicle instructor (or, where two or more applications have been made on the same occasion, to accept all or any of

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those applications) where an appointment specified in the application is unavailable or where, in the opinion of the Secretary of State, it is reasonably necessary to do so in the general interests of applicants for practical or unitary tests.

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

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

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

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

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

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

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

Eligibility to reapply for practical or unitary test

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

(2) Paragraph (1) shall not apply—

- (a) in a case where the person is either a member of the armed forces of the Crown or a person in the civil service of the Crown under the Secretary of State for Defence and the application is made with the consent of a person authorised by the Secretary of State for Defence; or
- (b) in a case where the first test is conducted by a DSA examiner and the Secretary of State has, prior to that test, given notice to the person that he will accept an application for a further test to be conducted before the expiry of the relevant period.

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

- (a) in the case of a test for a licence authorising the driving of a vehicle of a class included in category C, C+E, D or D+E, 3 clear working days, and
- (b) in any other case, 10 clear working days.

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

Fees in respect of practical or unitary tests

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

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

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

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

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

- (a) is to be conducted by a DSA examiner,
- (b) is, or forms part of, an extended driving test,
- (c) is for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the Table in Schedule 5,

the fee payable is that specified in relation to that category or sub-category in column (3) of that Table.

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

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

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

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

Cancellation of tests

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

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

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