
STATUTORY INSTRUMENTS

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;

[^{F1}“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; ^{F2}...
- (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; [^{F3}and]
- (c) [^{F4}in the case of a large vehicle off road manoeuvres test, a large vehicle off road manoeuvres test examiner;]

[^{F5}“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][^{F6}, 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;]

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

[^{F10}“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) ^{F11}...

- (d) ^{F11} ...
- (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) [^{F12}[^{F13}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 [^{F14}AM or A], including an establishment which provides tuition to prepare persons for the theory test;

[^{F15}“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;]

[^{F16}“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;]

^{F17} ...

“working day” means [^{F18}(other than in regulation 35)] a day other than a ^{F19}... 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 [^{F20}the Banking and Financial Dealings Act 1971]^{F21}).

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.

^{F22}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—

- (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

Changes to legislation:

There are currently no known outstanding effects for the The Motor Vehicles (Driving Licences) Regulations 1999, Cross Heading: Preliminary.