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STATUTORY INSTRUMENTS

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**1999 No. 2864**

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

**PART IV**

**GOODS AND PASSENGER—CARRYING VEHICLES**

*General*

**Part III of the Traffic Act: Prescribed classes of goods and passenger-carrying vehicle**

**49.**—(1) All classes of motor vehicle included in categories C, C+E, D and D+E, except vehicles of classes included in sub-categories C1, C1+E (8.25 tonnes) D1 (not for hire or reward) and D1+E (not for hire or reward), are prescribed for the purposes of section 89A(3) of the Traffic Act.

(2) Subject to paragraph (3), all classes of motor vehicle included in categories C, C+E, D and D+E, except vehicles of classes included in sub-categories C1+E (8.25 tonnes), D1 (not for hire or reward) and D1+E (not for hire or reward), are prescribed for the purposes of section 99(1) and (1A) of the Traffic Act.

(3) In the case of a licence in force at a time before 1st January 1997, paragraph (2) above shall apply as if "C1," was inserted after "sub-categories".

(4) All classes of motor vehicle included in categories C, C+E, D and D+E, except vehicles of classes included in sub-categories C1+E (8.25 tonnes), D1 (not for hire or reward) and D1+E (not for hire or reward), are prescribed for the purposes of section 99A(3) and (4) of the Traffic Act.

**Part IV of the Traffic Act: prescribed classes of large goods and passenger—carrying vehicle**

**50.**—(1) Part IV of the Traffic Act and regulations 54 to 57 shall not apply to a large goods vehicle—

- (a) of a class included in category F, G or H or sub-category C1+E (8.25 tonnes), or
- (b) which is an exempted goods vehicle or an exempted military vehicle.

(2) Part IV of the Traffic Act and regulations 54 to 57 shall not apply to a passenger-carrying vehicle manufactured more than 30 years before the date when it is driven and not used for hire or reward or for the carriage of more than eight passengers;

(3) Part IV of the Traffic Act and regulations 54 to 57 shall not apply to a passenger-carrying vehicle when it is being driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the passenger-carrying vehicle and its passengers) or for other similar purposes.

(4) All classes of large goods and passenger-carrying vehicle to which Part IV of the Traffic Act applies are prescribed for the purposes of section 117(7) and 117A(6) of the Traffic Act.

## **Exempted goods vehicles and military vehicles**

**51.—(1)** For the purposes of this Part of these Regulations, an exempted goods vehicle is a vehicle falling within any of the following classes—

- (a) a goods vehicle propelled by steam;
- (b) any road construction vehicle used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);
- (c) any engineering plant other than a mobile crane;
- (d) a works truck;
- (e) an industrial tractor;
- (f) an agricultural motor vehicle which is not an agricultural or forestry tractor;
- (g) a digging machine;
- (h) a goods vehicle which, in so far as it is used on a road—
  - (i) is used only in passing from land in the occupation of a person keeping the vehicle to other land in the occupation of that person, and
  - (ii) is not used on roads for distances exceeding an aggregate of 9.7 kilometres in any calendar week;
- (j) a goods vehicle, other than an agricultural motor vehicle, which—
  - (i) is used only for purposes relating to agriculture, horticulture or forestry,
  - (ii) is used on roads only in passing between different areas of land occupied by the same person, and
  - (iii) in passing between any two such areas does not travel a distance exceeding 1.5 kilometres on roads;
- (k) a goods vehicle used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;
- (l) a goods vehicle manufactured before 1st January 1960, used unladen and not drawing a laden trailer;
- (m) an articulated goods vehicle the unladen weight of which does not exceed 3.05 tonnes;
- (n) a goods vehicle in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965 <sup>F1</sup>;
- (o) a goods vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the vehicle and its load) or for other similar purposes;
- (p) a goods vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which—
  - (i) is used solely for dealing with disabled vehicles;
  - (ii) is not used for the conveyance of any goods other than a disabled vehicle when so raised and water, fuel, accumulators and articles required for the operation of, or in connection with, such apparatus or otherwise for dealing with disabled vehicles; and
  - (iii) has an unladen weight not exceeding 3.05 tonnes;
- (q) a passenger-carrying vehicle recovery vehicle; and
- (r) a mobile project vehicle.

(2) For the purposes of this Part of these Regulations, an exempted military vehicle is a large goods or passenger-carrying vehicle falling within any of the following classes—

- (a) a vehicle designed for fire fighting or fire salvage purposes which is the property of, or for the time being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown;
- (b) a vehicle being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939 <sup>F2</sup> which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act, 1959 <sup>F3</sup>, by section 2 of the Emergency Powers Act 1964 <sup>F4</sup>; or
- (c) an armoured vehicle other than a track-laying vehicle which is the property of, or for the time being under the control of, the Secretary of State for Defence.

(3) In this Regulation—

“digging machine” has the same meaning as in paragraph 4(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;

“agricultural motor vehicle”, “engineering plant”, “industrial tractor” and “works truck” have the same meaning as in regulation 3(2) of the Construction and Use Regulations;

“public road” has the same meaning as in section 62(1) of the Vehicle Excise and Registration Act 1994;

“road construction machinery” means a machine or device suitable for use for the construction and repair of roads and used for no purpose other than the construction and repair of roads; and

“road construction vehicle” means a vehicle which—

- (a) is constructed or adapted for use for the conveyance of road construction machinery which is built in as part of, or permanently attached to, that vehicle, and
- (b) is not constructed or adapted for the conveyance of any other load except articles and materials used for the purposes of such machinery.

#### Textual Amendments

**F1** [S.I. 1965/1536.](#)

**F2** [S.R. & O. 1939/1304.](#)

**F3** [1959 c. 19.](#)

**F4** [1964 c. 38.](#)

#### Correspondences

**52.**—(1) For the purposes of section 89A(5) of the Traffic Act, a heavy goods vehicle or public service vehicle of a class specified in column (1) of the table at the end of this regulation corresponds to a class of large goods vehicle or passenger-carrying vehicle, as the case may be, specified in column (2) of that table in relation to the class of vehicle in column (1).

(2) For the purposes of paragraph (1), where a heavy goods vehicle driver’s licence held before 1st April 1991 was restricted to vehicles having a permissible maximum weight not exceeding 10 tonnes by virtue of—

- (a) paragraph 3(3) and (5) of Schedule 2 to the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 <sup>F5</sup>, or
- (b) paragraph (1) or (2) of regulation 31 of the Heavy Goods Vehicles (Drivers’ Licences) Regulations 1977 <sup>F6</sup>,

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before those enactments ceased to have effect, such restriction shall be disregarded.

**TABLE**

<b>(1) Class of heavy goods or public service vehicle</b>	<b>(2) Corresponding class of large goods or passenger—carrying vehicle</b>
<i>Heavy goods vehicles</i>	<i>Large goods vehicles</i>
1	Categories C and C+E
1A	Categories C and C+E (limited, in each case, to vehicles with automatic transmission)
2	Category C and vehicles in category C+E which are drawbar trailer combinations
2A	Category C and vehicles in category C+E which are drawbar trailer combinations (limited, in each case, to vehicles with automatic transmission)
3	Category C and vehicles in category C+E which are drawbar trailer combinations
3A	Category C and vehicles in category C+E which are drawbar trailer combinations (limited, in each case, to vehicles with automatic transmission)
<i>Public Service Vehicles</i>	<i>Passenger-carrying vehicles</i>
1	Categories D and D+E
1A	Categories D and D+E (limited, in each case, to vehicles with automatic transmission)
2	Categories D and D+E
2A	Categories D and D+E (limited, in each case, to vehicles with automatic transmission)
3	Category D
3A	Category D (limited to vehicles with automatic transmission)
4	Sub-category D1 and vehicles in category D not more than 5.5 metres in length
4A	Sub-category D1 and vehicles in category D not more than 5.5 metres in length (limited, in each case, to vehicles with automatic transmission)

**Textual Amendments**

**F5** 1976 c. 3.

**F6** [S.I. 1977/1309](#), to which there were amendments not relevant to these Regulations.

#### **Part IV of the Traffic Act: dual purpose vehicles**

**53.**—(1) Except in the case of a vehicle mentioned in paragraph (2), Part IV of the Traffic Act and regulations 54 to 57 shall apply to dual purpose vehicles to the extent that they apply to passenger-carrying vehicles.

(2) Part IV of the Traffic Act and regulations 54 to 57 shall apply to any dual purpose vehicle which is—

- (a) driven by a member of the armed forces of the Crown, and
- (b) used to carry passengers for naval, military or air force purposes,

to the extent that they apply to large goods vehicles.

#### *Persons under the age of 21*

#### **Large goods vehicles drivers' licences issued to persons under the age of 21: trainee drivers**

**54.**—(1) A large goods vehicle driver's licence granted to a person under the age of 21 is subject to the conditions prescribed, for the purposes of section 114(1) of the Traffic Act, in the following paragraphs.

(2) In the case of an LGV trainee driver's licence, whether issued as a provisional or a full licence or treated as a provisional licence by virtue of section 98 of the Traffic Act and regulation 19, the holder shall not drive a large goods vehicle of any class which the licence authorises him to drive unless—

- (a) he is a registered employee of a registered employer, and
- (b) the vehicle is a large goods vehicle of a class to which his training agreement applies and is owned or operated by that registered employer or by a registered LGV driver training establishment.

(3) In the case of a licence held by a person who is a member of the armed forces of the Crown, the holder shall not drive a large goods vehicle of any class unless it is owned or operated by the Secretary of State for Defence and is being used for naval, military or air force purposes.

(4) In the case of an LGV trainee driver's full licence, the holder shall not drive a large goods vehicle of any class if the vehicle is being used to draw a trailer except under the supervision of a person who is present with him in the vehicle and who holds a full large goods vehicle driver's licence authorising the driving of a vehicle of that class which is not an LGV trainee driver's licence.

(5) In the case of an LGV trainee driver's full licence authorising the driving of a class of vehicles included in category C, the holder shall not drive large goods vehicles of a class included in category C+E, other than vehicles included in sub-category C1+E the maximum authorised mass of which does not exceed 7.5 tonnes, as if he were authorised by a provisional licence to do so before the expiration of a period of two years commencing on the date on which he passed the test for that full licence.

(6) In this regulation—

"LGV trainee driver's licence" means a large goods vehicle driver's licence which—

- (a) authorises its holder to drive vehicles of a class included in category C or C+E,
- (b) is held by a person, other than a member of the armed forces of the Crown, who was under the age of 21 on the date of the application, and
- (c) is in force for a period during the whole or part of which that person is under the age of 21;

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“registered”, in relation to an employee, employer or training establishment, means registered for the time being by the Training Committee in accordance with the Training Scheme;

“training agreement”, in relation to an individual who is undergoing, or is to undergo, driver training under the Training Scheme, means the agreement between that individual and a registered employer;

“the Training Committee” means the National Joint Training Committee for Young LGV Drivers in the Road Goods Transport Industry which is referred to in the Training Scheme;

“the Training Scheme” means the Young Large Goods Vehicle (LGV) Drivers Training Scheme which has been established by the Road Haulage and Distribution Training Council and approved by the Secretary of State for the purpose of regulations under section 101(2) of the Traffic Act on 30th September 1996 for training young drivers of large goods vehicles.

#### *Drivers’ conduct*

### **Large goods vehicle drivers’ licences and LGV Community licences: obligatory revocation or withdrawal and disqualification**

**55.**—(1) The prescribed circumstances for the purposes of section 115(1)(a) of the Traffic Act are that, in the case of the holder of a large goods vehicle driver’s licence who is under the age of 21, he has been convicted (or is, by virtue of section 58 of the Offenders Act, to be treated as if he had been convicted) of an offence as a result of which the number of penalty points to be taken into account under section 29 of the Offenders Act <sup>F7</sup> exceeds three.

(2) The prescribed circumstances for the purposes of section 115A(1)(a) of the Traffic Act are that, in the case of the holder of an LGV Community licence who is under the age of 21, he has been convicted (or is, by virtue of section 58 of the Offenders Act, to be treated as if he had been convicted) of an offence as a result of which the number of penalty points to be taken into account under section 29 of the Offenders Act exceeds three.

(3) Where—

- (a) a large goods vehicle drivers’ licence is revoked under section 115(1)(a) of the Traffic Act, or
- (b) the Secretary of State serves a notice on a person in pursuance of section 115A(1)(a) of that Act,

the cases in which the person whose licence has been revoked or, as the case may be, on whom the notice has been served must be disqualified indefinitely or for a fixed period shall be determined by the Secretary of State.

(4) Where the Secretary of State makes a determination under paragraph (3) that a person is to be disqualified for a fixed period he shall be disqualified until he reaches 21 years of age or for such longer period as the Secretary of State shall determine.

#### **Textual Amendments**

**F7** Section 99C was inserted by the 1996 Regulations.

### **Holders of licences who are disqualified by order of a court**

**56.**—(1) This regulation applies where a person’s large goods vehicle or passenger-carrying vehicle driver’s licence is treated as revoked by virtue of section 37(1) of the Offenders Act (effect of disqualification by court order) and where it applies subsections (1) and (2) of section 117 of the Traffic Act are modified in accordance with paragraphs (2) to (6).

(2) Where the licence which is treated as revoked is a large goods vehicle driver's licence held by a person under the age of 21—

- (a) the Secretary of State must order that person to be disqualified either indefinitely or for a fixed period, and
- (b) where the Secretary of State determines that he shall be disqualified for a fixed period, he must be disqualified until he reaches the age of 21 or for such longer period as the Secretary of State determines.

(3) Where the licence which is treated as revoked is a large goods vehicle driver's licence held by any other person or is a passenger-carrying vehicle driver's licence—

- (a) the Secretary of State may order that person to be disqualified either indefinitely or for such fixed period as he thinks fit, or
- (b) except where the licence is a provisional licence, if it appears to the Secretary of State that, owing to that person's conduct, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes a test, the Secretary of State may order him to be disqualified for holding or obtaining a full licence until he passes a test.

(4) Where the Secretary of State orders him to be disqualified until he passes a test, that test shall be a test prescribed by these Regulations for a licence authorising the driving of any class of vehicle in category C (other than sub-category C1), C+E, D or D+E which, prior to his disqualification by order of the court, he was authorised to drive by the revoked licence.

(5) Any question as to whether a person—

- (a) shall be disqualified indefinitely or for a fixed period or until he passes a test, or
- (b) if he is to be disqualified for a fixed period, what that period should be, or
- (c) if he is to be disqualified until he passes a test, which test he should be required to pass,

may be referred by the Secretary of State to the traffic commissioner.

(6) Where the Secretary of State determines that a person shall be disqualified for a fixed period, that period shall commence on the expiration of the period of disqualification ordered by the court.

(7) Where this regulation applies, subsections (3) to (6) of section 116 of the Traffic Act shall apply, but as if—

- (a) subsection (4)(a) were omitted,
- (b) for the words "in any other case, revoke the licence or suspend it" in subsection (4)(b) there were substituted "suspend the licence", and
- (c) the references to sections 115(1) and 116(1) of that Act were references to this regulation.

### Removal of disqualification

57.—(1) Subject to paragraphs (2) and (3), the Secretary of State may remove a disqualification for a period of more than two years imposed under section 117(2)(a) of the Traffic Act, after consultation with the traffic commissioner in a case which was referred to him, if an application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods commencing on the date of the disqualification—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case.

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- (2) An application may not be made if the applicant has during the relevant period been convicted (or treated as convicted) of an offence by virtue of which he has incurred—
- (a) penalty points, or
  - (b) an endorsement of a Northern Ireland driving licence held by him, or of its counterpart, with particulars of a conviction pursuant to provisions for the time being in force in Northern Ireland that correspond to sections 44 and 45 of the Offenders Act.
- (3) Where an application under paragraph (1) for the removal of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.



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