

1999 No. 617

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
(No. 2) Regulations 1999**

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| <i>Made</i> - - - - - | <i>5th March 1999</i> |
| <i>Laid before Parliament</i> | <i>9th March 1999</i> |
| <i>Coming into force</i> | |
| <i>for all purposes except regulation 7(2)</i> | <i>6th April 1999</i> |
| <i>for the purposes of regulation 7(2)</i> | <i>4th May 1999</i> |

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 89(3), (4) and (5)(a), 92(4)(b), 97(3)(a), 105(1), (2) and (3) and 108(1) of the Road Traffic Act 1988(a), after consulting with representative organisations in accordance with section 195(2) of that Act and with the consent of the Treasury(b), hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 2) Regulations 1999 and shall come into force—

- (a) for all purposes except those of regulation 7(2), on 6th April 1999;
- (b) for the purposes of regulation 7(2), on 4th May 1999.

Amendment of Motor Vehicles (Driving Licences) Regulations 1996

2. The Motor Vehicles (Driving Licences) Regulations 1996(c) are amended in accordance with regulations 3 to 9 below.

3. In regulation 13 (provisional licences: interpretation)—

- (a) in paragraph (1), the definitions of “qualified driver” and “relevant licence holder” shall be omitted;
- (b) paragraph (2) shall be omitted.

4. After regulation 13 there shall be inserted—

“Meaning of “qualified driver”

13A.—(1) Subject to paragraph (3), a person is a qualified driver for the purposes of regulation 15 if he—

(a) 1988 c. 52. The relevant amendments are: to section 89(3) by the Road Traffic Act 1991 (c. 40). Schedule 4, paragraph 63; to section 89(4) by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22). Schedule 3, paragraph 8; to sections 105(2) and 108(1) by the Driving Licences (Community Driving Licences) Regulations 1990 (S.I. 1990/144) and the Driving Licences (Community Driving Licences) Regulations 1996 (S.I. 1996/1974). In section 108(1) see the definition of “prescribed” and “regulations”.

(b) See section 105(4) of the Road Traffic Act 1988.

(c) S.I. 1996/2824. The relevant amendments are by S.I. 1997/669 and 2070 and 1998/2038.

- (a) is 21 years of age or over,
- (b) holds a relevant licence,
- (c) has the relevant driving experience, and
- (d) in the case of a disabled driver, he is supervising a provisional licence holder who is driving a vehicle of a class included in category B and would in an emergency be able to take control of the steering and braking functions of the vehicle in which he is a passenger.

(2) For the purposes of this regulation—

- (a) “disabled driver” means a person who holds a relevant licence which is limited by virtue of a notice served under section 92(5)(b) of the Traffic Act(a) to vehicles of a particular class;
- (b) “full licence” includes a full Northern Ireland licence and a Community licence;
- (c) “relevant licence” means—
 - (i) in the case of a disabled driver, a full licence authorising the driving of a class of vehicles in category B other than vehicles in sub-category B1 or B1 (invalid carriages), and
 - (ii) in any other case, a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder; and
- (d) a person has relevant driving experience if—
 - (i) in the case of a person supervising a provisional licence holder who is driving a vehicle in category C, D, C+E or D+E, he held the relevant licence on 6th April 1998 and has held it continuously since that date and he has also held a full licence authorising the driving of vehicles in category B for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years, and
 - (ii) in any other case, he has held the relevant licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years.

(3) In the case of a person who is a member of the armed forces of the Crown acting in the course of his duties for naval, military or air force purposes sub-paragraphs (a) and (c) of paragraph (1) shall not apply.”.

5. In regulation 31(1)(a) (fees for theory tests) for “£25” there shall be substituted “£21”.

6. For regulation 33(3) (vehicles suitable for tests) there shall be substituted—

“(3) A person submitting himself for a practical or unitary test shall provide a vehicle which—

- (a) corresponds to the specification referred to in paragraph (1), (1A) or (2), 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.

(3A) A person submitting himself for a practical test prescribed in respect of category B or B+E shall provide a motor vehicle which—

- (a) is fitted with a front passenger seat unless it—
 - (i) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or

(a) I.e. the Road Traffic Act 1988.

- (ii) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed,
- (b) has fitted for use with the front passenger seat (or, if there is no such seat, with another seat in which the person conducting the test may conveniently sit for the purpose of the test) a properly anchored and functioning three-point seat belt, and
- (c) in the case of a vehicle fitted with a front passenger seat, has fitted as an integral part of that seat a head restraint which satisfies the requirements of Council Directive 78/932/EEC^(a).

(3B) A person submitting himself for a practical test prescribed in respect of category B shall provide a vehicle which is fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat unless it—

- (a) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or
- (b) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed.

(3C) A person submitting himself for a practical test prescribed in respect of category B+E, C, C+E, D or D+E shall provide a motor vehicle which is not carrying goods or burden other than fixed items which are characteristic of the class to which it belongs.

(3D) A person submitting himself for a practical test prescribed in respect of category C, C+E, D or D+E shall provide a motor vehicle which is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner can properly conduct the test and is protected from bad weather during the test.

(3E) 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 examiner 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.

(3F) A person submitting himself for a practical test prescribed in respect of category B+E, C+E or D+E shall provide a motor vehicle which is fitted with linkage and braking mechanisms which are designed for use when the trailer is fully laden.

(3G) In the case of a test being conducted by a person appointed in accordance with paragraph (1)(b) or (2)(b) of regulation 21 paragraphs (3A)(c) and (3B) shall not apply.”.

7.—(1) Regulation 36 (nature of tests other than extended tests) shall be amended as follows.

(2) In paragraph (6)(b)(ii), for “25 minutes” there shall be substituted “30 minutes”.

(3) In paragraph (7), for paragraph (a) there shall be substituted—

“(a) be conducted as an approved form of examination consisting of 35 questions, the questions being in either a multiple choice or multiple response form and testing a candidate on the specified matters in accordance with Schedule 7;”.

8. For regulation 68(8B)(b) (circumstances in which a person suffering from diabetes requiring insulin treatment may hold a licence) there shall be substituted—

“(b) he has not, during the period of twelve months ending on the date of the application, required the assistance of another person to treat an episode of hypoglycaemia suffered whilst he was driving.”.

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

9. For Parts 3 and 4 of Schedule 7 (specified matters for theory test) there shall be substituted the provisions contained in the Schedule to these Regulations.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

4th March 1999

Larry Whitty
Parliamentary under Secretary,
Department of the Environment, Transport and the Regions

We approve the making of these Regulations

5th March 1999

Jim Dowd
Clive Betts
Two of the Lords Commissioners of Her Majesty's Treasury

PROVISIONS SUBSTITUTED FOR PARTS 3 AND 4 OF SCHEDULE 7

“PART 3

CATEGORY C

The specified matters are set out in sections A to G. The person conducting the test shall examine the candidate on all the items included in those sections.

A. Road traffic regulation

Road traffic regulations including road signs, road markings, signals, rights of way and speed limits.

B. The driver

1. The importance of alertness and attitudes to other road users.
2. Perception, judgement and decision-making, including especially reaction time and changes in driver behaviour due to the influence of alcohol, drugs and medicinal products, state of mind and fatigue.

C. The road

1. The most important principles concerning the observance of safe distance between vehicles, braking distances and roadholding under various weather and road conditions.
2. Driving risk factors related to various road conditions as they change with the weather and the time of day or night, in particular the effect of wind on the course of the vehicle.
3. Characteristics of various types of road and the related statutory requirements.
4. Precautions to be taken when overtaking because of the danger of splashing spray or mud.

D. Other road users

1. Specific risk factors related to the lack of experience of other road users and the most vulnerable categories of user such as children, pedestrians, cyclists and people whose mobility is reduced.
2. Risks involved in the movement and driving of various types of vehicle.
3. Obstruction of the field of view of the driver and other road users caused by characteristics of their vehicles.

E. General rules and regulations and other matters

1. Rules concerning the administrative documents required for the use of vehicles.
2. General rules specifying how the driver must behave in the event of an accident (setting warning device and raising the alarm) and the measures which he can take to assist road accident victims where necessary.
3. Rules on vehicle weights and dimensions.
4. Rules on driving hours, rest periods and the use of the tachograph.

F. Road and vehicle safety

1. Mechanical aspects of the vehicle with a bearing on road safety, i.e. checks to detect the most common faults, in particular in the steering, suspension and brake systems, tyres,

lights and direction indicators, reflectors, rear-view mirrors, audible warning devices, windscreen and wipers, the exhaust system and seat-belts.

2. Vehicle safety equipment.
3. Principles of braking systems and speed governors.
4. Precautions when alighting from the vehicle.
5. Safety factors relating to vehicle loading.

G. Environmental matters

Rules regarding vehicle use in relation to the environment, including the appropriate use of audible warning devices, moderate fuel consumption, limitation of pollutant emissions and matters of a similar nature.

PART 4

CATEGORY D

The specified matters are set out in sections A to G. The person conducting the test shall examine the candidate on all the items included in those sections.

A. Road traffic regulation

Road traffic regulations including road signs, road markings, signals, rights of way and speed limits.

B. The driver

1. The importance of alertness and attitudes to other road users.
2. Perception, judgement and decision-making, including especially reaction time and changes in driver behaviour due to the influence of alcohol, drugs and medicinal products, state of mind and fatigue.

C. The road

1. The most important principles concerning the observance of safe distance between vehicles, braking distances and roadholding under various weather and road conditions.
2. Driving risk factors related to various road conditions as they change with the weather and the time of day or night, in particular the effect of wind on the course of the vehicle.
3. Characteristics of various types of road and the related statutory requirements.
4. Precautions to be taken when overtaking because of the danger of splashing spray or mud.

D. Other road users

1. Specific risk factors related to the lack of experience of other road users and the most vulnerable categories of user such as children, pedestrians, cyclists and people whose mobility is reduced.
2. Risks involved in the movement and driving of various types of vehicle.
3. Obstruction of the field of view of the driver and other road users caused by characteristics of their vehicles.

E. General rules and regulations and other matters

1. Rules concerning the administrative documents required for the use of vehicles.
2. General rules specifying how the driver must behave in the event of an accident

(setting warning device and raising the alarm) and the measures which he can take to assist road accident victims where necessary.

3. Rules on vehicle weights and dimensions.
4. Rules on driving hours, rest periods and the use of the tachograph.
5. Rules concerning persons carried.

F. Road and vehicle safety

1. Mechanical aspects of the vehicle with a bearing on road safety, i.e. checks to detect the most common faults, in particular in the steering, suspension and brake systems, tyres, lights and direction indicators, reflectors, rear-view mirrors, audible warning devices, windscreen and wipers, the exhaust system and seat-belts.

2. Vehicle safety equipment.
3. Principles of braking systems and speed governors.
4. Precautions when alighting from the vehicle.
5. Safety factors relating to vehicle loading and persons carried.

G. Environmental matters

Rules regarding vehicle use in relation to the environment, including the appropriate use of audible warning devices, moderate fuel consumption, limitation of pollutant emissions and matters of a similar nature.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Driving Licences) Regulations 1996 in the following manner:—

- (a) A person supervising the holder of a provisional licence to drive large goods or passenger-carrying vehicles is required to have held a driving licence for a total period of not less than 3 years and to have held continuously since 6th April 1998 a licence to drive the class of vehicle in which he is travelling.
- (b) The fee for a theory test in respect of which a candidate asks for the result to be given on the same day is reduced from £25 to £21.
- (c) A vehicle provided by a person taking a practical test for a full category B licence is, subject to certain exceptions, required to be fitted with satisfactory seat belts, head restraints and a rear view mirror for the examiner.
- (d) The minimum duration of practical or unitary tests for vehicles in categories A, B, F, G, H, K and P is extended from 25 to 30 minutes.
- (e) The syllabuses for theory tests prescribed for categories C and D are extended to include a wider range of matters and the length of those tests is increased from 25 to 35 questions.
- (f) The criteria under which a person suffering from insulin-treated diabetes may be granted a licence to drive vehicles in sub-category C1 are altered.

The Regulations also make minor and consequential amendments.

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