

2008 No. 508

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2008**

<i>Made</i>	- - - -	<i>25th February 2008</i>
<i>Laid before Parliament</i>		<i>27th February 2008</i>
<i>Coming into force</i>		
<i>for all regulations other than regulations 7(a) and (b) and 12</i>		<i>1st April 2008</i>
<i>for the purposes of regulations 7(a) and (b) and 12</i>		<i>29th September 2008</i>

The Secretary of State for Transport makes these Regulations in exercise of the powers conferred by sections 89(3), (4) and (5), 97(1) and 105(1), (2), (3) and (4) of the Road Traffic Act 1988(a) and by virtue of the Department of Transport (Fees) Order 1988(b) and the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003(c) and with the approval of the Treasury(d).

The Secretary of State for Transport has consulted with representative organisations in accordance with section 195(2) of the Road Traffic Act 1988.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 and shall come into force for the purposes of regulations 7(a) and (b) and 12 on 29th September 2008 and for all other purposes on 1st April 2008.

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- (a) 1988 c.52 (in these footnotes the “1988 Act”); see section 108(1) for the definition of “prescribed” and “regulations”. Section 89(3) was amended by the Road Traffic Act 1991 (c.40) (in these footnotes the “1991 Act”), Schedule 4, paragraph 63; and by the Road Safety Act 2006 (c.49) (in these footnotes the “2006 Act”), section 36. Section 89(4) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) (in these footnotes the “1989 Act”), section 7 and Schedule 3, paragraph 8; by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974) (in these footnotes the “1996 Regulations”), regulation 2 and Schedule 1, paragraph 2; and by the 2006 Act, section 36; Section 89(5) was amended by the 2006 Act, section 36. Section 97(1) was amended by the 1989 Act, sections 6, 7 and 16, Schedule 3, paragraph 9 and Schedule 6; by the Road Traffic (New Drivers) Act 1995 (c.13), section 10 and Schedule 2, paragraph 2; by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 6; and by the Crime (International Co-operation) Act 2003 (c.32) (in these footnotes the “2003 Act”), sections 78 and 91 and Schedule 5, paragraphs 17 and 21. Section 105(2) was amended by the 1989 Act, section 7 and Schedule 3, paragraph 14; by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144) (in these footnotes the “1990 Regulations”), regulation 2 and Schedule 1, paragraph 6; by the 1991 Act, section 83 and schedule 8; by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 17; by the Driving Licences (Community Driving Licence) Regulations 1998 (S.I. 1998/1420) (in these footnotes the “1998 Regulations”), regulations 2, 10 and 17 and the Schedule; and by the 2003 Act, section 91 and Schedule 5, paragraphs 17 and 23. Section 105(4) was amended by the 1998 Regulations, regulations 2 and 10.
- (b) S.I. 1988/643; relevant amending instruments are S.I. 1995/1684 and S.I. 1996/1961.
- (c) S.I. 2003/2994.
- (d) As required by section 105(4) of the 1988 Act.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

2. The Motor Vehicles (Driving Licences) Regulations 1999^(a) are amended in accordance with regulations 3 to 12.

3. In regulation 23 (persons by whom theory tests may be conducted)—

- (a) in paragraph (1) omit sub-paragraph (d);
- (b) in paragraphs (3) and (8) for “sub-paragraphs (b), (c), (d) or (e) of paragraph (1)” substitute “sub-paragraphs (b), (c), (da), (db), (e) or (f) of paragraph (1)”; and
- (c) in paragraph (5) for “paragraph (b), (c), (d) or (e) of paragraph (1)” substitute “sub-paragraphs (b), (c), (da), (db), (e) or (f) of paragraph (1)”.

4. In regulation 24 (persons by whom practical and unitary tests may be conducted)—

- (a) in paragraph (3) for “sub-paragraphs (b), (c), (d) or (f) of paragraph (1)” substitute “sub-paragraphs (b), (ca), (cb), (d), (f) or (g) of paragraph (1)”; and
- (b) in paragraph (5) for “sub-paragraph (b), (c), (d) or (f) of paragraph (1)” substitute “sub-paragraphs (b), (ca), (cb), (d), (f) or (g) of paragraph (1)”.

5. In regulation 30 (fees for theory tests)—

- (a) for paragraph (1) substitute—

“(1) The fee payable for a theory test to be conducted by an appointed person in respect of a motor vehicle in a category of C or D is £32.00.”; and
- (b) for paragraph (2) substitute—

“(2) The fee payable for a theory test to be conducted by an appointed person in respect of a motor vehicle in a category of A, B or P is £30.00.”.

6. In regulation 35 (fees in respect of practical or unitary tests)—

- (a) in paragraph (1) for “regulation 24(1)(b), (c), (d), or (f)” substitute “regulation 24(1)(b), (ca), (cb), (d), (f) or (g)”;
- (b) in paragraph (2) for “paragraphs (4) and (5)” substitute “paragraphs (3ZA), (4) and (5)”;
- (c) in paragraph (3) for “paragraph (4)” substitute “paragraphs (3ZA) and (4)”;
- (d) after paragraph (3), insert—

“(3ZA) In paragraphs (2) and (3), where a reference is made to the Table in Schedule 5, that reference shall be—

 - (a) in the case of a test where the application is made on or after 1st April 2008 (and which, in the case of a test for a licence authorising the driving of a motor vehicle of a class included in category A, sub-category A1 or category P only, is to be conducted on or before 28th September 2008), to the Table in Part 1 of Schedule 5; and
 - (b) in the case of a test which is for a licence authorising the driving of a motor vehicle of a class included in category A, sub-category A1 or category P and which is to be conducted on or after 29th September 2008, to the Table in Part 2 of Schedule 5.”.

7. In regulation 40 (nature of tests other than extended tests)—

- (a) in sub-paragraph (7)(a) before “the person” insert “subject to sub-paragraph (aa)” and omit “and” in the second place where it occurs;
- (b) after sub-paragraph (7)(a) insert—

“(aa) in the case of a test for a licence authorising the driving of a class of vehicle included in category A or P, the person taking the test undertakes the activities and

^(a) S.I. 1999/2864 (in these footnotes the “1999 Regulations”); relevant amending instruments are S.I. 2000/3157, S.I. 2002/2641, S.I. 2003/2003, S.I. 2004/265, S.I. 2004/3028, S.I. 2004/3168, S.I. 2005/1975, S.I. 2005/2929 (W.214) (in relation to Wales), S.S.I. 2005/344 (in relation to Scotland) and S.I. 2007/698.

manoeuvres specified in paragraphs 7 to 15 of section D of Part I of Schedule 8 on a special testing ground, and ”; and

(c) in paragraph (8A)—

(i) for sub-paragraph (a) substitute—

“(a) in the case of a test for a licence authorising the driving of a class of vehicle included in a category of C or D—

(i) be conducted as an approved form of examination consisting of 60 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; and

(ii) have a duration of 70 minutes or, in the circumstances specified in paragraph (9), 140 minutes;”;

(ii) for paragraph (b) substitute—

“(b) in the case of a test for a licence authorising the driving of a class of vehicle included in a category of A, B or P—

(i) be conducted as an approved form of examination consisting of 50 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; and

(ii) have a duration of 57 minutes or, in the circumstances specified in paragraph (9), 114 minutes.”.

8. In regulation 47 (evidence of result of theory test) for paragraph (8) substitute—

“(8) A person authorised to conduct theory tests by virtue of sub-paragraphs (b), (c), (da), (db), (e) or (f) of regulation 23(1) or regulation 23(2)(b) shall issue theory test pass certificates using forms supplied by the Secretary of State who may make a charge—

(a) in respect of a motor vehicle in a category of C or D, of £21.00 per form; and

(b) in respect of a motor vehicle in a category of A, B or P, of £18.50 per form.”.

9. In regulation 48 (evidence of the result of practical or unitary test) in paragraph (3) for “sub-paragraphs (b), (c), (d) or (f) of regulation 24(1)” substitute “sub-paragraphs (b), (ca), (cb), (d), (f) or (g) of regulation 24(1)”.

10. For Part 1 of Schedule 3 (licence fees) substitute the Part 1 set out in Schedule 1 to these Regulations.

11. For Schedule 5 substitute the schedule set out in Schedule 2 to these Regulations.

12. In Schedule 8 (specified requirements for practical or unitary test) in section D of Part I—

(a) omit paragraph 6; and

(b) after paragraph 9 insert—

“**10.** Execute a slalom manoeuvre at slow speed.

11. Execute a figure of eight manoeuvre at slow speed.

12. Drive the vehicle at a steady walking pace, as if in slow moving traffic, making correct use of the vehicle to maintain a good level of balance.

13. Execute a manoeuvre avoiding an obstacle whilst driving the vehicle at a speed of no less than -

(a) 31.25 miles per hour, in the case of a vehicle in category A; or

(b) 18.75 miles per hour, in the case of a vehicle in category P.

14. Execute a further manoeuvre whilst driving the vehicle in second or third gear and at a speed of no less than 18.75 miles per hour.

15. Execute two braking exercises, one of which must be an emergency stop, whilst driving the vehicle at a speed of no less than -

- (a) 31.25 miles per hour, in the case of a vehicle in category A; or
- (b) 18.75 miles per hour, in the case of a vehicle in category P.”

Signed by authority of the Secretary of State

19th February 2008

Rosie Winterton
Minister of State

Department for Transport

We approve the making of these Regulations

25th February 2008

Alan Campbell
Dave Watts
Two of the Commissioners of Her Majesty's Treasury

PROVISIONS INSERTED IN SUBSTITUTION FOR PART 1 OF
SCHEDULE 3

“PART 1

TABLE OF FEES APPLYING ON OR AFTER 1ST APRIL 2008

<i>No.</i>	<i>Description of licence and circumstances of application</i>	<i>Fee payable</i>
1	A first licence	£50
2	A provisional licence granted following the revocation of a licence under the Road Traffic (New Drivers) Act 1995	£50
3	A photocard licence granted in exchange for a licence not in the form of a photocard licence which is still in force excluding a licence falling within any other paragraph in this Table	£17.50
4	A licence granted in exchange for a licence still in force or in place of a licence which has been revoked or a Community licence which is required to be delivered to the Secretary of State, except— <ul style="list-style-type: none"> (a) a licence granted pursuant to section 117A(2)(c) or (3) or 118(4) of the Traffic Act(a), (b) a licence granted following the revocation of a licence under section 93(1)(b) of the Traffic Act or the delivery of a Community licence to the Secretary of State under section 99C(1) or (3)(c) of the Traffic Act, (c) a licence which the Secretary of State is required to grant free of charge under section 93(2)(d), 99(7)(e) or 99C(2) of the Traffic Act, (d) a licence granted to reflect additional driving entitlement of the licence holder not shown by the licence submitted in exchange, or (e) a licence falling within any other paragraph in this Table 	£17.50
5	A licence granted by way of replacement of a lost or defaced licence	£17.50
6	A licence granted upon the expiry of a period of disqualification imposed by a court under section 34 or 35 of the Offenders Act(f)—	

(a) i.e. the 1988 Act in accordance with the definition of “Traffic Act” in regulation 3 of the 1999 Regulations. Part 4 of the 1988 Act, including sections 117 and 118, was substituted by the 1989 Act, section 2 and schedule 2. Section 118(4) was further amended by the 1990 Regulations, regulation 2 and Schedule 3, paragraph 2. Section 117A was inserted by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 26; subsection (2) was amended by the 2006 Act, section 40 and subsection (3) was amended by the 1998 Regulations, regulation 12, and further amended by the 2006 Act, section 40.

(b) Section 93(1)(b) was amended by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 4.

(c) Section 99C was inserted by the 1996 Regulations, regulation 2 and Schedule 1, paragraph 11.

(d) Section 93(2) was amended by the 1990 Regulations, regulation 2 and Schedule 1, paragraph 2.

(e) As read with section 97(7ZA) and (7A). Subsections (7) and (7A) were substituted by the 1998 Regulations, regulation 8, and subsection (7) was further amended by the 2006 Act, sections 40 and 59 and Schedule 7. Subsection (7ZA) was inserted by the 2006 Act, section 40.

(f) i.e. the Road Traffic Offenders Act 1988 (c.53) in accordance with the definition of “Offenders Act” in regulation 3 of the 1999 Regulations. Section 34 was amended by the Aggravated Vehicle-Taking Act 1992 (c.11), section 3; by the 1991 Act, section 29; by the Powers of Criminal Courts (Sentencing) Act 2000 (c.6) (in these footnotes the “2000 Act”), section 165 and Schedule 9, paragraph 121; by the 2006 Act, section 25; and by the Police Reform Act 2002 (c.30), sections 56 and 107 and Schedule 8. Section 35 was amended by the 1991 Act, section 48 and Schedule 4, paragraph 95; and by the 2000 Act, section 165 and Schedule 9, paragraph 122.

	(a) where the circumstances prescribed under section 94(4)(a) of the Traffic Act apply, or	£90
	(b) otherwise than where those circumstances apply,	£65
	and in this paragraph the reference to a period of disqualification imposed by a court under section 34 of the Offenders Act includes a period of disqualification reduced by an order of the court under section 34A(b) of that Act	
7	A provisional licence, other than a first licence, granted following disqualification ordered by a court under section 36(c) of the Offenders Act, whether or not the court also made an order under section 34 or 35 of that Act—	
	(a) where the circumstances prescribed under section 94(4) of the Traffic Act apply, or	£90
	(b) otherwise than where those circumstances apply	£65
8	A provisional Group 2 licence granted to a person who, by virtue of an order under section 117(2)(b) or 117A(2)(b) of the Traffic Act, is disqualified from holding or obtaining a full licence until he passes the prescribed test of competence	£65
9	A licence granted following disqualification ordered by a court under section 39A of the Child Support Act 1991(d)	£65
10	A licence granted following disqualification ordered by a court under section 40 of the Crime (Sentences) Act 1997(e)	£65
11	A licence granted following disqualification ordered by a court under section 146 or 147 of the Power of Criminal Courts (Sentencing) Act 2000(f)	£65”

(a) Section 94(4) was amended by the 1989 Act, section 5. The prescribed circumstances are found in regulation 74 (high risk offenders) of the 1999 Regulations.

(b) Section 34A was inserted by the 1991 Act, section 30.

(c) Section 36 was substituted by the 1991 Act, section 32; and further amended by the 1996 Regulations, regulation 3, Schedule 2, paragraph 3, and by the Deregulation (Exchangeable Driving Licences) Order 1998 (S.I. 1998/1917), article 3.

(d) 1991 c.48. Section 39A was inserted by section 16 of the Child Support, Pensions and Social Security Act 2000 (c.19).

(e) 1997 c.43. Section 40 was amended by the 2000 Act, section 165 and Schedule 9, paragraph 185; and by the Proceeds of Crime Act 2002 (c.29), section 456 and Schedule 11, paragraphs 1 and 32.

(f) 2000 c.6. Section 146 was amended by the Criminal Justice Act 2003 (c.44), section 304 and Schedule 32, Part 1, paragraphs 90 and 120; by the Violent Crime Reduction Act 2006 (c.38), section 49, Schedule 1, paragraph 6; and by the 2003 Act, section 91, Schedule 5, paragraphs 72 and 73, and Schedule 6. Section 147 was amended by the 2003 Act, section 91, Schedule 5, paragraphs 72 and 74, and Schedule 6.

SCHEDULE 2

Regulation 11

PROVISIONS INSERTED IN SUBSTITUTION FOR SCHEDULE 5

“SCHEDULE 5

Regulation 35

PART 1

Fees for tests where the application is made on or after 1st April 2008 (and, for sub-category A1, category A and category P vehicles only, where the test is to be conducted on or before 28th September 2008)

<i>(1) Category or sub-category of vehicle</i>	<i>(2) Test, other than extended driving test, commencing:</i>	<i>(3) Extended driving test commencing:</i>		
	(a) During normal hours	(b) Out of hours	(a) During normal hours	(b) Out of hours
1. A1, A and P	£60.00	£70.00	£120.00	£140.00
2. B1, B, F, G, H and K	£56.50	£67.00	£113.00	£134.00
3. B+E, C1, C1+E, D1, D1+E, C, C+E, D and D+E	£105.00	£125.00	-	-

PART 2

Fees for sub-category A1, category A and category P tests where the test is to be conducted on or after 29th September 2008

<i>(1) Category or sub-category of vehicle</i>	<i>(2) Test, other than extended driving test, commencing:</i>	<i>(3) Extended driving test commencing:</i>		
	(a) During normal hours	(b) Out of hours	(a) During normal hours	(b) Out of hours
A1, A and P	£80.00	£92.00	£160.00	£184.00”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864) (“the principal Regulations”). In addition to minor and drafting amendments, they make the following changes of substance.

The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698) amended provisions in the principal Regulations relating to the theory test for lorry and bus drivers. The 2007 Regulations increased the number of multiple choice questions in such tests from 60 to 100 questions over 115 minutes duration (or 230 minutes duration for candidates with reading difficulties) from 1st April 2008. They also increased, from 1st April 2008, (a) the amount charged by the Secretary of State for those applying to take such tests from £32 to £45 and (b) the amount charged by the Secretary of State for the supply of a theory test pass certificate in respect of tests conducted by an examiner, other than a Driving Standards Agency examiner, from £21 to £29. Regulations 5(a), 7(c) and 8 of these Regulations reverse those amendments. The charges will remain at £32 and £21 respectively.

Regulation 5(b) amends the principal Regulations so as to increase the amount charged by the Secretary of State for those applying to take the theory test in respect of a car, motorcycle or moped to £30 from 1st April 2008. This fee represents a percentage increase of 5.3% and the fees were last increased on 3rd September 2007.

Regulations 6 and 11 and Schedule 2 amend the principal Regulations so as to substitute a new Schedule 5 in order to specify revised fees payable upon an application for a practical or unitary test made on or after 1st April 2008 or (in respect of a motorcycle or moped) where the test is to be conducted on or after 29th September 2008. The following table shows the new fees with the percentage increase in brackets. The fees were last increased on 2nd April 2007.

ORDINARY TEST

<i>Type of vehicle</i>	<i>Test commenced during normal hours</i>	<i>Test commenced at any other time</i>
Motor cars, tractors and other minor categories	£56.50 (16.5%)	£67 (15.5%)
Lorries, buses and vehicle-plus-trailer combinations	£105.00 (18%)	£125 (16.8%)
Motorcycles and mopeds	£80.00 (33.3%)	£92 (31.4%)

EXTENDED TESTS

<i>Type of vehicle</i>	<i>Test commenced during normal hours</i>	<i>Test commenced at any other time</i>
Motor cars, tractors and other minor categories	£113.00 (16.5%)	£134.00 (15.5%)
Motorcycles and mopeds	£160.00 (33.3%)	£184 (31.4%)

Regulations 7(a) and (b) and 12 amend provisions in the principal Regulations that relate to the practical test for motorcycles and mopeds. Candidates must perform additional special manoeuvres to demonstrate satisfactory technical control of the vehicle. The special manoeuvres are required to be undertaken off-road on a special testing ground. As regards motorcycles, these amendments further implement Commission Directive 2000/56/EC(a), which amended Council Directive 91/439/EEC(b)

(a) OJ No L 237, 21.9.2000, p 45.

(b) OJ No L 237, 24.8.91, p1.

Regulation 10 and Schedule 1 substitute a new Part 1 of Schedule 3 to the principal Regulations in order to specify revised fees payable upon an application for a driving licence made on or after 1st April 2008.

The following table shows the new fees and the percentage increase or decrease. The fees were last increased on 1st May 2007.

<i>Paragraph in Schedule 3 specifying a type of licence and the circumstances of the application</i>	<i>Fee payable on application after 1st April 2008 (Fee payable formerly (£))</i>	<i>% increase (decrease)</i>
1 A first licence (as defined in Part 2 of Schedule 3)	£50 (45)	11.1%
2 A provisional licence (as detailed)	£50 (45)	11.1%
3 A photocard licence granted in exchange for a licence not in the form of a photocard licence which is still in force excluding a licence falling within any other paragraph in the Table	£17.50 (10)	75.0%
4 A licence granted on exchange (as detailed)	£17.50 (22)	(20.5%)
5 A replacement licence (as detailed)	£17.50 (22)	(20.5%)
6 A licence following disqualification (as detailed)- (i) when granted to a “high risk offender”, or (ii) in other cases	£90 (85) £65 (60)	5.8% 8.3%
7 A provisional licence following disqualification (as detailed)- (i) when granted to a “high risk offender”, or (ii) in other cases	£90 (85) £65 (60)	5.8% 8.3%
8 A provisional Group 2 licence (as detailed)	£65 (60)	8.3%
9 A licence following disqualification (as detailed)	£65 (60)	8.3%
10 A licence following disqualification (as detailed)	£65 (60)	8.3%
11 A licence following disqualification (as detailed)	£65 (60)	8.3%

All the regulations come into force on 1st April 2008 except for regulations 7(a) and (b) and 12 (practical test for motorcycles and mopeds), which come into force on 29th September 2008.

The fees in these Regulations have been set further to (a) the Department of Transport (Fees) Order 1988 (S.I.1988/643), which established a common pool for costs incurred in respect of the functions of the Secretary of State in relation to tests of competence to drive motor vehicles; and (b) to the Department for Transport (Driver Licensing and Vehicle Registration Fees) Order 2003 (S.I.2003/2994), which established a common pool for costs incurred in respect of various vehicle registration functions and various driver licensing functions of the Secretary of State. In accordance with the terms of the two Orders, in setting the levels of fees further to this Order, the Secretary of State has taken into account the costs within those common pools.

A full impact assessment of the effect that the amendments at regulations 3 to 9, 11 and 12 and Schedule 2 of these Regulations will have on the costs of business and the voluntary sector is available from the Driving Standards Agency, Stanley House, 56 Talbot Street, Nottingham NG1 5GU and on the Driving Standards Agency’s website at www.dsa.gov.uk. A full impact assessment of the effect that the amendments at regulation 10 and Schedule 1 of these Regulations will have on the costs of business and the voluntary sector is available from the Driver and Vehicle Licensing Agency, Policy and External Communications Directorate, Longview Road, Swansea, SA7 0EP and on the DVLA’s website at www.dvla.gov.uk. The impact assessments are annexed to the explanatory memorandum, which is available alongside the instrument on the Office of Public Sector Information website at www.opsi.gov.uk.

STATUTORY INSTRUMENTS

2008 No. 508

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 2008**

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