
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1999 (“the principal Regulations”).

The Regulations—

- (a) provide that the practical test for motor bicycles and mopeds is divided into two parts consisting of part 1 being a new set of manoeuvres (“manoeuvres test”) replacing some of those in the old practical test and part 2 being the remainder of what was the old practical test (“part 2 practical test”) (*regulations 3(a) and (c), 18(a), 20(b), 21(a) and (c) and 31 and Schedule 2*) and make consequential amendments (*regulations 4, 6, 18(b), 20(a), 21(b) and 30*);
- (b) provide, in respect of motor bicycles and mopeds, for the furnishing of test pass certificates and test failure statements in relation to the manoeuvres test (*regulations 3(b), 27(a) and (b) and 32 and Schedule 3*);
- (c) make provision regarding the appointment of persons to conduct manoeuvres tests and part 2 practical tests, who is to conduct such tests and the revocation of authority to conduct such tests (*regulations 5, 7 and 8*);
- (d) increase the fee for the theory test for motor bicycles, cars and mopeds from £30 to £31 (an increase of 3.3%) (*regulation 9*);
- (e) provide that where an appointment has been made for a manoeuvres test, an application or nomination for a part 2 practical test may be made whether or not the manoeuvres test has been taken at the time of making the application or nomination, as appropriate (*regulations 10 and 11*);
- (f) provide that a person who has failed to pass a manoeuvres test is not eligible to reapply for such test until after three working days have elapsed and that a person who has failed to pass a part 2 practical test is not eligible to reapply until ten working days have elapsed (*regulation 12*);
- (g) subject to the transitional provisions referred to in sub-paragraph (u) below, increase on and from 30th March 2009 the fees for practical and unitary tests in respect of vehicles other than motor bicycles and mopeds (details of which are set out below) and, in respect of motor bicycles and mopeds, prescribe the fees for the manoeuvres test and the part 2 practical test and increase those fees (details of which are set out below) on and from 5th October 2009 (*regulations 13 and 29 and Schedule 1*);
- (h) prescribe the required period of notice for cancelling an appointment for a manoeuvres test or a part 2 practical test for the purpose of repayment of the fee paid (*regulation 14*);
- (i) prescribe the specification and description of vehicles in which the manoeuvres test or the part 2 practical test is to be conducted (*regulation 15*) and the further requirements upon the conduct of such tests (including the production of a valid theory test pass certificate and an appropriate driving licence) (*regulation 16(a) to (f) and (h)*);
- (j) require, before commencement of a part 2 practical test, production of a manoeuvres test pass certificate which bears the same theory test date as that of the theory test pass certificate and which is in respect of the same category of vehicle as that of the part 2 practical test vehicle (*regulation 16(g)*);

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- (k) require those who are exempt from the theory test in respect of a motor bicycle or moped (including because they hold a full licence for a moped or for another class of motor bicycle) to have passed a manoeuvres test no earlier than six months before taking the part 2 practical test and in respect of the same category of vehicle as the part 2 practical test vehicle (*regulation 16(g)*);
- (l) provide for circumstances in which an examiner must refuse to conduct a manoeuvres test or a part 2 practical test (*regulation 17(a) and (b)*) and in which an examiner may conduct such tests notwithstanding that specified documentation (including a certificate of basic training) is not produced (*regulation 17(c)*);
- (m) provide, regarding the two-part driving test for cars, that a person may take the practical test if that person has passed a car driving theory test in Northern Ireland and a person may apply for a practical test appointment if furnished with a certificate regarding the passing of that test in Northern Ireland (*regulation 19(a)*);
- (n) provide, regarding the three-part test for motor bicycles and mopeds, that a person—
 - (i) must pass the theory test for motor bicycles and mopeds or have passed, within the last 2 years such similar test in Northern Ireland before taking a part 2 practical test;
 - (ii) cannot apply, or be nominated, for an appointment for a manoeuvres test until furnished with a certificate regarding the passing of the theory test for motor bicycles and mopeds or the passing of that similar test in Northern Ireland; and
 - (iii) before taking a part 2 practical test, must pass a manoeuvres test in respect of the same category of vehicle as that of the part 2 practical test vehicle (*regulation 19(b)*);
- (o) provide, regarding the three-part driving test for buses and lorries, that a person may take the practical test if that person has passed, within the last 2 years, a bus or lorry driving theory test in Northern Ireland and a person may apply, or be nominated, for a practical test appointment if furnished with one or more certificates regarding the passing of that test in Northern Ireland (*regulation 19(c)*);
- (p) provide, in relation to motor bicycles and mopeds, that upon passing a driving test or a driving test taken after expiry of a period of disqualification from driving, for a vehicle with automatic transmission or which has been adapted on account of a disability, a person is entitled to drive only such vehicles as have automatic transmission or are adapted on account of a disability, as appropriate (*regulations 22 and 24*);
- (q) provide, in relation to motor bicycles, that where the manoeuvres test and the part 2 practical test were passed on a specified type of motor bicycle the licence granted may authorise the driving of all classes of motor cycle or standard motorcycles, and in either case with or without a side-car, as appropriate (*regulation 23*);
- (r) provide that for the purposes of applying for a practical test or, in the case of motor bicycles and mopeds, a manoeuvres test (for which a valid theory test pass certificate is required) a theory test pass certificate is valid for two years from the date of the theory test or, in the case of large vehicles, from the date of the earlier of the driving theory test and the hazard perception test (*regulations 25 and 26*);
- (s) make provision as to the invalidity of manoeuvres test pass certificates (*regulation 27(c)*) and of practical test and unitary test pass certificates (*regulation 27(d)*);
- (t) increase by 14% (from £17.50 to £20) the fees for the grant of licences in exchange for existing licences and for the replacement of licences lost or destroyed (*regulation 28*); and
- (u) provide that, save as specified otherwise, the principal Regulations shall apply to practical tests undertaken before 27th April 2009 without the amendments made by these Regulations (*regulation 33*).

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In relation to cars, tractors, track laying vehicles, road rollers and mowing machines, the fee for a practical or unitary test (other than an extended test) increases for tests booked on or after 30th March 2009 from £56.50 to £62 (an increase of 9.7%) when conducted during normal hours and from £67 to £75 (an increase of 11.9%) when conducted outside those hours. The fee for an extended practical test booked on or after 30th March 2009 increases from £113 to £124 (an increase of 11.9%) when conducted during normal hours and from £134 to £150 (an increase of 11.9%) when conducted outside those hours.

In relation to lorries, buses and coaches and the combination of such vehicles with trailers, as well as cars with trailers, the fee for a practical or unitary test booked on or after 30th March 2009 increases from £105 to £115 (an increase of 9.5%) when conducted during normal hours and from £125 to £141 (an increase of 12.8%) when conducted outside those hours.

The fee for a manoeuvres test conducted on or after 5th October 2009 increases from £10 to £15.50 (an increase of 55%).

The fee for a part 2 practical test (other than an extended test) conducted on or after 5th October 2009 increases from £70 to £75 (an increase of 7.1%) when conducted during normal hours and from £82 to £88.50 (an increase of 7.9%) when conducted outside those hours. The fee for an extended part 2 practical test conducted on or after 5th October 2009 increases from £140 to £150 (an increase of 7.1%) when conducted during normal hours and from £164 to £177 (an increase of 7.9%) when conducted outside those hours.

The Regulations implement points 6.2.3 to 6.2.5 of Annex II to Directive [91/439/EEC](#) on driving licences (OJNo. L237, 24.8.91, p.1) as amended by Directives [2000/56/EC](#) and [2008/65/EC](#). These points set out special manoeuvres which have a bearing on safety and are to be included in the test of driving skills and behaviour in respect of motorcycles. This Explanatory Note incorporates the Transposition Note that would otherwise have been provided separately. Copies of the Directives referred to above may be obtained from the Stationery Office.

A full impact assessment of the effect that this instrument (save for regulation 28) will have on the costs of business and the voluntary sector is available from the Driving Standards Agency, The Axis Building, 112 Parliament Street, Nottingham, NG1 6LP or from the Agency's website, www.dsa.gov.uk. A full impact assessment of the effect that regulation 28 (driver licence fees) 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, SA6 7JL or from the Agency's website, www.dvla.gov.uk. Both assessments are annexed to the Explanatory Memorandum which is available alongside this instrument on the OPSI website, www.opsi.gov.uk.

A copy of each assessment has been placed in the library of each House of Parliament.