
STATUTORY INSTRUMENTS

2014 No. 3190

**The Road Traffic Act 1988 and Motor Vehicles
(Driving Licences) (Amendment) Regulations 2014**

Citation and commencement

1. These Regulations may be cited as the Road Traffic Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 and come into force on 29th December 2014.

Amendment of the Motor Vehicles (Driving Licences) Regulations 1999

2. The Motor Vehicles (Driving Licences) Regulations 1999(1) are amended as set out in regulations 3 to 9.

3. In paragraph (1) of regulation 3 (interpretation)—

(a) in sub-paragraph (b) of the definition of “fire engine”(2), after “2005” insert “)”; and

(b) in the definition of “training load package”(3)—

(i) in sub-paragraph (a) after “apply,” for “and” substitute “where”;

(ii) in sub-paragraph (a)(i) before “is” insert “it”;

(iii) in sub-paragraph (a)(ii) before “is” insert “it”;

(iv) in sub-paragraph (b) after “applies,” for “and” substitute “where”; and

(v) in sub-paragraph (b)(i) before “is” insert “it”.

4. In regulation 7 (competence to drive classes of vehicle: special cases) omit paragraph (1).

5. After regulation 21 (lost or defaced licences) insert—

“Exchangeable licences

21A.—(1) Where an exchangeable licence is exchanged for a licence such an exchange must be recorded on the licence and on any subsequent renewal or replacement.

(2) An exchange as described in paragraph (1) may only occur if the exchangeable licence has been surrendered to the Secretary of State.”.

6. In regulation 24 (persons by whom manoeuvres, practical and unitary tests may be conducted)(4) after paragraph (1) insert—

“(1) The Secretary of State must ensure that persons appointed as examiners for the purposes of paragraph (1)—

(a) who were appointed on or after 19th January 2013 meet and maintain the minimum standards set out in paragraphs 1, 2.1 and 2.2 of Annex IV, and

(1) S.I. 1999/2864.

(2) The definition of “fire engine” was inserted by S.I. 2013/1753.

(3) The definition of “training load package” was inserted by S.I. 2013/1753.

(4) Regulation 24 was amended by S.I. 2000/3157, S.I. 2003/2003, S.I. 2004/3168, S.I. 2005/2929, S.S.I. 2005/344, S.I. 2007/698, S.I. 2008/508, S.I. 2008/1435, S.I. 2009/788, S.I. 2011/3058 and S.S.I. 2013/119.

(b) who were appointed before 19th January 2013 meet the quality assurance and regular periodic training arrangements in place in accordance with paragraph 4 of Annex IV.

(1B) The Secretary of State must establish arrangements for authorising an examiner to conduct driving tests and ensure that such arrangements are in compliance with paragraphs 2.3, 3 and 5.1 of Annex IV.

(1C) The Secretary of State must ensure that there are in place quality assurance and regular periodic training arrangements of driving examiners in accordance with paragraph 4 of Annex IV.

(1D) In this regulation, “Annex IV” means Annex IV of [Directive 2006/126/EC](#) of the European Parliament and of the Council on driving licences(5).”.

7. In regulation 38 (further requirements at tests)(6), for paragraph (1) substitute—

“(1) Subject to paragraph (2), a person submitting to a theory test, manoeuvres test, practical test or unitary test must satisfy the residence requirement in section 97A(1)(d) of the Traffic Act as if that person were making an application under section 97, except that the requirement shall be met at the time of attending the test.”.

8. In regulation 45 (upgrading of entitlements by virtue of passing second test)—

(a) for paragraph (1) substitute—

“(1) A person who has passed tests for a licence authorising the driving of motor vehicles included in category D and category C + E is deemed, subject to the following paragraphs of this regulation, competent to drive (in addition to the classes of motor vehicle in respect of which the tests were passed) vehicles included in the category D + E.”;

(b) in paragraph (5) for “Tables A and B” substitute “Table B”; and

(c) in paragraph (6) for “Tables A and B” substitute “Table B”.

9. In Schedule 9(7) (upgraded entitlements on passing second test)—

(a) omit Table A; and

(b) for Table B substitute the table set out in the Schedule to these Regulations.

Amendment of the Road Traffic Act 1988

10.—(1) The Road Traffic Act 1988 is amended as follows.

(2) In section 97A (residence requirement)(8), in subsection (1), for paragraph (d) substitute—

“(d) in any other case, the applicant is lawfully resident in the United Kingdom and—

(i) is also normally resident in Great Britain, or

(ii) has been attending a course of study in Great Britain during the period of 6 months ending on that date.”.

(3) In section 99 (duration of licences)(9), after subsection (7A) insert—

(5) OJ No L 403, 30.12.06, p. 18 to which there are amendments not relevant to these Regulations.

(6) Regulation 38(1) was amended by [S.I. 2009/788](#). Section 47 of the Immigration Act 2014 ([c.22](#)) inserted section 97A and made relevant amendments to section 97. Section 97A(1)(d) is also amended by regulation 10(2) of these regulations.

(7) Schedule 9 was amended by [S.I. 2014/613](#).

(8) Section 97A was inserted by the Immigration Act 2014 ([c.22](#)) section 46, which came into force on 14th July 2014.

(9) Amendments were made to subsection (7) by Schedule 7 to the Road Safety Act 2006 ([c.49](#)) and to subsections (7) and (7A) by [S.I. 1998/1420](#). Relevant amendments were made in relation to the surrender and renewal of licences on the expiry of the administrative validity period by [S.I. 2012/977](#). Equivalent residence requirements were introduced by section 47 of the Immigration Act 2014 ([c.22](#)), in respect of the grant of licences under section 97 of the Road Traffic Act 1988 ([c.52](#)).

“(7AA) The Secretary of State may not grant a new licence to a person under subsection (7), (7ZZA) or (7A) above unless, on the date on which the licence is granted, the person is lawfully resident in the United Kingdom and—

- (a) is also normally resident in Great Britain, or
- (b) has been attending a course of study in Great Britain during the period of 6 months ending on that date.

(7AB) For the purposes of subsection (7AA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.”.

(4) In section 108 (interpretation), after subsection (1A) insert—

“(1B) For the purposes of this Part a person is normally resident in Great Britain if—

- (a) the person lives in Great Britain for at least 185 days in each calendar year because of—
 - (i) personal and occupational ties, or
 - (ii) close personal ties, or
- (b) the person has personal ties in Great Britain and occupational ties in another place in the EEA and consequently lives in turn in Great Britain and that other place.

(1C) For the purposes of this Part a person is normally resident in the United Kingdom if—

- (a) the person lives in the United Kingdom for at least 185 days in each calendar year because of—
 - (i) personal and occupational ties, or
 - (ii) close personal ties, or
- (b) the person has personal ties in the United Kingdom and occupational ties in another place in the EEA and consequently lives in turn in the United Kingdom and that other place.

(1D) In order to be normally resident in Great Britain or the United Kingdom by virtue of subsection (1B)(b) or (1C)(b) a person must return there regularly, except when the person is living in another place in the EEA in order to carry out a task of a definite duration.

(1E) For the purposes of subsections (1B) and (1C) attendance at a university or school is not a personal or occupational tie.”.

Signed by authority of the Secretary of State for Transport

27th November 2014

Robert Goodwill
Parliamentary Under Secretary of State
Department For Transport