

## SCHEDULES

### SCHEDULE 2

#### EXISTING HEAVY GOODS VEHICLES AND PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

#### PART II

#### TRANSITORY PROVISIONS

**9.**—(1) Notwithstanding Article 70 of the principal Order but subject to sub-paragraphs (2) and (3), a person may drive, or be employed to drive, a public service vehicle on a road without being the holder of a licence if—

- (a) he has made an application for the grant of a licence, and
- (b) he has passed the test of competence to drive.

(2) The authority conferred by sub-paragraph (1) shall extend only for the prescribed period.

(3) In the event of the applicant's being refused the grant of a licence, the authority conferred by sub-paragraph (1) shall cease to have effect as from the date on which he is notified of the refusal.

(4) A person who, for the purposes of an application for the grant of a licence, takes the test of competence to drive—

- (a) before the application is made, or
  - (b) within the prescribed period beginning with the date on which the application was made,
- is guilty of an offence and the test shall be of no effect.

(5) A person who, after the refusal of his application for a licence, takes a test of competence to drive arranged for the purposes of his application, is guilty of an offence and the test shall be of no effect.

(6) A person shall be liable on summary conviction of an offence under sub-paragraph (4) or (5) to a fine not exceeding level 3 on the standard scale.

(7) The Department may make regulations, subject to negative resolution, for prescribing anything which may be prescribed under this paragraph.

(8) In this paragraph—

“licence” means a licence under Article 70 of the principal Order to drive public service vehicles;

“test of competence to drive” means the test of competence to drive prescribed for the purposes of paragraph (5)(d) of that Article;

and, in the case of a licence limited to any class of public service vehicle, any reference to a test of competence to drive is a reference to a test of competence to drive that class of public service vehicle.

**10.** Notwithstanding Article 3 of the principal Order, a person who is the holder of a licence to drive motor vehicles granted under Part II of that Order and coming into force on or after the day

**Status:** This is the original version (as it was originally made).

appointed under Article 1(2) of this Order for the coming into operation of Articles 3 to 6 of this Order and is also the holder of—

(a) a licence under Article 70 of the principal Order to drive public service vehicles of any class, or

(b) a licence under Article 71 of the principal Order to drive heavy goods vehicles of any class, may drive, or be caused or permitted to drive, a public service vehicle or (as the case may be) a heavy goods vehicle of that class notwithstanding that his licence under Part II of the principal Order does not authorise him to drive such a vehicle.

**11.** The power to make regulations under paragraph 7 includes power to prescribe the classes of goods vehicles or passenger-carrying vehicles which, by virtue of Article 4(2) of this Order, the holder of an existing licence is authorised to drive during the currency of his existing licence.