Road Safety Act 2006

2006 CHAPTER 49

Driving standards

36 Driving tests

(1) Section 89 of the Road Traffic Act 1988 (c. 52) (driving tests) is amended as follows.

(2) In subsection (3) (regulations about nature of tests)—

(a) in paragraph (a), insert at the end "and the administrative arrangements for submitting for such tests",

(b) in paragraph (b), after "conducted" insert ", conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment", and

(c) after that paragraph insert—

"(ba) the duty of a person submitting himself for a test to produce, and in prescribed circumstances surrender, any licence previously granted to him,".

(3) In subsection (4) (provision that may be included in regulations under subsection (3)) —

(a) for "In particular, regulations may, without prejudice to the generality of subsection (3) above," substitute "Regulations under subsection (3)(a) above may in particular",

(b) in paragraph (a) (provision by person submitting himself for driving test of vehicle which, if loading requirements are prescribed, is loaded in accordance with prescribed requirements), for "a vehicle" substitute "a safe and suitable vehicle",

(c) in that paragraph, for the words after "the test" substitute "and for requiring that, if the vehicle is a vehicle of a prescribed description, it has been certified in the prescribed manner after a prescribed inspection as satisfying such requirements as may be prescribed,", and

(d) for paragraph (b) substitute—

"(b) for the charging (whether on the making of an appointment for a test or otherwise) of reasonable fees for or in connection with the test and any inspection of a vehicle required by regulations under paragraph (a) above in relation to the test,".

(4) In subsection (5) (driving tests in parts), omit paragraph (b) and the word "and" before it.

(5) After that subsection insert—

"(5ZA) Regulations under subsection (3)(b) above may in particular provide—

(a) for the supply by the Secretary of State to persons by whom tests of competence to drive, or parts of such tests, may be conducted of forms for certificates evidencing the results of such tests or parts of such tests, and

(b) for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Secretary of State by the regulations."

(6) In section 91 of that Act (repayment of test fees), for "A fee" substitute "The whole or any part of a fee".

37 Disqualification until test is passed

(1) Section 36 of the Road Traffic Offenders Act 1988 (c. 53) (duty of court to order disqualification until test is passed) is amended as follows.

(2) In subsection (3) (order to be made in case of person disqualified in circumstances, or for period, prescribed by order)—

(a) for "in such circumstances or for such period" substitute "for such period, in such circumstances or for such period and in such circumstances",

(b) for "prescribe" substitute "specify", and

(c) for "may be so prescribed" substitute "the Secretary of State may by order specify".

(3) In subsection (5) (interpretation), for the definition of "appropriate driving test" substitute—

""appropriate driving test" means—

(a) in such circumstances as the Secretary of State may prescribe, an extended driving test, and

(b) otherwise, a test of competence to drive which is not an extended driving test,"; and, in the definition of "extended driving test", after "section" insert "by regulations made by the Secretary of State".

(4) In subsection (8) (disqualification to expire on production in accordance with regulations under section 105 of Road Traffic Act 1988 of evidence of having passed test), for "under section 105 of the Road Traffic Act 1988" substitute "made by the Secretary of State".

(5) In subsection (9) (disqualification to expire by reason of passing of test only in relation to vehicles of such classes as are prescribed by such regulations), for "under that section" substitute "made by the Secretary of State".

(6) After subsection (13) insert—

"(13A) Before making an order under subsection (3) above the Secretary of State must consult with such representative organisations as he thinks fit."

(7) Omit subsection (14) (no order to be made under subsection (3) after end of 2001 unless one previously made).

(8) In section 173(2) of the Road Traffic Act 1988 (c. 52) (forgery of documents etc.), insert at the end "and

(n) any document produced as evidence of the passing of an appropriate driving test within the meaning of section 36 of that Act."

38 Granting of full licence

(1) In section 89(1) of the Road Traffic Act 1988 (c. 52) (licence not to be granted unless conditions satisfied), for—

(a) the words in paragraph (a) before sub-paragraph (i), and

(b) the words from "that" to "passed" in paragraphs (c) and (e),

substitute "that he has, at such time or within such period as is prescribed, passed".

(2) In section 97 of that Act (grant of licences), after subsection (1) insert—

"(1ZA) Regulations may provide that in prescribed circumstances a licence granted by the Secretary of State may be granted subject to prescribed conditions having effect—

(a) for a prescribed period, or

(b) until the happening of a prescribed event."

(3) In section 98(1)(c) of that Act (provisional licence to specify conditions subject to which it is granted)—

(a) omit "in the case of a provisional licence", and

(b) for "the conditions" substitute "any conditions".

(4) In section 195 of that Act (provisions as to regulations)—

(a) in subsection (3), omit "is exercised" and after "189)" insert "is exercised (otherwise than for the purposes of section 97(1ZA) of this Act)", and

(b) in subsection (4), after "Act" insert ", or for the purposes of section 97(1ZA) of this Act,".

39 Compulsory surrender of old-form licences

(1) In the Road Traffic Act 1988, after section 98 insert—

"**98A Compulsory surrender of old-form licences**

(1) The Secretary of State may by order require the holders of licences of a specified description, or any specified description of the holders of such licences, to surrender the licences and their counterparts to the Secretary of State.

(2) An order under this section may specify as the description of licences to be surrendered—

(a) licences which are not in the form of a photocard, or

(b) licences in the form of a photocard of a description no longer specified by the Secretary of State as a form in which licences are granted.

(3) An order under this section must specify the date by which the licences to which it relates (and their counterparts) are to be surrendered; and may specify different dates in relation to different descriptions of licence holders.

(4) An order under this section must include provision for the grant of a new licence to every holder of a licence surrendered (with its counterpart) in pursuance of the order who—

(a) pays such fee (if any) as is specified by the order, and

(b) provides the Secretary of State with such evidence or further evidence as the Secretary of State may require (which may include a photograph which is a current likeness of him).

(5) A replacement licence granted pursuant to provision made by virtue of subsection (4) above expires on the date on which the surrendered licence would have expired had it not been surrendered (but subject to subsection (6) below).

(6) Where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if the error had not been made) that licence would have been expressed to expire on a different date, the replacement licence expires on that different date.

(7) A person who, without reasonable excuse, fails to comply with any requirement to surrender a licence and its counterpart imposed by an order under this section is guilty of an offence.

(8) An order under this section may—

(a) make different provision for different cases, and

(b) contain such incidental and supplementary provisions as the Secretary of State considers appropriate.

(9) The power to make an order under this section is exercisable by statutory instrument.

(10) Before making an order under this section the Secretary of State must consult with such representative organisations as he thinks fit.

(11) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament."

(2) In Schedule 1 to the Road Traffic Offenders Act 1988 (c. 53) (offences to which certain sections apply), after the entry relating to section 94A of the Road Traffic Act 1988 (c. 52) insert—

"RTA section 98A(7)	Driving licence holder failing to surrender licence and counterpart.	Section 6 of this Act."

(3) In Part 1 of Schedule 2 to that Act (prosecution and punishment of offences: offences under the Traffic Acts), after the entry relating to section 96 of the Road Traffic Act 1988 insert—

"RTA section 98A(7)	Driving licence holder failing to surrender licence and counterpart.	Summarily.	Level 3 on the standard scale."

40 Fee for renewal of photocard licence and issue of certain alternative licences

(1) In section 99 of the Road Traffic Act 1988 (duration of licence)—

(a) in subsection (7) (grant of new licence free of charge on surrender of photocard licence after ten years, in cases of error and on change of name or address), omit "and any licence granted under this subsection shall be granted free of charge", and

(b) After that subsection insert—

"(7ZA) The Secretary of State is not required by subsection (7) above to grant a new licence on the surrender of a licence and its counterpart by a person in pursuance of subsection (2A) above unless the person has paid the fee (if any) which is prescribed; but any other licence under that subsection is to be granted free of charge."

(2) In section 117A(2)(c) and (3) of that Act (disqualification etc. of holders of Community licences: issue of alternative licences), for ", free of charge," substitute ", on payment of such fee (if any) as may be prescribed,".

41 Driver training

(1) Section 99ZC(1) of the Road Traffic Act 1988 (c. 52) (driver training courses: supplementary) is amended as follows.

(2) In paragraphs (b) and (c), after "courses" insert "or giving instruction on such courses".

(3) After paragraph (e) insert "and

(f) provision authorising the Secretary of State to make available information about persons providing driver training courses or giving instruction on such courses."

(4) In section 173(2) of that Act (forgery of documents etc.), for paragraph (ff) substitute—

"(ff) any document evidencing the successful completion of a driver training course provided in accordance with regulations under section 99ZA of this Act,".

(5) In section 174(1) of that Act (false statements), after paragraph (c) insert—

"(ca) of obtaining a document evidencing the successful completion of a driver training course provided in accordance with regulations under section 99ZA of this Act, or".

42 Driving instruction

Schedule 6 contains amendments about driving instruction.

43 Tests: approved assistants

In the Road Traffic Act 1988, before section 163 insert—

"Requirement for approval of persons to assist at tests

162A Approved test assistants

(1) The Secretary of State may make regulations permitting any person wishing to be accompanied at a relevant test by another person (a "test assistant") to be so accompanied if—
   (a) he submits himself for the relevant test in any circumstances in which the Secretary of State considers it appropriate that he should be entitled to be so accompanied, and
   (b) the test assistant is approved in accordance with regulations under this section to accompany people at relevant tests in such circumstances in order to assist them in undergoing the relevant tests.

(2) The circumstances in which the Secretary of State considers it appropriate that a person should be entitled to be accompanied by a test assistant at a relevant test may include, for example, circumstances in which he is likely to have difficulty in hearing, understanding or responding to instructions or questions in the course of the relevant test without assistance.

(3) The regulations may make provision in relation to the approval of test assistants and may, in particular, include provision—
   (a) in relation to the making of applications for approval,
   (b) for the payment in respect of applications for approval, or of approvals, (or both) of fees of such amounts as are prescribed,
   (c) in relation to the period for which an approval is to have effect and withdrawing approval,
   (d) authorising the imposition of conditions on an approval,
   (e) for an appeal to lie to the Transport Tribunal against a refusal of an application for approval, the imposition of conditions on an approval or the withdrawal of approval,
   (f) prescribing circumstances in which an approved test assistant may not act as such,
   (g) as to the evidencing by persons of their status as approved test assistants, and
   (h) authorising the Secretary of State to make available (with or without charge) information about approved test assistants.

(4) The regulations may make different provision in relation to different cases.

(5) The following are relevant tests—
   (a) tests of competence to drive a motor vehicle prescribed by virtue of section 89(3) of this Act or section 36(5) of the Road Traffic Offenders Act 1988,

(b) examinations of ability and fitness (or continued ability and fitness) to give driving instruction for which provision is made by virtue of section 132 of this Act, and

(c) emergency control assessments under section 133A of this Act."