
STATUTORY INSTRUMENTS

1996 No. 1983

ROAD TRAFFIC

**The Motor Cars (Driving Instruction)
(Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>23rd July 1996</i>
<i>Laid before Parliament</i>		<i>5th August 1996</i>
<i>Coming into force</i>	- -	<i>9th September 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 123(2)(a), 125(3), 125A(5), 125A(6)(a), 125B(6), 127(2), 129(2) and (5), 132(2)(a) and (b), 133B(2), 135(1) (a) and (c) and 141 of the Road Traffic Act 1988(1), and the Department of Transport (Fees) Order 1988(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations: —

Citation and commencement

1. These Regulations may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations 1996 and shall come into force on 9th September 1996.

Preliminary

2. The Motor Cars (Driving Instruction) Regulations 1989(3) shall be further amended in accordance with the following provisions of these Regulations.

Amendments to regulation 2 (interpretation)

3.—(1) Regulation 2 shall be amended as follows.

(2) In paragraph (1) —

(a) for the definition of “continued ability and fitness test” there shall be substituted the following definition —

(1) 1988 c. 52. Part V is amended by the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31) which comes into force on 9th September 1996 by virtue of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (Commencement) Order 1996 (S.I. 1996/1980 (C.43)).
(2) S.I. 1988/643; relevant amending instruments are S.I. 1991/811, 1993/1601 and 1995/1684.
(3) S.I. 1989/2057; relevant amending instruments are S.I. 1990/1113, 1991/1129, 1992/1621, 1994/554 and 1995/1218.

““continued ability and fitness test” means the test of continued ability and fitness to give instruction in the driving of motor cars or appropriate motor cars referred to respectively in sections 125(5) and 125B(6)(b) of the Act and the nature of which is prescribed in regulation 8;”;

and

- (b) in the definitions of “driving ability and fitness test”, “examination”, “instructional ability and fitness test” and “written examination” for “section 125(3)(a)” there shall be substituted “sections 125(3)(a) and 125A(6)(a)”.

Amendments to regulation 7 (motor car to be provided for practical part of examination)

4.—(1) Regulation 7 shall be amended as follows.

(2) In paragraph (3) —

- (a) for the words “The vehicle must —” there shall be substituted the words “Subject to paragraph (3A) below, the vehicle must —”;
- (b) the word “and” immediately following sub-paragraph (c) shall be omitted; and
- (c) after sub-paragraph (c) there shall be inserted the following sub-paragraph —

“(cc) in the case of the instructional ability and fitness test, be capable of being driven by the examiner; and”.

(3) After paragraph (3) there shall be inserted the following paragraph —

“(3A) In the case of a vehicle provided by a candidate who fulfils the conditions mentioned in section 125A(1)(a) and (b) of the Act, paragraph (3)(c) above shall not apply.”.

Amendments to regulation 12 (form of licences)

5. For regulation 12 there shall be substituted the following regulation —

“12.—(1) A licence granted by virtue of section 129(2)(a) of the Act shall be in the form set out in, and contain the particulars required by, Part I of Schedule 2 to these Regulations.

(2) A licence granted by virtue of section 129(2)(b) of the Act shall be in the form set out in, and contain the particulars required by, Part II of Schedule 2 to these Regulations.”.

Amendments to regulation 13 (fees)

6. In regulation 13 for the Table there shall be substituted the following Table —

“TABLE

(1) <i>Item No.</i>	(2) <i>Matter in respect of which application is made</i>	(3) <i>Fee</i>
1	Submission to written examination	£50
2	Submission to driving ability and fitness test	£60
3	Submission to instructional ability and fitness test	£60

(1) <i>Item No.</i>	(2) <i>Matter in respect of which application is made</i>	(3) <i>Fee</i>
4	Retention of name in the register	£190
5	A licence	£85
6	Entry to the register following the passing of the examination	£190
7	Entry to the register without passing the examination by virtue of sections 125(7), 125B(3), 126(3) or 126(4) of the Act.	£190”.

Amendments to regulation 14 (official title of registered person and certificate of registration)

7. For regulation 14 there shall be substituted the following regulation —

“14.—(1) The official title for use by persons whose names are in the register shall be “Department of Transport Approved Driving Instructor”.

(2) The certificate for issue to persons whose names are in the register by virtue of section 125(3) of the Act, as evidence of their names being therein, shall be in the form set out in Part I of Schedule 3 to these Regulations.

(3) The certificate for issue to persons whose names are in the register by virtue of section 125A(5) of the Act, as evidence of their names being therein, shall be in the form set out in Part II of Schedule 3 to these Regulations.”.

Amendments to regulation 16 (exhibition of certificate of registration or licence)

8.—(1) Regulation 16 shall be amended as follows.

(2) For paragraph (3) there shall be substituted the following paragraph —

“(3) The prescribed form of certificate for the purposes of section 123(2) is —

(a) in the case of persons whose names are in the register by virtue of section 125(3) of the Act, a certificate in the form set out in Part I of Schedule 3 to these Regulations; and

(b) in the case of persons whose names are in the register by virtue of section 125A(5) of the Act, a certificate in the form set out in Part II of Schedule 3 to these Regulations.”.

Emergency control assessments

9. After regulation 16 there shall be inserted the following regulation —

“Emergency control assessments

16A. The period prescribed for the purposes of sections 125B(6)(a) and 133B(2) shall be the period of four months beginning with the date on which written notice is given to a

person of the Registrar’s decision to require him to submit himself for a further emergency control assessment.”.

Amendments to Schedule 2

10.—(1) Schedule 2 shall be amended as follows.

(2) For the heading at the beginning of the Schedule there shall be substituted the following heading —
“PART I

FORM OF LICENCE UNDER SECTION 129(2)(a) OF THE ACT”,

and accordingly the form set out in the Schedule shall have effect as Part I of the Schedule.

(3) After the form, there shall be inserted the provisions set out in Schedule 1 to these Regulations.

Amendments to Schedule 3

11.—(1) Schedule 3 shall be amended as follows.

(2) For the heading at the beginning of the Schedule there shall be substituted the following heading —
“PART I

FORM OF CERTIFICATE OF REGISTRATION UNDER SECTION 125(3) OF THE ACT”,

and accordingly the form set out in the Schedule shall have effect as Part I of the Schedule.

(3) After the form, there shall be inserted the provisions set out in Schedule 2 to these Regulations.

Signed by authority of the Secretary of State for Transport

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

23rd July 1996

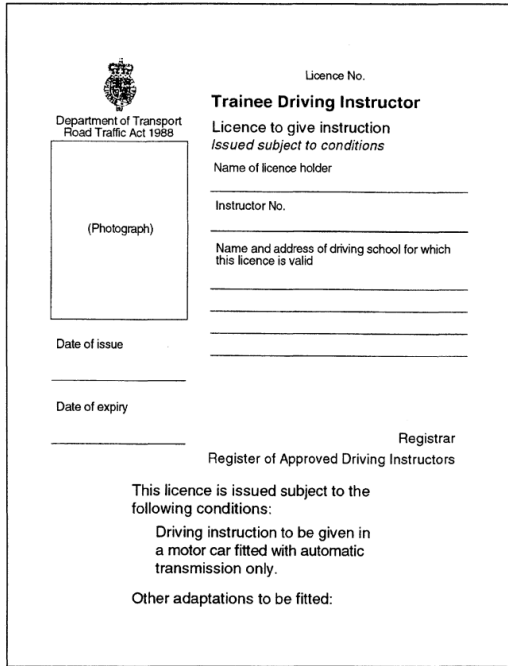
Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 10(3).

“PART II

FORM OF LICENCE UNDER SECTION 129(2)(b) OF THE ACT



Department of Transport
Road Traffic Act 1988

(Photograph)

Licence No. _____

Trainee Driving Instructor
Licence to give instruction
issued subject to conditions

Name of licence holder _____

Instructor No. _____

Name and address of driving school for which
this licence is valid _____

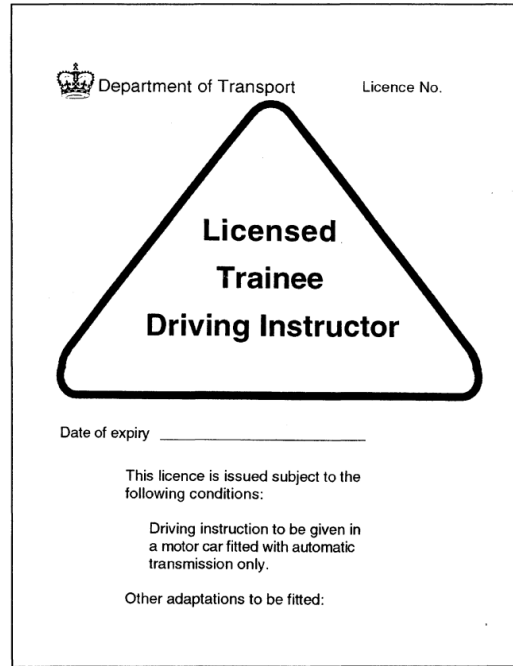
Date of issue _____

Date of expiry _____

Registrar
Register of Approved Driving Instructors

This licence is issued subject to the following conditions:
Driving instruction to be given in a motor car fitted with automatic transmission only.
Other adaptations to be fitted:

Front of Licence



Department of Transport Licence No. _____

**Licensed
Trainee
Driving Instructor**

Date of expiry _____

This licence is issued subject to the following conditions:
Driving instruction to be given in a motor car fitted with automatic transmission only.
Other adaptations to be fitted:

Back of Licence

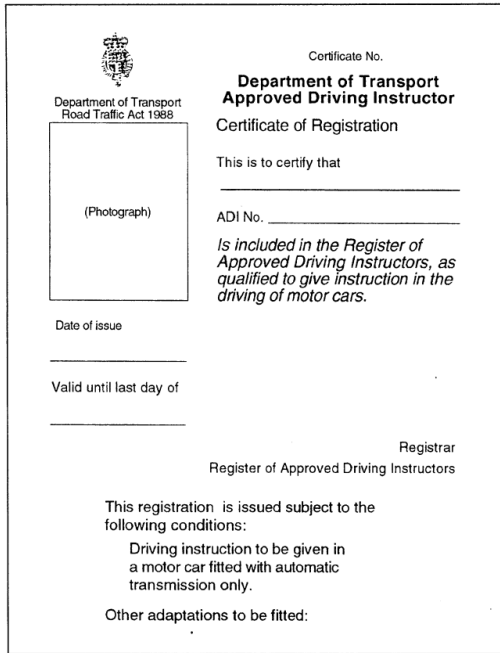
Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 2

Regulation 11(3).

“PART II

FORM OF CERTIFICATE OF REGISTRATION
UNDER SECTION 125(A)(5) OF THE ACT



Department of Transport
Road Traffic Act 1988

(Photograph)


Date of issue _____

Valid until last day of _____

Registrar
Register of Approved Driving Instructors

This registration is issued subject to the following conditions:
Driving instruction to be given in a motor car fitted with automatic transmission only.
Other adaptations to be fitted:

Front of Certificate



Certificate No. _____

Department of Transport
Approved Driving Instructor

Valid until last day of _____

This registration is issued subject to the following conditions:
Driving instruction to be given in a motor car fitted with automatic transmission only.
Other adaptations to be fitted:

Back of Certificate

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Road Traffic (Driving Instruction by Disabled Persons) Act 1993, which comes into force on 9th September 1996, amends Part V of the Road Traffic Act 1988 (“the 1988 Act”) so as to make provision for enabling persons with certain physical disabilities to be authorised, in certain circumstances, to give paid instruction in the driving of motor cars.

As a consequence of this, these Regulations further amend the Motor Cars (Driving Instruction) Regulations 1989 (“the 1989 Regulations”).

Without making any changes to the nature of either the examination or the continued ability and fitness test, as prescribed in Parts II and III of the 1989 Regulations, regulation 3 amends regulation 2 of the 1989 Regulations so as to prescribe the same examination and test for those who are or are seeking to become registered disabled instructors, as for other instructors.

Regulation 4 amends regulation 7 of the 1989 Regulations as it applies to those seeking to become registered disabled instructors by removing the requirement for a candidate for the practical part of the examination to provide a vehicle which has a manual transmission. The opportunity has also been taken to make it clear that any candidate for the instructional ability and fitness test must provide a vehicle that is capable of being driven by the examiner.

Regulation 5 substitutes regulation 12 of the 1989 Regulations so as to prescribe a separate form of licence for those seeking to become registered disabled instructors.

Without making any changes to the level of fees, regulation 6 substitutes the Table of fees set out in regulation 13 of the 1989 Regulations. These fees will apply to all those whose names are or are sought to be entered in the Register.

Regulation 7 substitutes regulation 14 of the 1989 Regulations so as to prescribe a separate form of certificate of registration for registered disabled instructors.

Regulation 8 amends regulation 16 so as to prescribe a separate form of certificate of registration for registered disabled instructors for the purpose of provisions relating to the fixing and exhibiting of such certificates on motor cars.

The new section 133A of the 1988 Act enables a person, seeking to become a registered disabled instructor, to undergo an assessment of whether he would be able to take control of a motor car if an emergency arose while he was giving instruction in it. Such an assessment is referred to as an emergency control assessment. In a case where the Registrar requires a person to submit himself for a further emergency control assessment, the day specified by the Registrar for this purpose must, by virtue of regulation 9, be within four months of the date on which he gives that person written notice of his decision.