
STATUTORY INSTRUMENTS

1996 No. 212

ROAD TRAFFIC

PUBLIC PASSENGER TRANSPORT

The Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) (Amendment) Regulations 1996

<i>Made</i>	- - - -	<i>5th February 1996</i>
<i>Laid before Parliament</i>		<i>6th February 1996</i>
<i>Coming into force</i>	- -	<i>26th February 1996</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 89(3) and (4)(1), 91, 105(1) and (3) and 108(1)(2) of the Road Traffic Act 1988(3), after consulting with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) (Amendment) Regulations 1996 and shall come into force on 26th February 1996.

2.—(1) The Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990(4) shall be amended in accordance with regulations 3 to 7 below.

3. In regulation 3(2)(5) (Application of the regulations), after “13,” there shall be inserted “20(4),”.

4. Regulation 12A(1)(6) (which specifies the categories of vehicle in respect of which a disqualification order under section 36 of the Road Traffic Offenders Act 1988 is deemed to have expired) is hereby revoked.

5. For regulations 15 (Applications for tests) and 16 (Qualifications of applicants) there shall be substituted—

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- (1) Subsection (3) was amended by paragraph 63 of Schedule 4 to the Road Traffic Act 1991 (c. 40); subsection (4) was amended by paragraph 8 of Schedule 3 to the Road Traffic (Driving Licensing and Information Systems) Act 1989 (c. 22). Subsection (4) (b) is to be read with the Department of Transport (Fees) Order 1988 (S.I. 1988/643), as amended by S.I. 1991/811, 1993/1601 and 1995/1684, Schedule 1, Table III.
- (2) See the definitions of “prescribed” and “regulations”.
- (3) 1988 c. 52.
- (4) S.I. 1990/2612.
- (5) Amended by S.I. 1991/515 and 1992/3089.
- (6) Regulation 12A was inserted by 1992/1356.

“15. In this Part—

“applicant in person” means a person making an application for an appointment for a test with a view to taking the test himself;

“DSA examiner” means a person appointed by the Secretary of State to conduct tests under regulation 19(1)(a) below;

“LGV/PCV instructor” means a person operating an establishment for providing instruction in the driving of large goods vehicles or passenger-carrying vehicles or both such classes of vehicle.

“working day” means a day other than a Saturday, Sunday, bank holiday, Christmas Day or Good Friday (and “bank holiday” means a day to be observed as such under section 1 of and Schedule 1 to the Banking and Financial Dealings Act 1971(7)).

15A.—(1) An applicant in person wishing to take a test to be conducted by a DSA examiner, or someone acting on behalf of that applicant, shall—

- (a) apply for an appointment for such a test to the Secretary of State,
- (b) provide the Secretary of State with such details relating to himself, the nature of the test to be taken and the vehicle in which the test is to be taken as the Secretary of State may reasonably require, and
- (c) pay such fee as is specified in regulation 15C below.

(2) Upon receipt of such details and such fee the Secretary of State shall make the arrangements necessary for the taking of the test.

(3) An applicant in person for whom an appointment is made as aforesaid in respect of a vehicle in any category may not apply for a further appointment for a test in a vehicle of a class in the same category unless—

- (a) the first appointment has been cancelled, or
- (b) the test does not take place for any reason other than cancellation, or
- (c) he has submitted himself for the test (whether or not the test is completed).

15B.—(1) An LGV/PCV instructor who wishes to make an appointment for a test to be conducted by a DSA examiner and to be taken by a person who is then unnamed but who will have received from that instructor instruction in the driving of large goods or passenger-carrying vehicles shall—

- (a) apply for such an appointment to the Secretary of State,
- (b) provide such details relating to himself, his establishment and the nature of the test to be taken as the Secretary of State may reasonably require,
- (c) specify the date and time of the appointment which the instructor wishes to reserve, and
- (d) pay such fee as is specified in regulation 15C below.

(2) The Secretary of State may refuse to accept an application from an LGV/PCV instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where any appointment specified in the application is unavailable or where, in the opinion of the Secretary of State, it is otherwise necessary to do so.

(3) Subject to paragraph (2) above, upon receipt of such details and such fee the Secretary of State shall confirm to the LGV/PCV instructor the date and time of the appointment.

(4) The Secretary of State shall make the arrangements necessary for the taking of the test upon receipt from the LGV/PCV instructor before the expiration of the qualifying period of the name and such other details relating to the person who will at the appointment submit himself for the test, the nature of the test to be taken and the vehicle in which the test is to be taken as the Secretary of State may reasonably require.

(5) The qualifying period in respect of any appointment made pursuant to an application under paragraph (1) of this regulation expires at midday on the day which is two working days before the day for which the appointment is made.

15C.—(1) No fee shall be payable in respect of a test to be conducted by an examiner appointed by or by virtue of paragraphs (b), (c), (d) or (e) of regulation 19(1) below.

(2) The fee payable in respect of a test to be conducted by a DSA examiner is—

- (a) in the case of a test to be conducted between Monday and Friday (inclusive of both those days), £62, and
- (b) in the case of a test to be conducted on a Saturday, £80.

16. An applicant in person or a person whose name is given to the Secretary of State by an LGV/PCV instructor pursuant to regulation 15B(4) above must be a person who holds a provisional licence or a full licence which is treated as a provisional licence entitling him to drive vehicles in the category in respect of which he wishes to take the test.”.

6.—(1) Regulation 18(3A)(8) (Requirements for tests) shall be amended as follows.

(2) For the words from the beginning of the paragraph to the end of sub-paragraph (a)(i) there shall be substituted—

“A large goods vehicle shall be suitable for the purpose of a test if—

- (a) where the test is taken before 1st July 1996—
 - (i) in the case of a test for category C, it has a maximum authorised mass which exceeds 7.5 tonnes and is not an articulated goods vehicle;”.

(3) In sub-paragraph (b)—

- (a) for the words “if the test is taken” there shall be substituted the words “where the test is taken”;
- (b) in paragraph (i), for the words “and an overall length of at least 7 metres” there shall be substituted the words “, an overall length of at least 7 metres and is not an articulated goods vehicle”;
- (c) in paragraph (ii), after the words “articulated goods vehicle” there shall be inserted “combination”.

7. For regulation 21 (Repayment of fees) there shall be substituted—

“**21.**—(1) For the purposes of section 91(b) of the Road Traffic Act 1988 (which section specifies the cases in which a fee paid on an application for an appointment for a test may be repaid) a notice cancelling an appointment must be given to the Secretary of State not less than ten clear working days before the day for which the appointment is made.”.

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

Signed by authority of the Secretary of State for Transport

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

We approve the making of regulation 5

Simon Burns
Liam Fox
Two of the Lords Commissioners of Her
Majesty's Treasury

5th February 1996

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 3, 15, 16, 18, 20 and 21 of the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990. The changes made, which all relate to driving tests, are as follows.

First by new regulation 15B) a new facility is introduced enabling organisations which undertake the training of large goods and passenger-carrying vehicle drivers to pre-book appointments for tests, either singly or otherwise, upon payment of the appropriate fee but without having to name a candidate to take the test at the time of booking. The name of the candidate must be provided, and more detailed information given, before the expiration of a specified period so that the test may properly arranged.

Secondly the tractive unit of an articulated goods vehicle (which unit is, confusingly, defined as an “articulated goods vehicle” in section 108(1) of the Road Traffic Act 1988) is declared to be unsuitable for use in driving tests for category C (large non-articulated trucks, etc).

The regulations also make minor and consequential amendments of which some (relating to regulations 3 and 12A of the principal Regulations) are consequential on the making of the Motor Vehicles (Driving Licence) (Amendment) Regulations 1996 (S.I.1996/211).

No change has been made to the fees.