
STATUTORY INSTRUMENTS

1996 No. 2824

The Motor Vehicles (Driving Licences) Regulations 1996

PART I
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) Regulations 1996 and shall come into force—

- (a) as to regulations 20 to 32 and Schedules 5 and 6, for the purpose of tests to be conducted on or after 1st January 1997, on 2nd December 1996;
- (b) for the purposes of regulation 34(2)(a)(ii) and (4)(b) and Schedule 6, on 1st March 1997;
- (c) for the purposes of regulation 39(6), on 1st April 1997;
- (d) for all other purposes on 1st January 1997.

Revocation and saving

2.—(1) The regulations specified in Schedule 1 are hereby revoked.

(2) Subject as otherwise herein provided and without prejudice to the operation of sections 16 and 17 of the Interpretation Act 1978(1), the revocation of those regulations shall not affect the validity of any application or appointment made, notice or approval given, licence, certificate or other document granted or issued or other thing done thereunder and any reference in such application, appointment, notice, approval, licence, certificate or other document or thing to a provision of any regulation hereby revoked, whether specifically or by means of a general description, shall, unless the context otherwise requires, be construed as a reference to the corresponding provision of these Regulations.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the following meanings—

“appropriate driving test” and “extended driving test” have the same meanings respectively as in section 36 of the Offenders Act(2);

“controlled by a pedestrian”, in relation to a vehicle, means that the vehicle either—

- (a) is constructed or adapted for use under such control; or
- (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it;

(1) 1978 c. 30.

(2) 1988 c. 53. Section 36 was substituted by the 1991 Act, section 32.

“dual purpose vehicle” means a motor vehicle which is constructed or adapted both to carry or haul goods and to carry more than 8 persons in addition to the driver;

“exempted goods vehicle” and “exempted military vehicle” have the meanings respectively given in regulation 48;

“full”, in relation to a licence of any class, means such a licence granted otherwise than as a provisional licence;

“heavy goods vehicle” has the same meaning as in Part IV of the Traffic Act before it was repealed by section 1 of the Road Traffic (Driver Licensing and Information Systems) Act 1989;

“incomplete large vehicle” means—

- (a) an incomplete motor vehicle, typically consisting of a chassis and a complete or incomplete cab, which is capable of becoming, on the completion of its construction, a medium-sized or large goods vehicle or a passenger-carrying vehicle, or
- (b) a vehicle which would be an articulated goods vehicle but for the absence of a fifth-wheel coupling;

“large motor bicycle” means—

- (a) in the case of a motor bicycle without a side-car, a bicycle the engine of which has a maximum net power output exceeding 25 kilowatts or which has a power to weight ratio exceeding 0.16 kilowatts per kilogram, or
- (b) in the case of a motor bicycle and side-car combination, a combination having a power to weight ratio exceeding 0.16 kilowatts per kilogram;

“LGV trainee driver’s licence” has the meaning given in regulation 51;

“licensing authority” means the Secretary of State for Transport;

“maximum authorised mass” has the same meaning—

- (a) in relation to goods vehicles as “permissible maximum weight” in section 108(1) of the Traffic Act, and
- (b) in relation to any other vehicle or trailer as “maximum gross weight” in regulation 3(2) of the Construction and Use Regulations;

“maximum speed” means the speed which the vehicle is incapable, by reason of its construction, of exceeding on the level under its own power when fully laden;

“maximum net power output” has the same meaning as in section 97 of the Traffic Act;

“mobile project vehicle” means a vehicle which has a maximum authorised mass exceeding 3.5 tonnes, is constructed or adapted to carry not more than 8 persons in addition to the driver and carries principally goods or burden consisting of—

- (a) play or educational equipment for children and articles required in connection with the use of such equipment, or
 - (b) articles required for the purposes of display or of an exhibition,
- and the primary purpose of which is use as a recreational, educational or instructional facility when stationary;

“passenger-carrying vehicle recovery vehicle” means a vehicle (not being an articulated goods vehicle combination) which—

- (a) has an unladen weight not exceeding 10.2 tonnes,
- (b) is being operated by the holder of a PSV operator’s licence, and
- (c) is being used for the purpose of—

- (i) proceeding to, or returning from, a place where assistance is to be, or has been, given to a damaged or disabled passenger-carrying vehicle; or
- (ii) giving assistance to or moving a disabled passenger-carrying vehicle or moving a damaged vehicle;

“penalty points” means penalty points attributed to an offence under section 28 of the Offenders Act;

“power to weight ratio” has the same meaning as in section 97 of the Traffic Act;

“practical test” means, where a test is by virtue of these Regulations to be conducted in two parts, the part that consists of the practical test of driving skills and behaviour and includes such a test conducted as part of an extended driving test;

“propelled by electrical power”, in relation to a motor vehicle, means deriving motive power solely from an electrical storage battery carried on the vehicle and having no connection to any other source of power when the vehicle is in motion;

“PSV operator’s licence” and “public service vehicle” have the meanings given by section 82(1) of the 1981 Act;

“standard motor bicycle” means a motor bicycle which is not a large motor bicycle;

“test” means any test of competence to drive conducted pursuant to section 89 of the Traffic Act including an extended driving test;

“the 1981 Act” means the Public Passenger Vehicles Act 1981⁽³⁾;

“the 1985 Act” means the Transport Act 1985⁽⁴⁾;

“the Construction and Use Regulations” means the Road Vehicles (Construction and Use) Regulations 1986⁽⁵⁾;

“the Offenders Act” means the Road Traffic Offenders Act 1988;

“the Traffic Act” means the Road Traffic Act 1988;

“theory test” means, where a test is by virtue of these Regulations to be conducted in two parts, the part that consists of the theoretical test and includes such a test conducted as part of an extended driving test;

“traffic commissioner” means, in relation to an applicant for or the holder of a licence, the traffic commissioner in whose area the applicant or holder resides except where these Regulations otherwise provide;

“unitary test” means a test which, by virtue of these Regulations, is to consist of a practical test of driving skills and behaviour and includes such a test conducted as an extended driving test;

“unladen weight” has the same meaning as in regulation 3(2) of the Construction and Use Regulations and, in the case of a vehicle propelled by electrical power, excludes any weight attributable to its batteries;

“vehicle with automatic transmission” means a class of vehicle in which either—

- (a) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
- (b) he is provided with such means but they do not include a clutch pedal or lever which he may operate manually,

(and accordingly a vehicle with manual transmission is any other class of vehicle);

(2) In these Regulations, unless the context otherwise requires—

(3) 1981 c. 14.

(4) 1985 c. 67.

(5) S.I. 1986/1078. The relevant amending instruments are S.I. 1987/676 and 1994/329.

- (a) a reference to a licence being in force is a reference to it being in force in accordance with section 99 of the Traffic Act, save that for the purposes of these Regulations a licence shall be regarded as remaining in force notwithstanding that it is—
 - (i) surrendered or revoked pursuant to under section 99(3) or (4) of the Traffic Act, or
 - (ii) treated as revoked by virtue of section 37(1) of the Offenders Act,
 and
- (b) a reference to the expiry of a licence is a reference to the time at which it ceases to be so in force (and “expired” shall be construed accordingly).

(3) Except where otherwise expressly provided, any reference in these Regulations to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations, and any reference to a numbered paragraph (otherwise than as part of a reference to a numbered regulation) is a reference to the paragraph bearing that number in the regulation in which the reference occurs.

(4) Where a statement or certificate (but not a distinguishing mark specified in regulation 15) is required under these Regulations to be in a form prescribed herein, the reference is to a certificate or statement in that form (or as nearly in that form as circumstances permit), adapted to the circumstances of the case and duly completed and signed where required.

(5) For the purposes of section 97(3)(d) of the Traffic Act and these Regulations the date of first use of a motor bicycle means—

- (a) except in a case to which paragraph (b) applies, the date on which it was first registered under the Roads Act 1920, the Vehicles (Excise) Act 1949⁽⁶⁾, the Vehicles (Excise) Act 1962⁽⁷⁾ or the Vehicles (Excise) Act 1971⁽⁸⁾;
- (b) in the case of a motor bicycle which was used in any of the following circumstances before the date on which it was first registered, namely:—
 - (i) where the bicycle was used under a trade licence as defined in section 16 of the Vehicles (Excise) Act 1971, otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement,
 - (ii) where the bicycle belonged to the Crown and is or was used or appropriated for use for naval, military or air force purposes,
 - (iii) where the bicycle belonged to a visiting force or a headquarters or defence organisation to which the Visiting Forces and International Headquarters (Application of Law) Order 1965⁽⁹⁾ applied,
 - (iv) where the bicycle had been used on roads outside Great Britain and was imported into Great Britain, or
 - (v) where the bicycle had been used otherwise than on roads after being sold or supplied by retail and before being registered,

the date of manufacture of the bicycle.

In this paragraph “sold or supplied by retail” means sold or supplied otherwise than to a person acquiring solely for the purpose of re-sale or re-supply for a valuable consideration.

(6) 1949 c. 89.
 (7) 1962 c. 13.
 (8) 1971 c. 10.
 (9) S.I. 1965/1536.

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