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STATUTORY INSTRUMENTS

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**1996 No. 3053**

**ROAD TRAFFIC**

**The Motorways Traffic (England and Wales) (Amendment) Regulations 1996**

*Made* - - - - *4th December 1996*  
*Laid before Parliament* *11th December 1996*  
*Coming into force* - - *1st January 1997*

The Secretary of State for Transport (as respects England) and the Secretary of State for Wales (as respects Wales), in exercise of the powers conferred by section 17(2) and (3) of the Road Traffic Regulation Act 1984(1), and after consulting with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations —

**Citation and commencement**

1. These Regulations may be cited as the Motorways Traffic (England and Wales) (Amendment) Regulations 1996 and shall come into force on 1st January 1997.

**Learner drivers on motorways**

2.—(1) The Motorways Traffic (England and Wales) Regulations 1982(2) shall be amended in accordance with the following paragraph.

(2) For regulation 11 there shall be substituted —

“11.—(1) Subject to paragraph (3), a person shall not drive on a motorway a motor vehicle to which this regulation applies if he is authorised to drive that vehicle only by virtue of his being the holder of a provisional licence.

(2) This regulation applies to—

(a) a motor vehicle in category A or B or sub-category C1+E (8.25 tonnes), D1 (not for hire or reward), D1+E (not for hire or reward) or P, and

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(1) 1984 c. 27. Section 17(2) was amended by paragraph 28 of Schedule 8 to the New Roads and Street Works Act 1991 (c. 22) and by paragraph 25 of Schedule 4 to the Road Traffic Act 1991 (c. 40).  
(2) S.I. 1982/1163. The relevant amendment is by S.I. 1992/1364.

(b) a motor vehicle in category B+E or sub-category C1 if the provisional licence authorising the driving of such a motor vehicle was in force at a time before 1st January 1997.

(3) Paragraph (1) shall not apply in relation to a vehicle if the holder of the provisional licence has passed a test of competence prescribed under section 89 of the Road Traffic Act 1988(3) for the grant of a licence to drive that vehicle.

(4) In this regulation —

(a) the expression “in force” and expressions relating to vehicle categories shall be construed in accordance with regulations 3(2) and 4(2) respectively of the Motor Vehicles (Driving Licences) Regulations 1996(4);

(b) “provisional licence”, in relation to any vehicle, means a licence —

(i) granted under section 97(2) of the Road Traffic Act 1988, or

(ii) treated, by virtue of section 98 of that Act and regulations made thereunder, as authorising its holder to drive that vehicle as if he were authorised by a provisional licence to do so.”.

Signed by authority of the Secretary of State for Transport

3rd December 1996

*John Bowis*  
Parliamentary Under Secretary of State,  
Department of Transport

4th December 1996

*William Hague*  
Secretary of State for Wales

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(3) 1988 c. 52. The relevant amendments to section 89 are by section 4(2) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22) and by Schedule 1 to the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974). The relevant amendments to section 98 are by section 5(10) of and paragraph 11 of Schedule 3 to the 1989 Act and by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144).

(4) S.I. 1996/2824.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

By virtue of the Motor Vehicles (Driving Licences) Regulations 1996 (S.I.1996/2824), separate driving tests are introduced in respect of motor cars with trailers (category B+E), trucks and vans of between 3.5 and 7.5 tonnes maximum authorised mass (sub-categories C1 and C1+E) and buses having between 9 and 16 passenger seats whether or not they carry passengers for hire or reward (sub-categories D1 and D1+E). Provisional licences to drive these categories of vehicle may, however, only be issued to persons holding at least a licence to drive motor cars (category B). Those Regulations thereby implement the second Council Directive on driving licences, [91/439/EEC](#) (OJNo. L237, 24.8.91, p.1).

These Regulations amend the Motorways Traffic (England and Wales) Regulations 1982 so as to enable a person who holds a provisional licence for such vehicles to drive them on a motorway. The current regulations already permit persons to drive on motorways large goods vehicles and passenger-carrying vehicles which are driven for hire or reward (since provisional licences for these may only be issued to persons holding category B licences).

The Regulations include transitional measures to prevent persons who currently hold provisional licences to drive some medium-sized vehicles (entitlement having been given concurrently with a provisional licence for category B) from driving them on motorways before they have at least a full category B licence.