
STATUTORY INSTRUMENTS

1998 No. 2247

ROAD TRAFFIC

**The Motor Cars (Driving Instruction)
(Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>14th September 1998</i>
<i>Laid before Parliament</i>		<i>15th September 1998</i>
<i>Coming into force</i>	- -	<i>6th October 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 123, 125, 125A, 129, 132, 134, 135 and 141 of the Road Traffic Act 1988(1), hereby makes the following Regulations:—

Citation and commencement

1. These regulations may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations 1998 and shall come into force on 6th October 1998.

Amendment of the Motor Cars (Driving Instruction) Regulations 1989

2. The Motor Cars (Driving Instruction) Regulations 1989(2) shall be amended in accordance with regulations 3 to 15 below.

3. In regulation 2(1)—

(a) after the definition of “the Act”, there shall be inserted—

““approved driving instructor” means a person whose name is entered in the register, and”

(b) in the definition of “continued ability and fitness test”, for “nature of which” there shall be substituted “nature and content of which”.

4. In regulation 3(4) paragraphs (b)(i) and (ii) and (d)(i) and (ii) shall be omitted.

5. In regulation 4—

(a) for paragraph (f) there shall be substituted—

(1) 1988 c. 52. Section 123(7) was amended by paragraph 2(2) of the Schedule to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31) (“the 1993 Act”). Section 123(8) was substituted by paragraph 2(3) of the Schedule to the 1993 Act. Section 125A was inserted by section 1 of the 1993 Act. Section 129 was amended by section 2 of the 1993 Act.
(2) S.I. 1989/2057. The relevant amendments are by S.I. 1994/554, 1996/1983 and 1997/650.

- “(f) the book “The Driving Test” issued by the Department of the Environment, Transport and the Regions and published by the Stationery Office;”;
- (b) for paragraph (g) there shall be substituted—
- “(g) the explanation and interpretation of—
- (i) reasons for the failure of the theory test or the practical test appended to a statement of failure to pass that test prescribed by regulation 44(2) or, as the case may be, regulation 45(1) of the Motor Vehicles (Driving Licences) Regulations 1996”(3), and
- (ii) weaknesses in the understanding of driving theory or in driving technique which are apparent from the documentation appended to a theory test or practical test pass certificate issued under either of those regulations;”;
- (c) for paragraph (j), there shall be substituted—
- “(j) the book “The Driving Manual”, issued by the Department of the Environment, Transport and the Regions and published by the Stationery Office.”.
6. In regulation 7—
- (a) in paragraph (4) and paragraph (5), for “referred to in regulation 9(1)(b) of the Motor Vehicles (Driving Licences) Regulations 1987”, in each place where the words occur, there shall be substituted “prescribed by regulation 15(1)(b) of the Motor Vehicles (Driving Licences) Regulations 1996”, and
- (b) in paragraph (5)(a) after “in relation to” there shall be inserted “the”.
7. In regulation 8, for paragraphs (2) to (5) there shall be substituted—
- “(2) The test shall, at the discretion of the examiner, consist of either—
- (a) a test in which the person undergoing the test (“the candidate”) is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were—
- (i) a novice or partly-trained pupil,
- (ii) a pupil who is at about driving test standard, or
- (iii) a full driving licence holder with at least a year’s experience since passing the driving test, or
- (b) a test in the form described in paragraph (4) below.
- (3) Where the examiner elects to conduct the test by the method described in paragraph (2)(a) above he may at his discretion choose which one or more of the roles described therein he will play but he shall not choose the role referred to in paragraph (2)(a)(iii) unless he is satisfied that it is reasonable to do so having regard to the nature of the driving instruction given or likely to be given by the candidate in the normal course of his business.
- (4) The form of test referred to in paragraph (2)(b) above is a test—
- (a) carried out on a road in a motor car in which the examiner is present, and
- (b) the candidate is giving instruction to a pupil,
- for the purpose of enabling the examiner to make an assessment of the candidate’s instructional ability with particular regard to the qualities specified in paragraph (5) below.
- (5) The qualities referred to in paragraph (4) above are—
- (a) his method, clarity, adequacy and correctness of instruction,

(3) [S.I. 1996/2824](#), to which there are amendments not relevant to these Regulations.

- (b) his observation and proper correction of the pupil's errors,
- (c) his manner, patience and tact in dealing with the pupil, and
- (d) his ability to inspire confidence.

(6) Where the examiner elects to conduct the test by the method described in paragraph (2)(a) above the candidate shall provide at his own expense a motor car in respect of which the conditions specified in paragraphs (2) to (5) of regulation 7 above are satisfied save that where the test is conducted in accordance with paragraph (2)(a)(iii) above the requirement contained in regulation 7(5) to display prescribed distinguishing marks shall be disregarded.

(7) Where the examiner elects to conduct the test by the method described in paragraph (4) above, the candidate shall, without cost to the Secretary of State, provide or procure the provision of a motor car which is suitable for the conduct of such a test.”.

8.—(1) Regulation 9(2) shall be amended as follows.

(2) Sub-paragraphs (b)(i) and (ii) and (d)(ii) shall be omitted.

(3) In sub-paragraph (c), for “made” there shall be substituted “makes”.

(4) After paragraph (d), there shall be inserted—

“(e) except in the case of an application for a substitute licence, that he has received within the period of 12 months ending on the date of his application for a licence not less than 40 hours' training in the giving of practical driving instruction from an approved driving instructor, including training in all the matters specified in Part I of Schedule 1 to these Regulations;

(f) in the case of an application to which sub-paragraph (e) above applies, that he delivers with his application evidence, in the form specified in Part II of Schedule 1 to these Regulations, that he has received the training specified in that sub-paragraph;

(g) that he submits with his application for a licence—

(i) the name, address and registration number of the approved driving instructor who has consented to take responsibility either for his supervision in accordance with regulation 11(2) below or, as the case may be, the provision of supplementary training in accordance with regulation 11(3) to (5) (and the counter-signature of the application by that approved driving instructor shall be taken as sufficient evidence of such consent), and

(ii) the address from which he will be providing paid driving instruction if different from the address of the approved driving instructor referred to in paragraph (i) above;

(h) that the Registrar is satisfied that the approved driving instructor referred to in sub-paragraph (g)(i) above is fit and able to undertake responsibility for the supervision or, as the case may be, the training of that person in accordance with regulation 11 below (and in determining whether or not he is able to undertake that responsibility the Registrar shall have regard to the number of licence holders in respect of whom he has already consented to undertake similar responsibility).”.

(5) After paragraph (3) there shall be inserted—

“(4) In this Part of these Regulations, “substitute licence” means a licence granted pursuant to an application made in accordance with section 129(6) of the Act (so as to come into effect immediately upon the expiry of a previous licence).”.

9. Regulation 9A is hereby revoked.

10. For regulation 11 there shall be substituted—

“11.—(1) A licence is granted subject to such of the conditions specified in paragraphs (2) to (5) below as apply to it.

(2) Unless it is a licence to which the conditions specified in paragraph (3) below apply, a licence which is not a substitute licence is subject to the following conditions, namely that the licence holder must—

- (a) for one-fifth of the total time he spends giving paid instruction in the driving of a motor car, receive direct supervision from an approved driving instructor present with him in the car;
- (b) maintain, for each working day while the licence is in force, a record in the form specified in Schedule 2 to these Regulations of the time he spends giving such instruction;
- (c) sign the record at the end of every working day and, if he has received supervision from an approved driving instructor on any day, procure that the instructor also signs it;
- (d) produce on request, for examination by a person authorised by the Registrar in that behalf, all the records maintained under sub-paragraph (b) above during the period ending on the day before the date of the request and further, if required to do so, deliver those records to such a person for retention by him;
- (e) not later than 7 days after the expiry of the licence, deliver to a person authorised by the Registrar in that behalf all the records maintained under sub-paragraph (b) above during the period when the licence was in force, other than such records as have been delivered under sub-paragraph (d) above and not returned to him.

(3) If a person elects in writing at the date of his application for a licence to undertake supplementary training the conditions specified in paragraph (2) above shall not apply to the licence which shall instead be subject to the following conditions, namely that the licence holder must—

- (a) undertake during the period expiring on the first relevant date not less than 20 hours supplementary training;
- (b) not later than the day immediately following the first relevant date deliver to a person authorised by the Registrar in that behalf evidence, in the form specified in Part II of Schedule 1 to these Regulations, that he has received that supplementary training;
- (c) if he has not passed the instructional ability and fitness test on the first occasion on which he took that test, or (if earlier) by the expiration of a period of three months beginning on the date when the licence was granted—
 - (i) undertake during the period expiring on the second relevant date not less than 5 hours further supplementary training, and
 - (ii) not later than the day immediately following the second relevant date deliver to a person authorised by the Registrar in that behalf evidence, in the form specified in Part II of Schedule 1 to these Regulations, that he has received that further supplementary training.

(4) A substitute licence coming into force immediately upon the expiry of a previous licence which, by virtue of an election made the holder upon his application for it, was subject to the conditions specified in paragraph (3) above is subject to the following conditions, namely that the licence holder must—

- (a) undertake during the period expiring on the third relevant date not less than 5 hours further supplementary training, and

- (b) not later than the day immediately following the third relevant date deliver to a person authorised by the Registrar in that behalf evidence, in the form specified in Part II of Schedule 1 to these Regulations, that he has received that further supplementary training.

(5) Every licence is subject to the condition that, in the event of the licence holder arranging to have the supervision or supplementary training referred to above, or any part thereof, undertaken by a different approved driving instructor from the person named in his application, he must submit to the Registrar full details of any consequential changes to the particulars submitted under regulation 9(2)(g) above resulting from the new arrangement together with the consent (in any form permitted under regulation 9(2)(g)) of the new approved driving instructor to that arrangement.

(6) In this regulation—

“first relevant date” means—

- (a) the last day of the period of 3 months beginning on the date when the licence is granted, or
- (b) the day on which the licence holder first applies to take the instructional ability and fitness test,

whichever first occurs;

“second relevant date” means—

- (a) the last day of the period of 3 months beginning—
 - (i) on the first relevant date if that date is the expiration of the period of 3 months referred to above, or
 - (ii) in any other case, on the day on which the licence holder first failed the instructional ability and fitness test, or
- (b) the first day after the first relevant date on which he applies to take the instructional ability and fitness test;

whichever first occurs;

“supplementary training” means training in the giving of practical driving instruction, including training in all the matters specified in Part I of Schedule 1 to these Regulations, given by an approved driving instructor of which at least one quarter is training in a motor car where the licence holder and instructor, if accompanied at all, are accompanied by no more than one other licence holder who is receiving training at the same time;

“third relevant date” means—

- (i) the last day of the period of 3 months beginning on the date when the licence is granted, or
- (ii) the first day after the date on which the licence is granted on which he applies to take the instructional ability and fitness test,

whichever first occurs;

“working day” means any day during which the licence holder gives paid instruction in the driving of a motor car.”.

11. In regulation 12, for “Schedule 2”, in each place where the words occur, there shall be substituted “Schedule 3”.

12.—(1) Regulation 14 shall be amended as follows.

(2) In paragraph (1), for “Department of Transport Approved Driving Instructor” there shall be substituted “Driving Standards Agency Approved Driving Instructor (Car)”.

(3) In paragraphs (2) and (3), for “Schedule 3”, in each place where the words occur, there shall be substituted “Schedule 4”.

13. In regulation 15, for “Schedule 4” there shall be substituted “Schedule 5”.

14. In regulation 16(2), for “Schedule 3”, in each place where the words occur, there shall be substituted “Schedule 4”.

15. For Schedules 1, 2, 3 and 4 there shall be substituted the provisions set out in the Schedule to these Regulations.

Transitional provisions

16.—(1) Subject to paragraph (2) below, regulations 8, 10, 11, 12(3) and 13 to 15 above shall apply in respect of licences granted and certificates of registration and badges issued on or after 6th October 1998.

(2) Notwithstanding the foregoing provisions of these Regulations—

(a) a licence (“the first licence”) granted or issued on or before 5th October 1998, and

(b) a substitute licence granted pursuant to an application made in accordance with section 129(6) of the Act and coming into effect immediately upon the expiry of the first licence,

shall be subject to the conditions imposed by the enactments in force on the date on which the first licence was granted.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Larry Whitty
Parliamentary Under Secretary of
State, Department of the Environment, Transport
and the Regions

14th September 1998

SCHEDULE

Regulation 15

PROVISIONS REPLACING SCHEDULES 1 TO 4

“SCHEDULE 1

Regulations 9(2) and 11(3)and (4)

LICENCE CONDITIONS

PART I

MATTERS TO BE INCLUDED IN PRACTICAL DRIVING INSTRUCTION TRAINING

1. Explaining the controls of the vehicle, including the use of dual controls.
2. Moving off.
3. Making normal stops.
4. Reversing, and while doing so entering limited openings to the right or the left.
5. Turning to face the opposite direction, using forward and reverse gears.
6. Parking close to the kerb, using forward and reverse gears.
7. Using mirrors and explaining how to make an emergency stop.
8. Approaching and turning corners.
9. Judging speed and making normal progress.
10. Road positioning.
11. Dealing with road junctions.
12. Dealing with crossroads.
13. Dealing with pedestrian crossings.
14. Meeting, crossing the path of, overtaking and allowing adequate clearance for other vehicles and road users.
15. Giving correct signals.
16. Comprehension of traffic signs, including road markings and traffic control signals.
17. Method, clarity, adequacy and correctness of instruction.
18. Observation and correction of errors committed by the pupil.
19. Manner, patience and tact in dealing with pupil.
20. Ability to inspire confidence in pupil.

PART II

EVIDENCE OF TRAINING TO BE GIVEN TO REGISTRAR

1. The name and address of the licence holder.
2. The number of the licence.

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3. The name and address of the approved driving instructor responsible for the provision of training or supervision.
4. The name of the person or organisation undertaking the training of persons as driving instructors with whom that approved driving instructor is associated (if any).
5. The matters included in the training.
6. The dates on which training was given.
7. The number of hours of training spent on each matter.

SCHEDULE 2

Regulation 11(2)

RECORD OF INSTRUCTION GIVEN BY LICENCE HOLDER

1. The name and address of the licence holder.
2. The number of the licence.
3. The name and address of the approved driving instructor responsible for supervision of the licence holder.
4. In respect of each working day—
 - (a) the date;
 - (b) the total number of hours spent giving instruction;
 - (c) the periods spent under the supervision of an approved driving instructor.

SCHEDULE 3

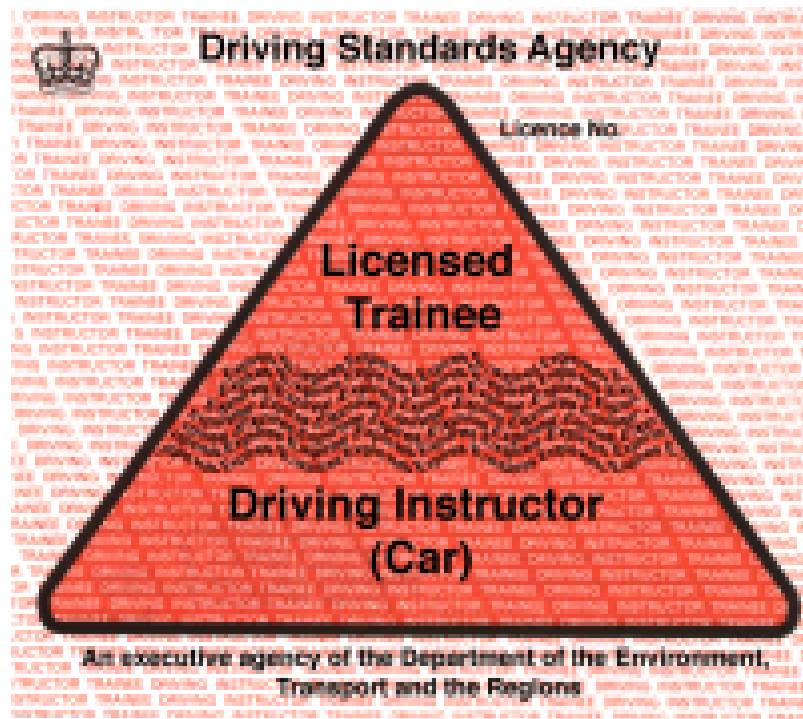
Regulation 12

FORMS OF LICENCE

PART I

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

Front of licence



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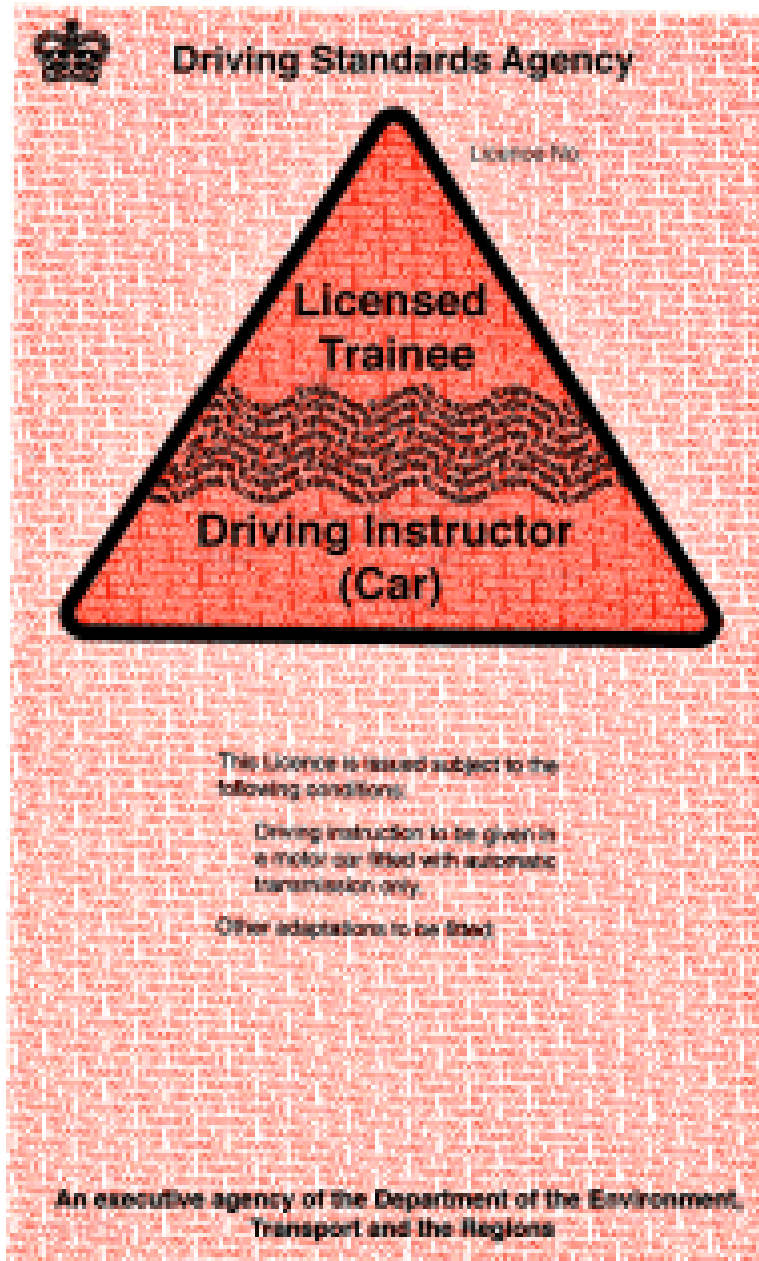
Back of licence



PART II

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

Front of licence



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Back of licence

Back of licence

An executive agency of the Department of the Environment, Transport and the Regions

Driving Standards Agency

Trainee Driving Instructor (Car)

Licence to give instruction

Issued subject to conditions

Name of licence holder

Instructor No.

Name, address and ADI number of approved driving instructor providing training

Date of issue

Date of expiry

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:

An executive agency of the Department of the Environment, Transport and the Regions

Transport and the Regions

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:

An executive agency of the Department of the Environment, Transport and the Regions

Transport and the Regions

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SCHEDULE 4

Regulation 14

FORMS OF CERTIFICATE OF REGISTRATION

PART I

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

Front of Certificate



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Back of Certificate



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

Front of Certificate



SCHEDULE 5

Regulation 15

FORM OF BADGE



EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Cars (Driving Instruction) Regulations 1989 by—

- (a) adding to the conditions which must be complied with by an applicant for a licence to give driving instruction as a trainee;
- (b) amending the conditions which must be complied with by the holder of a trainee's licence, including an option for the licence holder to undertake at least 20 hours' supplementary training instead of receiving supervision from an approved driving instructor;
- (c) providing for an alternative form of check test which a person registered as an approved driving instructor may be required to undergo to retain his registration;
- (d) amending the formal title of a person registered as an approved driving instructor and also the forms of licence, certificate and badge to be exhibited by an approved driving instructor or licensed trainee; and
- (e) making minor and consequential amendments and transitional provisions.

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