
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III

TESTS OF COMPETENCE TO DRIVE

Test results

Evidence of result of theory test

47.—(1) For the purpose of ascertaining whether a candidate has demonstrated a knowledge and sound understanding of the specified matters in accordance with these Regulations the person conducting a theory test shall arrange for the test to be marked—

- (a) in the case of a test conducted before 4th January 2000 in respect of which no request has been made for the theory test pass certificate or failure statement to be furnished on the day of the test, as soon as practicable after completion of the test, and
- (b) in any other case, on the day of the test.

(2) A person conducting the theory test shall, upon completion of the marking of the test, furnish—

- (a) a person who passes the test with a theory test pass certificate in the form set out in Part 1 of Schedule 10;
- (b) a person who fails to pass the test with a failure statement in the form set out in Part 2 of Schedule 10.

(3) Where a person who has conducted a theory test is satisfied that a theory test pass certificate or a failure statement has been furnished in error to a person who took a theory test, he shall, upon receipt of that document from the person who took the test and subject to paragraph (4), furnish that person with a correct certificate or statement, as the case may be.

(4) Where the person who took the test alleges that a failure statement has been furnished in error returns the statement not later than 14 days after it is furnished to him to the person who conducted the test with a request in writing that the test be remarked, the person who conducted the test shall comply with that request for the purpose of ascertaining whether an error has been made but subject thereto he shall not be obliged to remark any test.

(5) A theory test pass certificate furnished in error, or with an error in the particulars required to be specified in it, may not be presented, in support of an application for a licence, as evidence that a person has passed the test mentioned in such certificate.

(6) A theory test pass certificate shall be valid for the purposes of regulation 38(4) for a period commencing on the date on which the test was taken and ending—

- (a) two years later, or
- (b) on the date on which the person to whom the certificate was given is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test,

whichever is the earlier.

(7) A theory test pass certificate is not valid for the purposes of regulation 38(4) if—

- (a) it is furnished in error or with an error in the particulars required to be specified in it; or
- (b) the person to whom it is furnished is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take the test to which the certificate relates.

(8) A person authorised to conduct theory tests by virtue of paragraphs (b), (c), (d) or (e) of regulation 23(1) or regulation 23(2)(b) shall issue theory test pass certificates using forms supplied by the Secretary of State who may make a charge of £5 per form.

Evidence of the result of practical or unitary test

48.—(1) A person conducting a practical or unitary test shall upon completion of the test furnish—

- (a) a person who passes the test with a test pass certificate in the form set out in Part 1 of Schedule 11;
- (b) a person who fails to pass the test with a statement in the form set out in Part 2 of Schedule 11.

(2) A test pass certificate is invalid if—

- (a) the person to whom it is issued is at that time ineligible, by virtue of an enactment contained in the Traffic Act or these Regulations, to take the practical test to which the certificate relates;
- (b) at the time when it is issued, the theory test pass certificate produced to the person conducting the test in accordance with regulation 38(4) is invalid by virtue of regulation 47(7).

(3) A person authorised to conduct practical or unitary tests by virtue of sub-paragraphs (b), (c), (d), (e) or (f) of regulation 24(1) or regulation 24(2)(b) shall issue test pass certificates using the forms supplied by the Secretary of State who may make a charge—

- (a) in the case of forms supplied to a person authorised under regulation 24(1)(b) or (2)(b), of £2.43 per form, and
- (b) in the case of forms supplied to any other person, of £15 per form.