
STATUTORY INSTRUMENTS

2005 No. 1902

The Motor Cars (Driving Instruction) Regulations 2005

PART 5

Licences under Section 129 of the Act

Additional conditions to be satisfied for the grant of a licence

13.—(1) To the conditions as to which the Registrar is required to be satisfied for the grant of a licence under section 129 of the Act, there are added the following conditions which shall have effect subject to paragraph (3) below and to regulation 3(6).

(2) The additional conditions are—

- (a) that the person has passed the driving ability and fitness test after passing the written examination;
- (b) that he passed the driving ability and fitness test on his first, second or third attempt after he had passed the written examination;
- (c) that he makes the application within 2 years after passing the written examination;
- (d) that he has not failed the instructional ability and fitness test more than twice since he passed the written examination;
- (e) except in the case of an application for a substitute licence, that he has received within the period of 6 months ending on the date of his application for a licence not less than 40 hours training which fulfils the requirements of paragraph (3) below;
- (f) in the case of an application to which sub-paragraph (e) applies, that he delivers with his application evidence, in the form specified in Part 2 of Schedule 2 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 15(2) below or, as the case may be, the provision of supplementary training in accordance with regulation 15(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 15 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).

(3) This paragraph requires that the training—

- (a) is given by an approved driving instructor,
 - (b) includes training in all the matters specified in Part 1 of Schedule 2 to these Regulations, and
 - (c) is training of which at least 10 hours is conducted in a motor car where the approved driving instructor and the person being trained are accompanied, if at all, by no more than one other person who is receiving training of the same nature.
- (4) A person shall be deemed to have made an application on date that his application and the fee prescribed by these Regulations are received by the Registrar.
- (5) 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).

Duration of licence

14. A licence shall remain in force until—

- (a) the expiration of a period of 6 months commencing on the date of the grant, or
- (b) the day immediately following the day on which the holder of the licence failed the instructional ability and fitness test at the third attempt,

whichever shall first occur.

Conditions subject to which licences are granted

15.—(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 3 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 2 of Schedule 2 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 3 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 2 of Schedule 2 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 by 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 2 of Schedule 2 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 13(2)(g) above resulting from the new arrangement together with the consent (in any form permitted under regulation 13(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—
- (c) 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
 - (d) 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 of the matters specified in Part 1 of Schedule 2 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—

- (a) the last day of the period of 3 months beginning on the date when the licence is granted; or
- (b) 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.

Form of licences

16.—(1) A licence granted by virtue of section 129(2)(a) of the Act shall be in the form set out in, and contain the particulars required by, Part 1 of Schedule 4 to these Regulations.

(2) A licence granted by virtue of section 129(2)(b) of the Act shall be in the form set out in, and contain the particulars required by, Part 2 of Schedule 4 to these Regulations.