

### SCHEDULE 3

#### Amendment of the principal Regulations

##### *Tests of competence to drive*

**14.** In regulation 22 (interpretation of Part III)—

- (a) in the definition of “motor bicycle instructor” for “A or P” substitute “AM or A”; and
- (b) omit the definition of “standard access period”.

**15.** In regulation 23A(2)(a) for “A, B or P” substitute “AM, A or B”.

**16.** In regulation 27 (applications for theory tests: motor bicycle instructors) in paragraphs (1) and (5) for “A or P” substitute “AM or A”.

**17.** In regulation 30 (fees for theory tests) in paragraph (2) for “A, B or P” substitute “AM, A or B”.

**18.** In regulation 32 (applications for manoeuvres or practical tests: motor bicycle instructors) in paragraphs (1) and (5) for “A or P” substitute “AM or A”.

**19.** In regulation 35 (fees in respect of manoeuvres, practical or unitary tests)—

- (a) in paragraph (2) omit “(3ZC),”;
- (b) in paragraph (3) omit “, (3ZC),”;
- (c) in paragraph (3ZA)(c) for “A or P” substitute “AM or A”;
- (d) in paragraph (3ZB)—
  - (i) for “paragraphs (3ZC) and (4)” substitute “paragraph (4)”; and
  - (ii) in sub-paragraph (c) for “A or P” substitute “AM or A”;
- (e) omit paragraph (3ZC); and
- (f) in paragraph (6)(a)—
  - (i) after “category” insert “AM,”;
  - (ii) for “K or P” substitute “or K”; and
  - (iii) omit “or B1”.

**20.** In regulation 37 (test vehicles)—

- (a) in paragraph (1) for “F, G, H, K or P” substitute “AM, F, G, H or K”;
- (b) after paragraph (2) insert—

“(2A) Where in an application for a manoeuvres test or a practical test prescribed in respect of category AM it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a moped with two wheels, that test shall be conducted on a specially adapted two-wheeled moped, a three-wheeled moped or a light quadricycle.”;

- (c) for paragraph (3) substitute—

“(3) Where in an application for a manoeuvres test or a practical test prescribed in respect of category A it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a motor bicycle without side-car, the test shall be conducted—

- (a) in the case of the test for a licence authorising the driving of a vehicle in sub-category A1, on an A1 motor tricycle or an A1 motorcycle with side-car where

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the capacity and unassisted speed on the level of the motor tricycle or the motor bicycle, as appropriate, is equivalent to or greater than that shown in relation to sub-category A1 in column (2) of the table;

- (b) in the case of the test for a licence authorising the driving of a vehicle in sub-category A2, on an A2 motorcycle with side-car where the capacity and power output of the motor bicycle is equivalent to or greater than that shown in relation to sub-category A2 in column (2) of the table;
- (c) in the case of the test for a licence authorising the driving of a vehicle in sub-category A3, on an A3 motor tricycle or an A3 motorcycle with side-car where the capacity and power output of the motor tricycle or the motor bicycle, as appropriate, is equivalent to or greater than that shown in relation to sub-category A3 in column (2) of the table.”;
- (d) in paragraph (4)(a) after “(2)” insert “, (2A)”;
- (e) in paragraph (5)(a) omit paragraph (i) and “or” at the end of that sub-paragraph;
- (f) in paragraph (6) omit sub-paragraph (a) and “or” at the end of that sub-paragraph; and
- (g) in the table at the end of the regulation—
  - (i) before the first entry in column (1) and the corresponding entry in column (2) insert, respectively “AM” and “Any two-wheeled moped”;
  - (ii) for the entries “A, in the case of a test for a licence authorising the driving of large motor bicycles”, “A, in the case of any other test” and “A1” in column (1) and the corresponding entries in column (2) substitute—

“A1	An A1 motorcycle without side-car, with a cubic capacity of 120 cubic centimetres and capable of an unassisted speed of 90 kilometres per hour on the level.
A2	An A2 motorcycle without side-car, with a cylinder capacity of 400 cubic centimetres and a power of 25 kilowatts.
A3	An A3 motorcycle without side-car, with a cylinder capacity of 600 cubic centimetres and a power of 40 kilowatts.”

; and

- (iii) omit the last entry in column (1) and the corresponding entry in column (2).

**21.** In regulation 38 (further requirements at tests)—

- (a) for paragraph (4) substitute—
  - “(4) Subject to paragraph (4A), a person submitting to a manoeuvres test or a practical test must, before the test commences, produce to the person conducting the test—
    - (a) in the case of a test on a motor vehicle of a class included in any category other than category A, a valid standard theory test pass or a valid large vehicle theory test pass certificate showing that the person submitting to the test has passed the theory test prescribed in respect of the same category or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland; or
    - (b) in the case of a test on a motor vehicle of a class included in category A, a valid standard theory test pass certificate showing that the person submitting to the

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test has passed the theory test prescribed in respect of category A or category AM or a valid certificate corresponding to either such certificate furnished under the law of Northern Ireland.”;

(b) after paragraph (4) insert—

“(4A) Paragraph (4) does not apply in a case where—

(a) a person submitting to a manoeuvres test or a practical test is exempt from the requirement to pass a theory test by virtue of regulation 42; or

(b) by virtue of regulation 40(4) no theory test is prescribed for the class of vehicle on which a manoeuvres test or a practical test (as the case may be) is to be taken”;

(c) in paragraphs (8) and (8A) for “A or P” substitute “AM or A”; and

(d) in paragraph (9)(a) and (b) for the words from “category A” to “driver’s seat” substitute “category AM, A, G, H or K”.

**22.** In regulation 39 (examiner’s right to refuse to conduct test) in paragraphs (1)(b) and (1A) for “a vehicle” substitute “a two-wheeled vehicle” and for “A or P” substitute “AM or A”.

**23.** In regulation 40 (nature of tests other than extended tests) in paragraph (1A) for “A or P, or in sub-category A1,” substitute “AM or A”.

**24.** In regulation 40A(1A) for “A or P”, in each place where those words appear, substitute “AM or A”.

**25.** In regulation 40C (passing the test)—

(a) in paragraph (1) after “regulation” insert “40(1A)(a) or”;

(b) in the table at the end—

(i) before the first entry in columns (1), (2) and (3) insert, respectively—

“AM	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.”
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; and

(ii) omit the last entry in column (1) and the corresponding entries in columns (2) and (3).

**26.** In regulation 42 (exemption from theory test)—

(a) for paragraph (1) substitute—

“(1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising that person to drive a motor vehicle of a class included in sub-category A1 if that person—

(a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A; or

(b) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in subparagraph (a).”;

(b) after paragraph (1) insert—

“(1A) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in sub-category A2 if that person—

(a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A;

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- (b) has, for a period of not less than two years, held a full licence which authorises the driving of A1 motorcycles; or
- (c) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).

(1B) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in sub-category A3 if that person—

- (a) holds a valid standard theory test pass certificate in respect of a motor vehicle of a class included in category AM or A;
- (b) has, for a period of not less than two years, held a full licence which authorises the driving of A2 motorcycles; or
- (c) has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to the certificate mentioned in sub-paragraph (a).

(1C) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category AM or A if that person has held, for a period of not more than two years, a standard theory test pass certificate issued before 19th January 2013 in respect of a motor vehicle which—

- (a) is of a class included in former category P; or
- (b) is a motor bicycle.

(1D) A person who has held, for a period of not more than two years, a Northern Ireland theory test pass certificate corresponding to a certificate mentioned in paragraph (1C) is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category AM or A.

(1E) A person who is a full time member of the armed forces is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising the driving of a motor vehicle of a class included in category A if that person has passed a test for a licence authorising the driving of motor vehicles of another class included in category A.”.

27. In regulation 43 (entitlement upon passing a test other than an appropriate driving test)—

- (a) in paragraph (2)—
  - (i) for “regulations 44 and” substitute “regulation”;
  - (ii) in sub-paragraphs (a) and (b) for “A or P” substitute “AM or A”;
- (b) in paragraph (3) for “paragraphs (5) and (6)” substitute “paragraph (5)”;
- (c) in paragraph (4) for “F, K or P” substitute “Q, AM, F or K”;
- (d) in paragraph (5)—
  - (i) for “category P” in both places where those words appear substitute “category Q or AM”;
  - (ii) in sub-paragraph (a) for “class P” substitute “category Q or AM”; and
  - (iii) in sub-paragraph (b) for “mopeds” in both places where that word appears substitute “vehicles”;
- (e) omit paragraph (6); and
- (f) in paragraph (7)(a) for “A or P” in both places where those words appear substitute “AM or A”.

**28.** Omit regulation 44 (entitlement upon passing a test other than an appropriate driving test: category A).

**29.** In the heading to regulation 44A (entitlement upon passing a test other than an appropriate driving test: category P) for “P” substitute “AM”.

**30.** In regulation 44A—

(a) in paragraph (1) for “P” substitute “AM”; and

(b) in paragraph (2)—

(i) for sub-paragraph (a) substitute—

“(a) in a case where the test was passed on a three-wheeled moped or a light quadricycle, a licence authorising the driving of all vehicles having three or four wheels included in category AM;”;

(ii) in sub-paragraph (b) for “P” substitute “AM”.

**31.** In regulation 45 (upgrading of entitlements by virtue of passing second test)—

(a) in paragraph (10) for “sub-categories B1 and” substitute “former sub-category B1 or category”; and

(b) in paragraph (11)—

(i) omit “and” at the end of sub-paragraph (a); and

(ii) after sub-paragraph (b) add—

“(c) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of motor vehicles in former sub-category D1, references to “sub-category D1” shall include vehicles which would fall within sub-category D1, save that the maximum length of the vehicle exceeds 8 metres,

(d) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of motor vehicles in former sub-category D1+E, references to “sub-category D1+E” shall include vehicles which would fall within sub-category D1+E save that the maximum length of the tractor vehicle exceeds 8 metres, and

(e) where, before 19th January 2013, a test was passed, or a licence was held, authorising the driving of vehicles in former category B+E, references to “category B+E” shall include vehicles which would fall within category B+E save that the maximum authorised mass of the trailer or semi-trailer (as the case may be) exceeds 3500 kilograms.”.

(c) after paragraph (11) insert—

“(12) Paragraph (11)(c) and (d) shall apply to references in Schedule 9 to “sub-category D1” and “sub-category D1+E” as that paragraph applies to such references in this regulation.”.

**32.** In regulation 46 (entitlement upon passing an appropriate test)—

(a) in paragraph (1) for “and (6)” substitute “, (6) and (6A)”;

(b) in paragraph (2)—

(i) for “paragraph (4)” substitute “paragraphs (4) and (4A)”;

(ii) in sub-paragraphs (a) and (b) for “A or P” substitute “AM or A”;

(c) in paragraph (3)(a) and (b) for “A or P” substitute “AM or A”;

(d) for paragraph (4) substitute—

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- “(4) In the case of a non-side car licence holder who—
- (a) was disqualified before 19th January 2013 where the standard access period had not expired at the date of disqualification and has not expired, or
  - (b) is disqualified on or after 19th January 2013 and upon the date of disqualification the standard access period has not expired,
- the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired in relation to A3 motorcycles until the standard access period has expired.”;
- (e) after paragraph (4) insert—
- “(4A) In the case of a side-car licence holder who—
- (a) was disqualified before 19th January 2013 where the standard access period had not expired at the date of disqualification and has not expired, or
  - (b) is disqualified on or after 19th January 2013 and upon the date of disqualification the standard access period has not expired,
- the disqualification shall not, by virtue of paragraph (2) or (7), be deemed to have expired in relation to A3 motorcycle and side-car combinations until the standard access period has expired.”;
- (f) in paragraph (5) for “F, G, H, K, L or P” substitute “AM, F, G, H, K or L”;
- (g) at the beginning of paragraph (6) add “Subject to paragraph (6A),”;
- (h) after paragraph (6) insert—
- “(6A) Where a person passes the two-part practical test on a vehicle of a class included in sub-category A2 the disqualification is deemed to have expired additionally in relation to all classes of vehicle included in sub-category A3 unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in sub-category A3 as have automatic transmission.”;
- (i) in paragraph (7) omit the words from “, other” to “B1”; and
- (j) for paragraph (9) substitute—
- “(9) In this regulation—
- “non side-car licence holder” means a person who held a licence, granted before 19th January 2013, authorising the driving of standard motor cycles without a side-car;
- “side-car licence holder” means a person who held a licence, granted before 19th January 2013, authorising the driving of standard motor bicycle and side-car combinations;” and
- “two-part practical test means—
- (a) in relation to a vehicle of a class included in category AM or A, the manoeuvres test and the practical test in respect of a vehicle of a class included in category AM or A, as appropriate;
  - (b) in relation to a vehicle of a class included in sub-category A1, the manoeuvres test and the practical test in respect of a vehicle of a class included in sub-category A1.”.

**33.** In regulation 47 (evidence of result of theory test: vehicles other than category C or D) in paragraphs (6) and (7), for “regulation 38(4) or 40A(1)(b)(i) or (1A)(b)(i)” substitute “regulation 38(4), 40A(1)(b)(i) or (1A)(b)(i) or 42(1)(a), (1A)(a), (1B)(a) or (1C)”.