

2018 No. 225 (S. 3)

ROAD TRAFFIC, SCOTLAND

SPECIAL ROADS

**The Motorways Traffic (Scotland) (Amendment) Regulations
2018**

<i>Made</i>	- - - -	<i>20th February 2018</i>
<i>Laid before Parliament</i>		<i>1st March 2018</i>
<i>Coming into force</i>	- -	<i>4th June 2018</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 17(2)(a) and (c)(a), (3) and (3ZB)(b) of the Road Traffic Regulation Act 1984(c).

Representative organisations have been consulted in accordance with section 134(2)(d) of that Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Motorways Traffic (Scotland) (Amendment) Regulations 2018 and come into force on 4th June 2018.

(2) These Regulations extend to Scotland only.

Learner drivers on motorways

2.—(1) The Motorways Traffic (Scotland) Regulations 1995(e) are amended in accordance with paragraph (2).

(2) After regulation 10(2) (vehicles not to be driven by learner drivers) insert—

“(2A) Paragraph (1) above does not apply where the holder of the provisional licence—

- (a) is driving a motor car the transmission of which may be disengaged, and the brakes operated, independently from the driver by a person sitting in the front passenger seat, and
- (b) is under the supervision of a person who is present with him in the vehicle, and whose name is in Part 1 or Part 2 of the register of approved instructors, referred to

(a) Section 17(2) was amended by the Scotland Act 2012 (c. 11), section 21(3), and by the New Roads and Street Works Act 1992 (c. 22), Schedule 8, paragraph 28(3); there are other amending instruments but none is relevant.
(b) Section 17(3ZB) was inserted by the Scotland Act 2012, section 21(4).
(c) 1984 c. 27.
(d) Section 134(2) was amended by the Scotland Act 2016 (c. 11), Schedule 2, paragraph 12.
(e) S.I. 1995/2507, to which there are amendments not relevant to these Regulations.

in section 123(1)(a) and (aa) of the Road Traffic Act 1998(a) and the registration is not suspended.”.

Signed by authority of the Secretary of State for Transport

20th February 2018

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motorways Traffic (Scotland) Regulations 1995 so as to allow a learner driver to drive a car on the motorway provided the driver is supervised in the vehicle by an approved driving instructor in a dual control car.

Regulation 2 inserts a new exception to the general prohibition on learner drivers driving cars on the motorways, subject to two conditions, firstly that the learner driver is driving a dual control car, and secondly that the learner driver is supervised in the vehicle by an approved driving instructor, who is not suspended.

An Impact Assessment has not been produced for this instrument as only minimal impact on the private, voluntary or public sectors is foreseen.

An Explanatory Memorandum is published alongside this instrument on the UK legislation website at www.legislation.gov.uk.

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(a) Section 123(1)(a) was amended by the Driving Instruction (Suspension and Exemption Powers) Act 2009 (c. 17), Schedule 1, paragraph 2 and S.I. 2016/1089. Section 123(1)(a) was also amended by the Driving Instruction (Suspension and Exemption Powers) Act 2009, Schedule 2, but this is yet to be brought into force.

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