
STATUTORY INSTRUMENTS

1996 No. 2824

The Motor Vehicles (Driving Licences) Regulations 1996

PART III

TESTS OF COMPETENCE TO DRIVE

Entitlements upon passing test

Entitlement upon passing a test other than an appropriate driving test

40.—(1) Where a person passes a test prescribed in respect of a class of motor vehicle included in any category or sub-category (or a Northern Ireland test of competence corresponding to that test) the licensing authority shall grant to him a licence in accordance with paragraphs (2), (3) and (4).

(2) Subject to regulation 41, the licence shall authorise the driving of all classes of motor vehicle included in that category or sub-category unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case it shall authorise the driving only of invalid carriages;
- (c) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability)

(3) The licence shall in addition authorise the driving of all classes of motor vehicle included in a category or sub-category which is specified in column (3) of Schedule 2 as an additional category or sub-category in relation to a category or sub-category specified in column (1) of that Schedule unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall authorise the driving only of such classes of vehicle included in the additional category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case it shall authorise the driving only of invalid carriages;
- (c) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test in which case it shall authorise the driving only of such classes of vehicle included in the additional category or sub-category as are so adapted.

Entitlement upon passing a test other than an appropriate driving test: category A

41.—(1) This regulation applies where—

- (a) a person passes a test (or a Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of motor bicycles of any class other than a class included in sub-category A1, and
- (b) the practical test is passed on or after 1st January 1997.

(2) Where this regulation applies the licensing authority shall grant to the person who passed the test—

- (a) in a case where he has passed the practical test (or the Northern Ireland test of competence corresponding to the practical test) on a motor bicycle without a side-car the engine of which has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor vehicle included in category A;
- (b) subject to paragraph (3), in a case where the practical test (or the Northern Ireland test of competence corresponding to the practical test) was passed on any other motor bicycle without a side-car, a licence authorising him to drive standard motor bicycles;
- (c) in a case where he has passed the practical test (or the Northern Ireland test of competence corresponding to the practical test) on a motor bicycle and side-car combination and the engine of the bicycle has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor bicycle and side-car combinations included in category A;
- (d) subject to paragraph (4), in a case where the practical test (or the Northern Ireland test of competence corresponding to the practical test) was passed on a motor bicycle and a side-car combination the power to weight ratio of which does not exceed 0.16 kw/kg. but which does not fall within paragraph (c), a licence authorising him to drive standard motor bicycles and side-car combinations.

(3) A licence granted to a person by virtue of paragraph (2)(b) shall authorise him to drive all classes of motor vehicle included in category A upon the expiration of the standard access period.

(4) A licence granted to a person by virtue of paragraph (2)(d) shall authorise him to drive all classes of motor bicycle and side-car combinations included in category A upon the expiration of the standard access period.

Upgrading of entitlements by virtue of passing second test

42.—(1) A person who has passed tests prescribed in respect of—

- (a) category D or sub-category D1 as specified in column (1) of Table A in Schedule 9, and
- (b) category C + E or sub-category C1 + E as respectively specified at the top of columns (2) and (3) of Table A,

is deemed, subject to paragraph (2), competent to drive (in addition to the classes of motor vehicle in respect of which the tests were passed) vehicles included in the category or sub-category shown in column (2) or (3) of Table A in relation to the relevant test pass in column (1).

(2) Where, in a case to which paragraph (1) applies, each practical test is passed on a vehicle having automatic transmission the person passing the tests is deemed competent to drive only such classes of vehicle in the upgrade category as have automatic transmission.

(3) A person who has passed a test prescribed in respect of—

- (a) a category or sub-category specified in column (A) of Table B in Schedule 9 which authorises the driving only of classes of vehicle having automatic transmission, and

(b) a category or sub-category specified at the top of one of the columns in that table numbered (1) to (8), which authorises the driving of vehicles with manual transmission, is deemed, subject to paragraph (7), competent to drive (in addition to the classes of vehicle in respect of which the tests were passed) all vehicles included in the category or sub-category shown in the relevant numbered column in relation to the relevant test pass mentioned in column (A).

(4) In the case of a person who has passed a test for a licence authorising the driving of any class of vehicles in category D not more than 5.5 metres in length, Tables A and B shall be read as if—

- (a) for “D” there were substituted “vehicles in category D not more than 5.5 metres in length”, and
- (b) for “D + E” there were substituted “vehicles in category D + E where the tractor vehicle is not more than 5.5 metres in length”,

in each case where those expressions occur.

(5) In the case of a person who holds a licence which, by virtue of these Regulations, authorises the driving of a class of vehicles in category D otherwise than for hire or reward (notwithstanding that he may not have passed a test authorising the driving of such vehicles), Tables A and B shall be read as if—

- (a) for “D” there were substituted “vehicles in category D, driven otherwise than for hire or reward”, and
- (b) for “D + E” there were substituted “vehicles in category D + E driven otherwise than for hire or reward”,

(6) In the case of a person who has passed a test for a licence authorising the driving of vehicles in category C + E which are drawbar trailer combinations, Tables A and B shall be read as if, in the relevant columns of those tables—

- (a) for “C + E” there were substituted “vehicles in category C + E which are drawbar trailer combinations”, and
- (b) for “C1 + E” there were substituted “vehicles in sub-category C1 + E which are drawbar trailer combinations”.

(7) Where, in Table B, the upgrade category is qualified by the expression “(a)”, the person is deemed competent to drive only such classes of vehicle therein as have automatic transmission.

(8) Where a person has passed a test prescribed in respect of category B + E which authorises the driving only of classes of vehicle having automatic transmission and a test prescribed in respect of any class of vehicle in category B, C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B + E with manual transmission.

(9) Where a person who—

- (a) has passed a test prescribed in respect of category B, or
- (b) is the holder of a licence, which was in force at a time before 1st January 1997, authorising the driving of motor vehicles of classes included in categories B and B + E and sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward),

which is limited to classes of vehicle having automatic transmission, passes a test prescribed in respect of category B + E, C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B and B + E (and, in the case mentioned in sub-paragraph (b), vehicles in sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward)) which have manual transmission.

(10) In this regulation—

- (a) “upgrade category” means the additional category or sub-category which the person passing the tests (or holding the licence and passing the test) is deemed competent to drive by virtue of the relevant provision of this regulation, and
- (b) a reference to a test or a practical test includes, as the case may be, a reference to a Northern Ireland test of competence or a Northern Ireland practical test corresponding thereto.

Entitlement upon passing an appropriate driving test

43.—(1) Where a person—

- (a) is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test, and
- (b) passes the appropriate driving test prescribed in respect of a class of motor vehicles included in any category or sub-category,

the disqualification shall, subject to paragraph (6), be deemed to have expired in relation to that class and such other classes of motor vehicles as are specified in paragraphs (2), (3), (4) and (5).

(2) Subject to paragraph (4), the disqualification shall be deemed to have expired in relation to all classes of vehicle included in the category or sub-category referred to in paragraph (1)(b) unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case the disqualification shall be deemed to have expired in relation only to invalid carriages;
- (c) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability).

(3) The disqualification shall be deemed to have expired in relation to all classes of vehicle included in any other category which is specified in column (3) of Schedule 2 as being an additional category or sub-category in relation to that category or sub-category unless—

- (a) the test or, as the case may be, the practical 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 the additional category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case the disqualification shall be deemed to have expired only in relation to invalid carriages;
- (c) the test or, as the case may be, the practical test, is passed on a vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as are so adapted.

(4) Where, at the date on which a person is disqualified—

- (a) he holds a licence which was granted pursuant to regulation 41(2)(b) or (d), and
- (b) the standard access period has not expired,

the disqualification shall not, by virtue of paragraph (2), be deemed to have expired—

- (i) in a case to which regulation 41(2)(b) applies, in relation to large motor bicycles, or

(ii) in a case to which regulation 41(2)(d) applies, in relation to large motor bicycle and side-car combinations,

until the standard access period has expired.

(5) Where the person who is disqualified passes the practical test on a vehicle of a class included in category B the disqualification shall be deemed to have expired additionally in relation to all classes of vehicle included in—

(a) categories B + E, C, C + E, D and D + E, 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 those categories as have automatic transmission, and

(b) categories F, G, H, K, L and P.

(6) Where a person is, pursuant to regulation 53, disqualified by the licensing authority until he passes a driving test prescribed in respect of a class of large goods or passenger-carrying vehicle, the disqualification shall not be deemed to have expired in relation to any class of large goods or passenger-carrying vehicle until he passes that test.