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 STATUTORY INSTRUMENTS
 

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1976 No. 1764

## ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)  
Regulations 1976**

<i>Made - - - -</i>	<i>25th October 1976</i>
<i>Laid before Parliament</i>	<i>9th November 1976</i>
<i>Coming into Operation</i>	<i>1st December 1976</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 88(1), 96(2) and (3) and 107 of the Road Traffic Act 1972(a), as amended by section 13 of, and Schedule 3 to, the Road Traffic Act 1974(b) and by section 1 of, and paragraph 4 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976(c), and of all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of the said Act of 1972, and with the approval of the Treasury in relation to Regulation 5, hereby makes the following Regulations:—

1.—(1) These Regulations shall come into operation on 1st December 1976, and may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 1976.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

2.—(1) The Motor Vehicles (Driving Licences) Regulations 1976(e) shall be amended so as to have effect in accordance with the following provisions of these Regulations.

(2) A person who has submitted himself for, and failed to pass, a test on a vehicle of a class included in group E or L specified in Schedule 3 to those Regulations before amendment by Regulation 6 of these Regulations shall be treated for the purposes of Regulation 21 of those Regulations as having failed to pass a test on a vehicle of a class included in group E or, as the case may be, group L, specified in the said Schedule as so amended.

3.—(1) In Regulation 3(1) (Interpretation)—

(a) after the definition of “group” the following shall be inserted:—

“ ‘kerbside weight’ has the same meaning as in Regulation 39A(4) of the Motor Vehicles (Construction and Use) Regulations 1973(f) as amended(g); ”,

(b) after the definition of “licensing authority” the following shall be inserted:—

“ ‘maximum design speed’ has the same meaning as in Regulation 39A(4) of the Motor Vehicles (Construction and Use) Regulations 1973, as amended; ”,

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(a) 1972 c. 20.

(b) 1974 c. 50.

(c) 1976 c. 3.

(d) 1889 c. 63.

(e) S.I. 1976/1076 (1976 II, p. 2852).

(f) S.I. 1973/24 (1973 I, p. 93).

(g) The relevant amending instrument is S.I. 1976/1256 (1976 II, p. 3549).

(c) for the definition of 'moped' the following shall be substituted:—

“ 'moped' means—

- (i) in the case only of motor cycles which are first used on or after 1st August 1977, a motor cycle (not being a motor vehicle of group K) which has a maximum design speed which does not exceed 30 mph, a kerbside weight which does not exceed 250 kg, and, if propelled by an internal combustion engine, an engine the cylinder capacity of which does not exceed 50 cc, or
- (ii) in the case only of motor cycles which are first used before 1st August 1977, a motor cycle which has an engine with a cylinder capacity not exceeding 50cc and is equipped with pedals by means of which the cycle is capable of being propelled;”.

(2) After Regulation 3(1) the following new paragraphs shall be inserted:—

“(1A) In determining for the purpose of these Regulations when a motor cycle is first used, the date of such first use shall be taken to be such date as is the earliest of the undermentioned relevant dates applicable to that cycle—

(a) in the case of a motor cycle registered under the Roads Act 1920(a), the Vehicles (Excise) Act 1949(b), the Vehicles (Excise) Act 1962(c) or the Vehicles (Excise) Act 1971(d), the relevant date is the date on which it was first so registered; and

(b) in each of the following cases:—

- (i) in the case of a motor cycle which is being or has been used under a trade licence as defined in section 16 of the Vehicles (Excise) Act 1971 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);
- (ii) in the case of a motor cycle which belongs or has belonged to the Crown and which is or was used or appropriated for use for naval, military or air force purposes;
- (iii) in the case of a motor cycle which belongs or has belonged to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(e) applies;
- (iv) in the case of a motor cycle which has been used on roads outside Great Britain and has been imported into Great Britain, and
- (v) in the case of a motor cycle which has been used otherwise than on roads after being sold or supplied by retail and before being registered,

the relevant date is the date of manufacture of the cycle.

In this paragraph 'sold or supplied by retail' means sold or supplied otherwise than to a person acquiring solely for the purpose of resale or re-supply for a valuable consideration.

(a) 1920 c. 72.

(c) 1962 c. 13.

(e) S.I. 1965/1536 (1965 II, p. 4462).

(b) 1949 c. 89.

(d) 1971 c. 10.

(1B) The provisions of Regulation 39A(5) of the Motor Vehicles (Construction and Use) Regulations 1973 (as amended) shall apply for determining for the purposes of the definition of 'moped' in paragraph (1) above, whether the maximum design speed of a motor cycle does not exceed 30 mph".

4. In Regulation 4(1) (Minimum ages for holding or obtaining licences) the following shall be substituted for sub-paragraph (a):—

"(a) in item 2, the age of 17 were substituted for the age of 16 in relation to all motor cycles other than—

- (i) mopeds
- (ii) motor cycles which are mowing machines, or
- (iii) motor cycles which are vehicles controlled by a pedestrian".

5. In Regulation 6 (Fees for licences), for items 4, 5 and 6 in the Table there shall be substituted the following items:—

"4. A provisional licence granted so as to come into force—

- (a) before 1st March 1977 ... .. £1.00
- (b) on or after that date ... .. £2.00

5. A duplicate licence where the application is made—

- (a) before 1st January 1977 ... .. 25p
- (b) on or after that date ... .. £2.00

6. A full or provisional licence granted in exchange for a subsisting licence (except where the licence—

- (i) is granted free of charge pursuant to section 87(5A)(b) or section 89(4) of the Act of 1972, or
- (ii) is granted in exchange for a licence which was revoked under section 87(5) of that Act or could have been revoked under that section or the said section 87(5A)(b))

if granted so as to come into force—

- (a) before 1st March 1977 ... .. 25p
- (b) on or after that date ... .. £2.00".

6. After Regulation 26 (Entitlement to groups) there shall be inserted the following new Regulation:—

*"Effect of changes in classification of vehicles by reason of the changed definition of 'moped'.*

27.—(1) In licences (whether full or provisional) issued before 1st August 1977—

- (a) any reference to motor vehicles of group E shall on and after that date be construed as a reference to motor vehicles of new group E,
- (b) any reference to motor vehicles of group L shall on and after that date be construed as references to motor vehicles of new group L,
- (c) any reference to motor vehicles of any other group the constitution of which is affected by the amendments made by the Motor

Vehicles (Driving Licences) (Amendment) Regulations 1976 shall on and after that date be construed as references to motor vehicles of the group in question as so amended in constitution, and

- (d) any reference to a moped shall on and after that date be construed by reference to the revised definition of 'moped'.

(2) In relation to an application for the grant of a licence coming into force on or after 1st August 1977 by a person who—

- (a) before that date held a licence granted under Part III of the Road Traffic Act 1972, or under any enactment which the said Part III replaced, or under a relevant external law (as defined in section 85(1) of the said Act of 1972) to drive motor vehicles of a class included in old group E, or
- (b) before that date passed a test to drive motor vehicles of a class included in old group E or a test which by virtue of Regulation 18(2) of these Regulations is regarded as a test to drive such motor vehicles,

and in relation to any licence issued in pursuance of such applications, the licence which he held, or the test which he passed, before that date shall for the purposes of section 85(1) and (4) of the said Act of 1972 (restrictions on grant of licences etc) be regarded as a licence or test (as the case may be) to drive vehicles of a class included in new group E.

(3) A person whose entitlement to the grant of a licence coming into force on or after 1st August 1977 to drive vehicles of new group E is preserved by this Regulation may, notwithstanding anything in section 84(1) and (2) of the said Act of 1972 (drivers of motor vehicles to have driving licences), at any time pending the grant of such a licence to him drive, and be employed in driving, such vehicles if—

- (a) his application in accordance with section 88(1)(a) of the said Act of 1972 (provisions as to grant of licences), together with the fee prescribed under that section, for the grant of such a licence has been received by the Secretary of State,
- (b) he satisfies the requirements of sub-section (1)(b) and (c) of that section,
- (c) he is not disqualified by reason of age or otherwise for obtaining the licence,
- (d) he is not a person to whom the Secretary of State is required by section 87(2) of the said Act of 1972 (requirements as to physical fitness of drivers) to refuse to grant the licence,
- (e) in the case of a person on whom notice under sub-section (4) of that section, or any enactment which that provision replaced, has been served, the vehicles are of the particular construction and design specified in the notice, and
- (f) he complies, in relation to that driving, with such of the conditions specified in Regulation 8(1) of these Regulations as will apply to the driving of those vehicles by him under the authority of that licence, when granted.

(4) In this Regulation references to 'old group' and 'new group', followed by a letter, are references respectively to the group in question as constituted before and after the coming into operation of the Motor Vehicles (Driving Licences) (Amendment) Regulations 1976, and the reference to the revised definition of 'moped' is a reference to the substituted definition of that word inserted in Regulation 3(1) of these Regulations by those Regulations".

7. In Schedule 3 (groups of motor vehicles for driving test purposes), in the description of the class of vehicle included in group L, there shall be substituted for the words "but excluding any vehicle included in group J or K" the words "but excluding any vehicle included in group E, J or K".

25th October 1976.

*William Rodgers,*  
Secretary of State for Transport.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1976 (S.I. No. 1076) by altering the definition of 'moped' (at present a pedal assisted motor cycle with a 50 cc or smaller engine). The new definition of moped will only embrace such pedal assisted motor cycles if they are first used before 1st August 1977, but it will also embrace in the future any motor cycle (whether or not equipped with pedals) which is first used on or after 1st August 1977, has a design speed not exceeding 30 mph, a kerbside weight not exceeding 250 kg and, if equipped with an internal combustion engine, an engine with a cylinder capacity not exceeding 50 cc.

The minimum age limit of 16 will only apply to mopeds falling within the new definition (that is, pedal assisted motor cycles with a 50 cc or smaller engine, if first used before 1st August 1977, and low-powered motor cycles, having the design speed, weight and engine capacity limitations mentioned above, if first used on or after 1st August 1977).

The new definition will apply to existing and future driving licences under Part III of the Road Traffic Act 1972.

The effect of the change will be to fix 17 as the minimum age for driving motor cycles which are first used on or after 1st August 1977 and have a design speed exceeding 30 mph, and to bring such motor cycles within group D (the group which covers standard motor cycles), thus requiring new applicants for full licences to drive such machines to undergo the motor cycle driving test. In addition the ordinary licence to drive a motor car will not automatically cover motor cycles first used on or after 1st August 1977 which have a design speed exceeding 30 mph simply because they are equipped with pedals and have a 50 cc or smaller engine.

The Regulations also (Regulation 5) increase the fee for a provisional licence from £1 to £2 as from 1st March 1977, the fee for a duplicate licence from 25p to £2.00 as from 1st January 1977 and the fee for an exchange licence from 25p to £2.00 as from 1st March 1977.

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