
 STATUTORY INSTRUMENTS

1985 No. 577

ROAD TRAFFIC

**The Motor Cars (Driving Instruction) (Amendment) Regulations
1985**

<i>Made</i> - - - - -	<i>4th April 1985</i>
<i>Laid before Parliament</i>	<i>19th April 1985</i>
<i>Coming into Operation</i>	<i>20th May 1985</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 128(1) and (2), 131(4), 133(1) and 142 of the Road Traffic Act 1972(a), now vested in him(b), and of all other enabling powers, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 20th May 1985, and may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations 1985.

2. The Motor Cars (Driving Instruction) Regulations 1977(c) are hereby amended in accordance with the following provisions of these Regulations.

3. In regulation 3 (Interpretation)—

(a) after the definition of “the Act” there shall be inserted—

“ “the 1984 Act” means the Road Traffic (Driving Instruction) Act 1984(d);

(b) after the definition of “candidate” there shall be inserted—

“ “continued ability and fitness test” means the test of continued ability and fitness to give instruction in the driving of motor cars referred to in section 128(2) of the Act and prescribed in Part IV of these Regulations;

“driving ability and fitness test” means the practical test of ability and fitness to drive motor cars referred to in section 128(1)(a) of the Act and prescribed in Regulation 7(1) to (3) of these Regulations;”;

(c) after the definition of “examiner” there shall be inserted—

(a) 1972 c. 20; sections 128, 131 and 133 were amended by the Road Traffic (Driving Instruction) Act 1984 (c. 13).

(b) S.I. 1979/571 and 1981/238.

(c) S.I. 1977/1043; relevant amending instruments are S.I. 1978/1316, 1982/1206 and 1984/1834.

(d) 1984 c. 13.

“ “instructional ability and fitness test” means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in section 128(1)(a) of the Act and prescribed in Regulation 7(4) of these Regulations;”;

(d) the definition of “test” shall be deleted; and

(e) after the definition of “the Registrar” there shall be inserted—

“ “written examination” means the written examination referred to in section 128(1)(a) of the Act and prescribed in Regulation 6 of these Regulations.”.

4. In regulation 5 (General provisions), for paragraphs (2) and (3) there shall be substituted the following paragraphs—

“(2) The examination shall consist of a written examination, a driving ability and fitness test and an instructional ability and fitness test.

(3) The person who is applying to have his name entered in the Register must—

(a) have passed the written examination before taking the driving ability and fitness test, and

(b) have passed the driving ability and fitness test before taking the instructional ability and fitness test, and

(c) have passed the written examination not earlier than 2 years before the date on which he passed the instructional ability and fitness test”.

5. In regulation 6 (Written part of the examination)—

(a) for the words “written part of the examination” there shall be substituted the words “written examination”, and

(b) in paragraph (f) for the words “Motor Vehicles (Driving Licences) Regulations 1976” there shall be substituted the words “Motor Vehicles (Driving Licences) Regulations 1981”(a).

6. In regulation 7 (Practical part of the examination)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) The driving ability and fitness test shall consist of tests of eyesight and driving technique and the candidate shall be required to reach the qualifying standard in both tests on one and the same occasion.”;

(b) for paragraph (4) there shall be substituted the following paragraph—

“(4) The instructional ability and fitness test shall be as follows—

(a) The candidate shall demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were—

(a) S.I. 1981/952, to which there are amendments not relevant to these Regulations.

- (i) an inexperienced pupil, and then
- (ii) a pupil who is at about driving test standard.
- (b) The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction:—
 - (i) explaining the controls of the vehicle,
 - (ii) moving off,
 - (iii) making normal stops,
 - (iv) reversing, and while doing so entering limited openings to the right or to the left,
 - (v) turning to face the opposite direction, using forward and reverse gears,
 - (vi) parking close to the kerb, using forward and reverse gears,
 - (vii) using mirrors and explaining how to make an emergency stop,
 - (viii) approaching and turning corners,
 - (ix) judging speed, and making normal progress,
 - (x) road positioning,
 - (xi) dealing with road junctions,
 - (xii) dealing with cross roads,
 - (xiii) dealing with pedestrian crossings,
 - (xiv) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users, and
 - (xv) giving correct signals.
- (c) The candidate's knowledge and ability shall be assessed on—
 - (i) the method, clarity, adequacy and correctness of his instruction,
 - (ii) the observation and correction of the examiner's driving errors, and
 - (iii) his manner generally.”.

7. After regulation 7 there shall be inserted the following new regulation—

“7A.— (1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of that test, in respect of which the following conditions shall apply:—

- (a) the vehicle shall have four wheels and shall be either—
 - (i) constructed solely for the carriage of passengers and their

effects and fitted with a rigid roof, with or without a sliding panel, or

- (ii) a dual-purpose vehicle as defined in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978(a);

(b) the vehicle shall—

- (i) be in a proper condition,
 - (ii) have a readily adjustable driving seat and a seat for a forward-facing front passenger,
 - (iii) have its steering wheel on its off-side, and
 - (iv) be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels; and
- (c) the vehicle shall not, during the conduct of any driving ability and fitness test, carry any advertisement or sign which might cause other road users to believe that it is being used for the purposes of giving driving instruction or that the driver is not a qualified driver.

(2) In respect of a motor car provided for the purposes of an instructional ability and fitness test the following further conditions shall apply:—

- (a) there shall be in existence an insurance covering the use of the vehicle during the test against any liability of the candidate or the examiner as the driver or the person in charge of the vehicle for the death of or bodily injury to third parties (including any passengers in the vehicle) as required by Part VI of the Act, and against any liability of the examiner whilst he is driving or in charge of the vehicle for damage to the vehicle or to any other property, and
- (b) throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form set out in Schedule 2 to the Motor Vehicles (Driving Licences) Regulations 1981.”.

8. In regulation 8 (Test of continued ability and fitness to give instruction), for the word “test”, where it first occurs, there shall be substituted the words “continued ability and fitness test”.

9. In regulation 9 (Additional conditions to be satisfied for the grant of a licence), for the words from “the applicant” to the end of the regulation there shall be substituted the following words—

- “(a) the applicant at the time of his application for a licence is eligible under Regulation 5(3) of these Regulations to submit himself for the instructional ability and fitness test; or
- (b) in the case of an application to which section 3(3) of the 1984 Act applies, the applicant at the time of his application either is eligible

(a) S.I. 1978/1017, to which there are amendments not relevant to these Regulations.

under Regulation 5(3) of these Regulations to submit himself for the driving ability and fitness test or has made an application to submit himself for the written examination and has not yet been notified of the result of such examination.”.

10. In regulation 11 (Conditions subject to which licences are granted)—

(a) for paragraph (4) there shall be substituted the following paragraph—

“(4) the holder shall maintain in respect of each working day during the first three months of a licence to which the last preceding paragraph applies a record of the time he spends giving such instruction containing the particulars specified in the next succeeding paragraph and shall, at any time during the said period of three months, produce such record on request to an officer authorised by the Secretary of State to inspect such a record who shall be entitled to retain it, if he so desires, and the holder shall, unless such record has been so retained, within one week of the expiry of the said period of three months, send it to the Registrar”;

(b) at the end there shall be added the following paragraph—

“(6) in the case of the first licence granted to any person, the holder of the licence shall within five weeks of the grant of the licence submit to the Registrar a declaration containing the particulars specified in the next succeeding paragraph, signed by himself and by a person whose name is in the Register, as evidence of the fact that the holder of the licence has received training in the giving of practical driving instruction comprising all of the matters specified in paragraph (8) below for periods amounting in aggregate to not less than 40 hours, and for the purpose of computing the aggregate of periods of such training there may be taken into account any periods of such training received by the holder of the licence at any time not more than 12 months prior to the grant of the licence;

(7) the particulars referred to in the last preceding paragraph are:—

- (a) the name and address of the holder of the licence;**
- (b) its number;**
- (c) the name and address of the establishment where the training has been given;**
- (d) the name and address of the person who has given the training;**
- (e) the matters included in the training;**
- (f) the dates on which the training has been given;**
- (g) the number of hours of training spent on each of the matters;**
- (h) a declaration by the holder of the licence that the training has been received;**
- (i) a declaration by the person who has given the training that the training has been given;**
- (j) the signature of the holder of the licence; and**
- (k) the signature of the person who has given the training;**

(8) the matters referred to in paragraph (6) above are:—

- (a) explaining the controls of the vehicle, including the use of dual controls;
- (b) moving off;
- (c) making normal stops;
- (d) reversing, and while doing so entering limited openings to the right or to the left;
- (e) turning to face the opposite direction, using forward and reverse gears;
- (f) parking close to the kerb, using forward and reverse gears;
- (g) using mirrors and explaining how to make an emergency stop;
- (h) approaching and turning corners;
- (i) judging speed and making normal progress;
- (j) road positioning;
- (k) dealing with road junctions;
- (l) dealing with cross roads;
- (m) dealing with pedestrian crossings;
- (n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users;
- (o) giving correct signals;
- (p) comprehension of traffic signs, including road markings and traffic control signals;
- (q) method, clarity, adequacy and correctness of instruction;
- (r) observation and correction of driving errors committed by pupils and general manner.”.

11. In the Table to regulation 13, for the first 2 items there shall be substituted the following—

“1	Submission to written examination	—	£50
2	Submission to driving ability and fitness test	—	£45
2A	Submission to instructional ability and fitness test	—	£45 .”.

Signed by authority of
the Secretary of State
4th April 1985.

Lynda Chalker,
Minister of State for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make amendments to the Motor Cars (Driving Instruction) Regulations 1977 in consequence of the coming into force of sections 2, 3, 4 and 5 of the Road Traffic (Driving Instruction) Act 1984. The main changes are—

1. the two-part examination comprising a written part and a practical part, referred to in Regulation 5(2) of the 1977 Regulations, is divided into three parts comprising a written examination, a driving test and a test of instructional ability (Regulation 4(2));
2. the time allowed for passing the examination, referred to in Regulation 5(3) of the 1977 Regulations, is reduced from 3 years to 2 years (Regulation 4(3));
3. the subjects concerned with instructional ability on which candidates may be tested in the practical part of the examination referred to in Regulation 7(4)(a) of the 1977 Regulations, are redefined as the separate test of instructional ability (Regulation 6);
4. the conditions applying to vehicles to be provided for the practical part of the examination, referred to in Regulation 7(4)(c) of the 1977 Regulations, are modified as a consequence of the separation of the practical part into two separate tests (Regulation 7);
5. the conditions to be satisfied for grant of a licence under section 131 of the Road Traffic Act 1972, referred to in Regulation 9 of the 1977 Regulations, are modified as a consequence of section 3 of the Road Traffic (Driving Instruction) Act 1984 (Regulation 9); and
6. the conditions subject to which licences are granted, referred to in Regulation 11 of the 1977 Regulations, are modified to require licence holders to submit to the Registrar evidence of training and supervision (Regulation 10).

These Regulations also amend certain fees under the 1977 Regulations as modified by the Motor Cars (Driving Instruction) (Amendment) Regulations 1984 by substituting for the fee of £90 for the practical part of the examination, referred to in Regulation 13 and Table of the 1977 Regulations, a fee of £45 for the driving test and a fee of £45 for the instructional ability test (Regulation 11).

SI 1985/577
ISBN 0-11-056577-0

