
STATUTORY INSTRUMENTS

1990 No. 2612

The Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations 1990

PART IV

SUPPLEMENTARY

Service personnel

23. The traffic commissioner for the South Eastern Traffic Area is hereby prescribed for the purposes of section 183(6) of the 1988 Act (discharge of Part IV functions in relation to HM Forces).

Northern Ireland licences

24.—(1) The traffic commissioner for the North Western Traffic Area is hereby prescribed for the purposes of section 122(2) of the 1988 Act (suspension, revocation and disqualification in respect of Northern Ireland licences as respects Great Britain).

(2) For the purposes of section 122(4) of the 1988 Act, the magistrates' court or sheriff to whom an appeal shall lie by the holder of a Northern Ireland licence, being a person who is not resident in Great Britain and who is aggrieved by the suspension or revocation of the licence or by the ordering of disqualification for holding or obtaining a licence, shall be—

- (i) such a magistrates' court or sheriff as he may nominate at the time he puts down his appeal; or
- (ii) in the absence of a nomination of a particular court under sub-paragraph (i) above, the magistrates' court in whose area the office of the traffic commissioner for the North Western Traffic Area is situated.

Entitlement to groups

25. The categories of vehicles specified in column (2) of the table in Schedule 1 are hereby designated as groups for the purposes of paragraphs (a) and (b) of section 89(1) of the 1988 Act.

Transitional provisions

26.—(1) If an application for the grant of a licence in respect of any of the classes of vehicle in column (1) of the table below is made and the licence has not been granted or refused before the date that these Regulations come into force, the application shall be taken on and after that date to be an application in respect of the categories of vehicles in column (2) of the table below.

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TABLE

(1) Class of Heavy Goods Vehicle	(2) Corresponding Category of Large Goods Vehicle
2, 3	C and C plus E limited to drawbar trailer combinations only
2A, 3A	C and C plus E limited to drawbar trailer combinations only and in both cases limited to vehicles with automatic transmission
1	C plus E
1A	C plus E limited to vehicles with automatic transmission
Class of Public Service Vehicle	Corresponding Category of Passenger-Carrying Vehicle
4	D limited to vehicles not more than 5.5 metres in length
4A	D limited to vehicles not more than 5.5 metres in length and with automatic transmission
4B	B
3	D
3A	D limited to vehicles with automatic transmission
1, 2	D plus E
1A, 2A	D plus E limited to vehicles with automatic transmission

(2) If an application for a test in respect of any of the classes of vehicles in column (1) of the table below is made and the test has not been taken before the date that these Regulations come into force, the application shall be taken on and after that date to be an application in respect of the categories of vehicles in column (2) of the table below—

TABLE

(1) Class of Heavy Goods Vehicle	(2) Corresponding Category of Large Goods Vehicle
2, 3	C
2A, 3A	C limited to vehicles with automatic transmission
1	C plus E
1A	C plus E limited to vehicles with automatic transmission

(1) Class of Heavy Goods Vehicle	(2) Corresponding Category of Large Goods Vehicle
Class of Public Service Vehicle	Corresponding Category of Passenger-Carrying Vehicle
4	D limited to vehicles with no more than sixteen seats
4A	As for 4 but limited to vehicles with automatic transmission
3, 2, 1	D
3A, 2A, 1A	As for 3, 2, 1 but limited to vehicles with automatic transmission

Exemptions

27.—(1) Part IV of the 1988 Act and these Regulations shall not apply to large goods vehicles of any of the following classes, that is to say—

- (a) track laying vehicles;
- (b) vehicles propelled by steam;
- (c) road rollers;
- (d) road construction vehicles used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);
- (e) engineering plant;
- (f) works trucks;
- (g) industrial tractors;
- (h) agricultural motor vehicles;
- (i) digging machines;
- (j) vehicles exempted from excise duty by virtue of section 7(1) of the Vehicles (Excise) Act 1971⁽¹⁾ (vehicles used for less than a certain distance on public roads);
- (k) any motor car as defined in section 185(1) of the 1988 Act which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby, but to which no trailer is attached;
- (l) vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;
- (m) vehicles manufactured before 1st January 1960 used unladen and not drawing a laden trailer;
- (n) vehicles in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965⁽²⁾;
- (o) wheeled armoured vehicles being the property of, or for the time being under the control of, the Secretary of State for Defence;

(1) 1971 c. 10.

(2) S.I. 1965/1536.

- (p) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the large goods vehicle and its load) or for other similar purposes;
- (q) any articulated goods vehicle combination which has a maximum authorised mass not exceeding 7.5 tonnes, or the tractive unit of which does not exceed 2.05 tonnes unladen weight;
- (r) any vehicle having a relevant maximum weight not exceeding 3.5 tonnes to which a trailer is attached, not being an articulated goods vehicle combination;
- (s) any vehicle (not being an articulated goods vehicle combination) which—
 - (i) has an unladen weight not exceeding 10.2 tonnes,
 - (ii) is being operated by the holder of a PSV operator's licence,
 - (iii) is being driven by a person who holds an existing public service vehicle licence or a passenger-carrying vehicle driver's licence, and
 - (iv) is being used for the purpose of—
 - (a) proceeding to, or returning from, a place where assistance is to be, or has been, given to a disabled passenger-carrying vehicle; or
 - (b) giving assistance to or moving a disabled passenger-carrying vehicle or moving a wreck which, immediately before it became a wreck, was a passenger-carrying vehicle;
- (t) any vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which—
 - (i) is used solely for dealing with disabled vehicles;
 - (ii) is not used for the conveyance of any load other than a disabled vehicle when so raised, water, fuel and accumulators and articles required for the operation of, or in connection with, such apparatus as aforesaid or otherwise for dealing with disabled vehicles; and
 - (iii) has an unladen weight not exceeding 3.05 tonnes;
- (u) any vehicle which was originally constructed to carry passengers but has been adapted to carry goods or burden of any description—
 - (i) when driven for the carriage of—
 - (a) play equipment for children, or such equipment and not more than 8 passengers, to or from the place where the equipment is to be, or has been, made available for such use, or
 - (b) articles required for the purposes of display or of an exhibition, or such articles and not more than 8 passengers, to or from the place where the display or exhibition is to be mounted, or
 - (ii) being a vehicle used for the carriage of such equipment or articles as specified in sub-paragraph (i) above, when driven—
 - (a) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied, or
 - (b) in such circumstances that by virtue of section 5 of the Vehicles (Excise) Act 1971 the vehicle is not chargeable with duty in respect of its use on public roads;

- (v) vehicles which are designed for fire fighting or fire salvage purposes and which are the property of, or for the time being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown; and
 - (w) any vehicle when being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939⁽³⁾ which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act, 1959⁽⁴⁾, by section 2 of the Emergency Powers Act 1964⁽⁵⁾.
- (2) Part IV of the 1988 Act and these Regulations shall not apply to passenger-carrying vehicles of any of the following classes, that is to say—
- (a) vehicles manufactured more than 30 years ago and not used for hire or reward or for the carriage of more than 8 passengers;
 - (b) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the passenger-carrying vehicle and its passengers) or for other similar purposes.
- (3) A person may drive a large goods vehicle specified in paragraph (1) if he is the holder of a full licence to drive vehicles in category B and C1, and a passenger-carrying vehicle specified in paragraph (2) if he is the holder of a full licence to drive vehicles in category B and D1.
- (4) Except in the case of a vehicle mentioned in paragraph (5), Part IV of the 1988 Act and these Regulations, in their application to large goods vehicles, shall not apply to vehicles which are passenger-carrying vehicles as well as large goods vehicles.
- (5) Part IV of the 1988 Act and these Regulations, in their application to passenger-carrying vehicles, shall not apply to large goods vehicles in category C driven by members of the armed forces of the Crown and used for the carriage of passengers for naval, military or air force purposes which are adapted to carry up to 24 passengers.
- (6) In this Regulation—
- “digging machine” has the same meaning as in Schedule 3 to the Vehicles (Excise) Act 1971;
 - “agricultural motor vehicle”, “engineering plant”, “industrial tractor”, “track laying” and “works truck” have the same meaning as in regulation 3(2) of the Motor Vehicles (Construction and Use) Regulations 1986;
 - “play equipment for children” includes articles required in connection with the use of such equipment by children; and
 - “road construction vehicle” and “road construction machinery” have the same meanings as in section 4(2) of the Vehicles (Excise) Act 1971.

Effect of the change in classification on entitlement to drive large buses

28.—(1) A person who held a full licence to drive vehicles in category B and D1 on 31st May 1990, who satisfies the Secretary of State that he has been regularly driving a vehicle or vehicles in category D with more than 16 seats in addition to the driver’s seat during the period of three years immediately preceding his application for a licence to drive such vehicles and who makes such application before 1st April 1992 shall, notwithstanding anything in regulation 17 as it applies to section 89 of the 1988 Act, be entitled, on satisfying the other requirements of the 1988 Act and these Regulations, to the grant of a full licence to drive vehicles in that category subject to the limitation that the vehicles are not used for hire or reward.

(3) S.R. and O. 1939/1304.

(4) 1959 c. 19.

(5) 1964 c. 38.

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(2) A person who holds a full hgv driver's licence or a full licence to drive vehicles in category C, may also drive motor vehicles used for the carriage of passengers with more than 16 seats, in addition to the driver's seat which are not being used for hire or reward or for the carriage of more than 8 passengers.

Effect of the change in classification on the granting of licences to drive minibuses

29. A person who has taken the test prescribed by these Regulations for vehicles in category D (which includes vehicles with not more than 16 seats, in addition to the driver's seat, used for hire or reward) in a vehicle in that category of which the overall length—

- (a) in the case of a test taken before 1st April 1994 is less than 8.5 metres and
- (b) in the case of a test taken on or after that date is less than 9 metres,

shall be granted a licence limited to the driving of vehicles in that category with not more than 16 seats, in addition to the driver's seat.