

1990 No. 842

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations 1990**

<i>Made - - - -</i>	<i>3rd April 1990</i>
<i>Laid before Parliament</i>	<i>9th April 1990</i>
<i>Coming into force</i>	
<i>For the purposes of regulations 6 and 9</i>	<i>30th April 1990</i>
<i>For all purposes except for those of regulations 3(c), 5(b), 6 and 9</i>	<i>1st June 1990</i>
<i>For the purposes of regulations 3(c) and 5(b)</i>	<i>1st January 1991</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 88(5) and (6), 89(3), (6) and (7), 94(4), 97(1) and (3), 98(4), 99(2), 105 and 108(1)(a) of the Road Traffic Act 1988(b), and of all other enabling powers, and after consultation with representative organisations in accordance with section 195(2) of that Act, and with the approval of the Treasury, hereby makes the following Regulations:

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 1990 and shall come into force for all purposes except for those of regulations 3(c), 5(b), 6 and 9 on 1st June 1990 and for the purposes of regulations 6 and 9 on 30th April 1990 and for the purposes of regulations 3(c) and 5(b) on 1st January 1991.

2. The Motor Vehicles (Driving Licences) Regulations 1987(c) shall be amended in accordance with the following provisions of these Regulations and in accordance with the additional amendments set out in Schedule 1 thereto.

3. In regulation 3(1) (interpretation)–

(a) there shall be added the following definitions at the appropriate places in alphabetical order–

(i) ‘“category” in relation to a class of motor vehicles means a category of motor vehicles of the classes specified in the second column of Schedule 3,

(a) See the definition of “prescribed” and “regulations”.

(b) 1988 c.52; section 88(6) was amended by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144) Schedule 1, paragraph 1; section 89(6) was amended by Schedule 3, paragraph 8(b)(ii) and (iii) of the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22); section 94(4) was amended by section 5(7) of that Act; section 97(1) was amended by Schedule 3, paragraph 9(b) of, and Schedule 6 to, that Act, and is to be read with the Department of Transport (Fees) Order 1988 (S.I. 1988/643); section 98(4) was amended by Schedule 3, paragraph 11(d) of that Act; section 105 was amended by Schedule 3, paragraph 14 of that Act and Schedule 1, paragraph 6 of those Regulations.

(c) S.I. 1987/1378, the relevant amending instruments are S.I. 1988/1062, 1989/762, 1989/1612.

and a category identified by a letter means the category corresponding to the letter in the first column of that Schedule;’, and

- (ii) ‘ “maximum authorised mass” has the same meaning—
 - (a) in relation to goods vehicles as “permissible maximum weight” in section 108(1) of the Road Traffic Act 1988, and
 - (b) in relation to any other vehicle or trailer as “maximum gross weight” in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(a);;
- (b) the definition of “group” shall be omitted; and
- (c) in the definition of licence after the word “Act” there shall be inserted the words “other than a large goods vehicle or passenger-carrying vehicle driver’s licence as defined in section 110(2) of the Road Traffic Act 1988”(b).

4. In the table in regulation 7(c) (fees for licences)—

- (a) in paragraph 2, after the words “1 above or” there shall be inserted the words “3A or”;
- (b) in paragraph 3, after the words “or 2 above” there shall be inserted the words “or 3A below”;
- (c) in paragraph 3(b), for the words “groups A, B, C or E” there shall be substituted the words “category B, B plus E, B1, C1, C1 plus E, D1, D1 plus E or P”;
- (d) in paragraph 3(d), after the word “person” there shall be inserted the words “, other than a person referred to in paragraph 3A below.”;
- (e) after paragraph 3, there shall be inserted the following paragraph—

“3A. A full or provisional licence granted to a person, who has held a licence for any class of vehicle, to take effect on or after 1st June 1990 on the expiry of—

- (a) a disqualification ordered for a reason set out in paragraph (7)(a) of regulation 24; or
- (b) the second and any subsequent disqualification ordered, within any period of 10 years, for a reason set out in paragraph (7)(b) of regulation 24, irrespective of the date when such an order was made.”;
- (f) in column (2), opposite the entry for paragraph 3A there shall be inserted the words “£20.00”; and
- (g) in paragraph 4, after the words “A licence” there shall be inserted the words “(not being a licence falling within paragraph 3A above)”.

5. In regulation 9 (conditions attached to provisional licences)—

- (a) in paragraph (1)(d) for the words “a person who is not a qualified driver” there shall be substituted the words “another person”;
- (b) in paragraph (2)(a) the words “or a test of competence to drive heavy goods vehicles under Part IV of the 1972 Act” shall be omitted; and
- (c) in the definition of “qualified driver” in paragraph (6) after the word “design” there shall be inserted the words “or class” and for the word “group” there shall be substituted the word “category”.

6. In regulation 13 (lost or defaced licences)—

- (a) in paragraph (1)—
 - (i) in sub-paragraph (a)(i) after the word “licence” there shall be inserted the words “or its counterpart”, and
 - (ii) for the word “issue” to the end there shall be substituted the words “, on surrender of any licence or counterpart that has not been lost, issue to him a duplicate licence and counterpart and shall endorse upon the counterpart any particulars endorsed upon the original licence or counterpart as the

(a) S.I. 1986/1078; the relevant amending instrument is S.I. 1987/676.

(b) Section 110(2) is as substituted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), Schedule 2.

(c) Regulation 7 was substituted by S.I. 1988/1062.

case may be and the duplicates so issued shall have the same effect as the originals.”; and

(b) after paragraph (2) there shall be inserted the following paragraph—

“(3) The obligation in paragraph (2) shall apply in respect of the counterpart of a licence as if for the words “original licence” in each place where they occur there were substituted the words “original counterpart.”.

7. In regulation 20 (nature of tests)—

(a) in paragraphs (1), (1)(c) and (6) for the word “group” in each place where it occurs there shall be substituted the word “category”;

(b) in the proviso to paragraph (1) for the words “construction or design” in each place where they occur there shall be substituted the word “class”; and

(c) to paragraph (6) there shall be added the following proviso—

“Provided that where the test was passed on a vehicle with automatic transmission of a class included in category B, C1 or D1 he shall, as regards those categories when listed as additional categories as above, be deemed for those purposes competent to drive only vehicles of a class included in any of those categories with automatic transmission and where the test was passed on an invalid carriage he shall be deemed for those purposes competent to drive only invalid carriages included in any additional category.”.

8. In regulation 24 (disabilities) there shall be inserted at the end the following paragraphs—

“(7) Subject to paragraph (8), the circumstances prescribed for the purposes of subsection (5) of section 94 of the Road Traffic Act 1988, under subsection (4) of that section, are that the person who is an applicant for, or holder of, a licence—

(a) has been disqualified by an order of a court by reason that the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of section 5 of the Road Traffic Act 1988 by at least two and a half times or that he failed, without reasonable excuse, to provide a specimen when required to do so pursuant to section 7 of that Act; or

(b) has been disqualified by an order of a court on two or more occasions within any period of 10 years by reason that the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of section 5 of the Road Traffic Act 1988 or that he was unfit to drive through drink contrary to section 4 of that Act.

(8) In paragraph (7)(a) the order of the court shall have been made on or after 1st June 1990 and in paragraph (7)(b) at least the last such order shall have been made on or after 1st June 1990.”.

9. In regulation 25(3) (application of certain enactments to persons who become resident in Great Britain), for sub-paragraphs (a) to (f) there shall be substituted the following sub-paragraphs—

“(a) section 47(2) of the Road Traffic Offenders Act 1988(a) (which relates to the powers and duties of a court when it orders a disqualification or an endorsement) shall apply in relation to the holder of a permit, only where the court has ordered him to be disqualified and as if for the words “send the licence” onwards there were substituted the words “send the permit”, on its being produced to the court, to the Secretary of State who shall keep the permit until the disqualification has expired or been removed or the person entitled to the permit leaves Great Britain and in any case has made a demand in writing for its return to him;

(b) section 7 of the Road Traffic Offenders Act 1988(b) (production of licence and counterpart to court) shall apply as if the references to a licence were references to a permit and as if the words after paragraph (c) thereof were omitted;

(a) 1988 c.53; section 47(2) was amended by S.I. 1990/144, Schedule 2, paragraph 13(a).

(b) Section 7 was amended by S.I. 1990/144, Schedule 2, paragraph 1.

- (c) section 27(1), (2) and (3) of the Road Traffic Offenders Act 1988(a) (production of licence and counterpart) shall apply as if the references to a licence were references to a permit, but with the omission—
 - (i) of any reference to the counterpart of a licence,
 - (ii) in subsection (1) of the words “, before making any order under section 44 of this Act,”, and
 - (iii) in subsection (3) of the words “, unless he satisfies the Court that he has applied for a new licence and has not received it”;
- (d) section 42(5) of the Road Traffic Offenders Act 1988(b) (which relates to the duty of a court when it orders a disqualification to be removed) shall apply in relation to the holder of a permit as if for the words “endorsed on the counterpart of the licence” onwards there were substituted the words “notified to the Secretary of State”;
- (e) section 164(1), (6) and (8) of the Road Traffic Act 1988(c) (which authorise a police constable to require the production of a licence and its counterpart) shall apply as if the references to a licence were references to a permit and any reference to a counterpart of a licence were omitted; and
- (f) section 173 of the Road Traffic Act 1988(d) (forgery of documents, etc) shall apply as if the reference in paragraph (a) of subsection (2) of that section to any licence under any Part of that Act were a reference to a permit and the reference, in the case of a licence to drive, to any counterpart were omitted.”.

10. For regulation 29 (entitlement to groups) there shall be substituted the following regulation—

“29.—(1) Subject to paragraphs (2) and (3), the categories of vehicles specified in the second column of the table in Schedule 3 are hereby designated as groups for the purposes of section 89(1)(a) and (b) of the Road Traffic Act 1988.

(2) In the case of a person who has passed a test in a vehicle with automatic transmission of a class included in category B, C1 or D1 or who has held a licence restricted to vehicles with automatic transmission of any such class, the categories of vehicles designated as groups by paragraph (1) are, in the case of categories B, C1 and D1, restricted to vehicles of any class with automatic transmission.

(3) In the case of a person who has passed a test in an invalid carriage, the categories of vehicles designated as groups by paragraph (1) are restricted to invalid carriages in such categories.”.

11. After regulation 32, there shall be inserted the following regulations—

“Effect of change in classification from groups to categories

33.—(1) In licences (whether full or provisional) issued before 1st June 1990 any reference (including a reference construed in accordance with regulations 30, 31 and 32) to motor vehicles of a group specified in column (1) of the table in this regulation shall be construed as a reference to motor vehicles of the category specified opposite thereto in column (2) of that table and licences to drive vehicles of a class included in such a group shall authorise the holder to drive motor vehicles of a class included in that category in addition to motor vehicles of a class included in that group.

(2) A person who before 1st June 1990 has passed or is regarded as having passed a test to drive motor vehicles of a class included in a group specified in column (1) of the table in this regulation shall also be regarded as having passed a test to drive motor vehicles of a class included in the category specified opposite thereto in column (2) of that table.

(3) In this regulation “group” has the same meaning as it had in these Regulations before they were amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 1990.

(a) Section 27 was amended by S.I. 1990/144, Schedule 2, paragraph 3.
 (b) Section 42(5) was amended by S.I. 1990/144, Schedule 2, paragraph 9.
 (c) Section 164 was amended by S.I. 1990/144, Schedule 1, paragraph 9.
 (d) Section 173 was amended by S.I. 1990/144, Schedule 1, paragraph 11.

Table

(1) <i>Group</i>	(2) <i>Category</i>
A	B
B	B, limited to vehicles with automatic transmission
C	B1
D	A
E	P
F	F
G	G
H	H
J	B1, limited to invalid carriages
K	K
L	L
M	Trolley vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat
N	N.

Effect of change in classification on entitlement to drive large buses

34.—(1) A person who holds a licence to drive public service vehicles granted under section 22 of the 1981 Act, or who may drive such vehicles by virtue of paragraph 10 of Schedule 1 to the Road Traffic (Driver Licensing and Information Systems) Act 1989(a), may also drive motor vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat, other than for hire and reward.

(2) A person who holds a licence on or after 1st June 1990 to drive vehicles in categories B and D1 and who held on 31st May 1990 a licence entitling him to drive vehicles of a class included in group A or B or was entitled on that date to drive such vehicles by virtue of section 88(1) of the Road Traffic Act 1988, may also drive motor vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat, other than for hire and reward or for hire and reward only in the circumstances set out in section 46(1) of the 1981 Act or section 18 of the 1985 Act.

(3) A person may drive, other than for hire and reward, and subject to the same conditions as if he were authorised by a provisional licence only, a motor vehicle used for the carriage of passengers, with more than 16 seats in addition to the driver's seat if he holds a licence on or after 1st June 1990 to drive vehicles in categories B and D1 but did not hold a licence to drive vehicles of a class included in group A or B on 31st May 1990, or was not entitled to drive such vehicles by virtue of section 88(1) of the Road Traffic Act 1988, provided he has made an application for the grant of a licence under section 22 of the 1981 Act to drive a public service vehicle and that application has not been refused.

(4) The provisions of section 98(2) of the Road Traffic Act 1988 shall not apply so far as to confer on a person who holds a full licence to drive motor vehicles of certain classes only, entitlement to drive a motor vehicle used for the carriage of passengers, with more than 16 seats in addition to the driver's seat.

(5) A person may not drive a vehicle by virtue of this regulation if he could not, by reason of the provisions of section 101 of the Road Traffic Act 1988, lawfully hold a licence to drive such a vehicle.

(6) In this regulation "group" has the same meaning as it had in these Regulations before they were amended by the Motor Vehicles (Driving Licences) (Amendment) Regulations 1990.

(a) 1989 c.22.

Effect of change in classification on entitlement to drive heavy goods vehicles to which Part IV of the Road Traffic Act 1988 does not apply

35. The holder of a licence to drive vehicles in categories B and C1 may also drive a heavy goods vehicle of any of the classes listed in regulation 29 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977(a)."

12. There shall be substituted for Schedule 3, Schedule 2 to these Regulations.

Signed by authority of the
Secretary of State for Transport.
28th March 1990

Robert Atkins
Parliamentary Under Secretary of State,
Department of Transport

We approve the amount of the fees prescribed in these Regulations

John Taylor
Kenneth Carlisle
3rd April 1990

Two of the Lords Commissioners of Her Majesty's Treasury

SCHEDULE 1

Regulation 2

ADDITIONAL AMENDMENTS TO THE MOTOR VEHICLES (DRIVING LICENCES) REGULATIONS 1987

1. In regulation 3(1) in the definition of "moped" and in regulations 10, 11(1)(b) and 24(1)(e)(ii) and in paragraph 1(b) of Schedule 4 for the words "group K" there shall be substituted the words "category K".

2. In regulations 6(1), 8(1)(a), 11(2), 16(1) and 20(1)(d) and (2) and in paragraph 3(b) of the table in regulation 7 for the words "group D" there shall be substituted the words "category A".

3. In regulation 11(2) for the words "group A, B, C, or E" there shall be substituted the words "category B, B plus E, B1, C1, C1 plus E, D1, D1 plus E or P".

4. In regulation 19(3)(b)(b) for the words "group E" there shall be substituted the words "category P".

5. In regulation 23(1) for the word "group" there shall be substituted the word "category".

6. In regulation 30(3)(e) after the word "design" there shall be inserted the words "or class".

(a) S.I. 1977/1309; the relevant amending instruments are S.I. 1977/2174, 1980/1733, 1981/631, 1984/1925, 1986/752.
(b) Regulation 19(3)(b) is as substituted by S.I. 1989/762, 1989/1612.

"SCHEDULE 3

Regulations 20 and 29

CATEGORIES OF MOTOR VEHICLES FOR DRIVING TEST PURPOSES

(1) <i>Category</i>	(2) <i>Class of Vehicle included in the Category</i>	(3) <i>Additional Requirements</i>	(4) <i>Additional Categories Covered</i>
A	Motor bicycle (with or without side-car) but excluding any vehicle included in category K or P.	1, 2, 3, 4, 5, 6, 9, 10, 12 and 13	B1 and P
B	Motor vehicle with a maximum authorised mass not exceeding 3.5 tonnes and not more than 8 seats in addition to the driver's seat, not included in any other category and including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg.	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B plus E, B1, C1, C1 plus E, D1, D1 plus E, F, K, L, N and P
B1	Motor tricycle with a maximum authorised mass not exceeding 500 kg and an engine capacity greater than 50 cc but excluding any vehicle included in category K, L or P.	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	K, L and P
C1	Motor vehicle used for the carriage of goods with a maximum authorised mass exceeding 3.5 tonnes but not exceeding 7.5 tonnes and including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg.	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B, B plus E, B1, C1 plus E, D1, D1 plus E, F, K, L, N and P
D1	Motor vehicle used for the carriage of passengers (but not for hire or reward) with more than 8 seats, but not more than 16 seats, in addition to the driver's seat, and including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg.	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B, B plus E, B1, C1, C1 plus E, D1 plus E, F, K, L, N and P
B plus E	Combination of a motor vehicle in category B and a trailer with a maximum authorised mass exceeding 750 kg.		
C1 plus E	Combination of a motor vehicle in category C1 and a trailer with a maximum authorised mass exceeding 750 kg.		

(1) Category	(2) Class of Vehicle included in the Category	(3) Additional Requirements	(4) Additional Categories Covered
D1 plus E	Combination of a motor vehicle in category D1 and a trailer with a maximum authorised mass exceeding 750 kg.		
F	Agricultural tractor, but excluding any vehicle included in category H.	1, 2, 3, 4, 5, 6, 7, 9 and 10	K
G	Road Roller.	1, 2, 3, 4, 5, 6, 7, 9 and 10	
H	Track-laying vehicle steered by its tracks.	1, 2, 3, 4, 5, 6, 9, 10 and 11	
K	Mowing machine or pedestrian controlled vehicle.	1, 2, 3, 4, 5 and 6	
L	Vehicle propelled by electrical power but excluding any vehicle included in category A, K or P.	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	K
N	Vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act 1971.	1, 2, 3, 4, 5 and 6	
P	Moped.	1, 2, 3, 4, 5, 6, 9, 10, 12 and 13"	

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1987 so as to give effect, with permitted derogations and in respect of motor vehicles other than heavy goods and public service vehicles, to the system of classification for motor vehicles set out in Article 3 of Council Directive (EEC) No. 80/1263 of 4th December 1980^(a) on the introduction of a Community driving licence.

Changes are made in respect of the entitlement to drive motor vehicles used for the carriage of passengers, other than for hire and reward, with more than 16 seats in addition to the driver's seat. A person who is already the holder of an ordinary driving licence continues to have entitlement to drive such vehicles. New licence holders only have provisional entitlement and must have applied for a public service vehicle driver's licence. A person who has a public service vehicle driver's licence to drive such vehicles for hire and reward may also drive them other than for hire and reward.

The 1987 Regulations are also amended so as to prohibit a learner motor cyclist carrying any pillion passenger even if he is a qualified driver.

A separate fee for a licence granted to persons who have been convicted of certain drinking and driving offences is prescribed. This is set at £20. Such persons, if disqualified on or after 1st November 1988, would previously have paid £5 for the grant of a new licence on the expiry of that period of disqualification. The £5 fee remains in respect of those disqualified for other offences.

Additional circumstances under which the Secretary of State may require a person to submit himself for a medical examination regarding his fitness to drive are prescribed. The Secretary of State need not pay the fees involved in such prescribed circumstances, which relate to disqualifications after drinking and driving offences.

Where appropriate references are added to the counterparts of licences so as to reflect amendments to the Road Traffic Act 1988 and the Road Traffic Offenders Act 1988 brought about by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144).

^(a) O.J. No. L375, 31.12.1980, p.1.