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STATUTORY INSTRUMENTS

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**1996 No. 2824**

**The Motor Vehicles (Driving Licences) Regulations 1996**

**PART III**

**TESTS OF COMPETENCE TO DRIVE**

*Applications for tests*

**Applications for practical and unitary tests: applicants in person**

**24.**—(1) An applicant in person wishing to take a practical or unitary test to be conducted by a DSA examiner shall—

- (a) apply for an appointment for such a test to the licensing authority,
- (b) provide the licensing authority with such details relating to himself, the licence which he holds, the preferred location of the test, the nature of the test and the vehicle on which the test is to be taken as the licensing authority may reasonably require, and
- (c) pay such fee as is specified in regulation 27.

(2) Upon receipt of such details and such fee the licensing authority shall make the arrangements necessary for the taking of the appropriate test.

(3) An applicant in person for whom an appointment is made as aforesaid in respect of a class of motor vehicle in any category may neither apply as an applicant in person nor be nominated by virtue of regulation 25 or 26 of a further appointment for a practical or, as the case may be, a unitary test on a vehicle of the same class unless—

- (a) the first appointment has been cancelled, or
- (b) the test due on the first appointment does not take place for any reason other than cancellation, or
- (c) he has kept the first appointment (whether or not the test is completed).

**Applications for practical tests: motor bicycle instructors**

**25.**—(1) A motor bicycle instructor who wishes to make an appointment for a practical test prescribed in respect of category A or P which is to be conducted by a DSA examiner and taken by a person who has, or will have, received from that instructor instruction in the driving of vehicles of a class included in either category shall—

- (a) apply for such an appointment to the licensing authority, specifying the date and time for the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to—
  - (i) himself,
  - (ii) his establishment,

(iii) the vehicle on which the test is to be taken, and

(iv) the nature of the test,

as the licensing authority may reasonably require, and

(c) pay such fee (recoverable from the person nominated under paragraph (4)) as is specified in regulation 27.

(2) The licensing authority may refuse to accept an application from a motor bicycle instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where an appointment specified in the application is unavailable or where, in the opinion of the licensing authority, it is reasonably necessary to do so in the general interests of applicants for practical or unitary tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the licensing authority shall confirm to the motor bicycle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the licensing authority receives from the motor bicycle instructor the name and such further details relating to—

(a) the person receiving instruction from that instructor who will at the appointment submit himself for that test,

(b) the licence which that person holds,

(c) the nature of the test, and

(d) the vehicle on which the test is to be taken,

as the licensing authority may reasonably require, the licensing authority shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a motor bicycle instructor pursuant to paragraph (4) for a practical test in respect of any class of motor vehicle included in category A or P may neither be so nominated nor apply under regulation 24 for a further appointment for a test in respect of a motor vehicle of the same class unless—

(a) the appointment made pursuant to the first nomination has been cancelled, or

(b) the test due on that appointment does not take place for any reason other than cancellation, or

(c) he has kept that appointment (whether or not the test is completed).

(6) The qualifying period for the purposes of paragraph (4) is the period expiring at midday on the day which is two working days before the day for which the appointment is made.

### **Applications for practical tests: large vehicle instructors**

**26.—**(1) A large vehicle instructor who wishes to make an appointment for a practical test prescribed in respect of category B + E, C, C + E, D or D + E which is to be conducted by a DSA examiner and taken by a person who has, or will have, received from that instructor instruction in the driving of a class of vehicle included in any of those categories shall—

(a) apply for such an appointment to the licensing authority, specifying the date and time for the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,

(b) provide such details relating to—

(i) himself,

(ii) his establishment,

(iii) the vehicle on which the test is to be taken, and

- (iv) the nature of the test,  
as the licensing authority may reasonably require, and
- (c) pay such fee (recoverable from the person nominated under paragraph (4)) as is specified in regulation 27.

(2) The licensing authority may refuse to accept an application from a large vehicle instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where an appointment specified in the application is unavailable or where, in the opinion of the licensing authority, it is reasonably necessary to do so in the general interests of applications for practical or unitary tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the licensing authority shall confirm to the large vehicle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the licensing authority receives from the large vehicle instructor the name and such further details relating to—

- (a) the person receiving instruction from that instructor who will at the appointment submit himself for that test,
- (b) the licence which that person holds,
- (c) the nature of the test, and
- (d) the vehicle on which the test is to be taken,

as the licensing authority may reasonably require, the licensing authority shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a large vehicle instructor pursuant to paragraph (4) for a practical test in respect of any class of vehicle may neither be so nominated nor apply under regulation 24 for a further appointment for a test in respect of a motor vehicle of a class included in the same category unless—

- (a) the appointment made pursuant to the first nomination has been cancelled, or
- (b) the test due on that appointment does not take place for any reason other than cancellation, or
- (c) he has kept that appointment (whether or not the test is completed).

(6) The qualifying period for the purposes of paragraph (4) is the period expiring at midday on the day which is two working days before the day for which the appointment is made.

### **Fees in respect of practical or unitary tests**

**27.**—(1) No fee shall be payable in respect of a practical or unitary test conducted by a person appointed under sub-paragraphs (b), (c), (d), (f) or (g) or under paragraph (2)(b) of regulation 21(1).

(2) Subject to paragraph (4), the fee payable in respect of a practical or unitary test to be conducted by a DSA examiner (other than a test which is, or forms part of, an extended driving test) for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the Table in Schedule 5 is the fee specified in relation to that category or sub-category in column (2) of that Table.

(3) Subject to paragraph (4), the fee (if any) payable in respect of a practical or unitary test to be conducted by a DSA examiner which is, or forms part of, an extended driving test for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the Table in Schedule 5 is the fee specified in relation to that category or sub-category in column (3) of that Table.

(4) Where an appointment for a practical test to commence during normal hours is cancelled by or on behalf of the licensing authority and the appointment cannot reasonably be rearranged so

that the test commences during normal hours, the applicant shall pay the fee prescribed for a test commencing during normal hours notwithstanding that it commences out of hours.

- (5) For the purposes of this regulation and Schedule 5, a test commences—
- (a) during normal hours, if the time for which the test appointment is made is any time between 0830 hours and 1630 hours on a working day, and
  - (b) out of hours, if the time for which the test appointment is made is any other time.

(6) The fee payable in respect of a test for driving a motor cab to be conducted by a person appointed by the Commissioner of Police of the Metropolis pursuant to regulation 21(1)(e) is £28.50 and that fee shall be paid to the person conducting the test to be retained by him as remuneration.

### **Applications for theory tests: applicants in person**

**28.**—(1) An applicant in person wishing to take a theory test to be conducted by an appointed person shall—

- (a) apply for an appointment to that person,
- (b) provide that person with such details relating to himself, the licence which he holds, the preferred location of the test, and the nature of the test to be taken as he may reasonably require, and
- (c) pay the fee (if any) specified in regulation 31.

(2) Upon receipt of such details and such fee the appointed person shall make the arrangements necessary for taking the theory test.

(3) An applicant in person for whom an appointment is made as aforesaid in respect of any category of motor vehicle may neither apply as an applicant in person nor be nominated by virtue of regulation 29 or 30 for a further appointment for a theory test in respect of the same category unless—

- (a) the first appointment has been cancelled, or
- (b) the test due on the first appointment does not take place for any reason other than cancellation, or
- (c) he has kept the first appointment (whether or not the test is completed).

### **Applications for theory tests: motor bicycle instructors**

**29.**—(1) A motor bicycle instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category A or P to be conducted by an appointed person and to be taken by a person who has, or will have, received from that instructor tuition to prepare him for the theory test shall—

- (a) apply for such an appointment to the appointed person, specifying the date and time of the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to himself, the establishment and the nature of the test as the appointed person may reasonably require,
- (c) pay the fee, if any, specified in regulation 31 which is recoverable from the person nominated under paragraph (4).

(2) The appointed person may refuse to accept an application from a motor bicycle instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where any appointment specified in the application is unavailable or where, in the opinion of the appointed person, it is reasonably necessary to do so in the general interests of applicants for practical or unitary tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the appointed person shall confirm to the motor bicycle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the appointed person receives from the motor bicycle instructor the name and such further details relating to—

- (a) the person receiving tuition from that instructor who will at the appointment submit himself for that test and
- (b) the nature of the test,

as the appointed person may reasonably require, the appointed person shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a motor bicycle instructor pursuant to paragraph (4) for a theory test in respect of motor vehicles in category A or P may neither be so nominated nor apply under regulation 28 for a further appointment for such a test unless—

- (a) the appointment made pursuant to the first nomination has been cancelled, or
- (b) the test due on that appointment does not take place for any reason other than cancellation, or
- (c) he has kept that appointment (whether or not the test is completed).

(6) The qualifying period for the purposes of paragraph (4) is the period expiring on the day which is three clear working days before the day for which the appointment is made.

#### **Applications for theory tests: large vehicle instructors**

**30.**—(1) A large vehicle instructor who wishes to make an appointment for a theory test prescribed in respect of motor vehicles in category C or D to be conducted by an appointed person and to be taken by a person who has, or will have, received from that instructor tuition to prepare him for the theory test shall—

- (a) apply for such an appointment to the appointed person, specifying the date and time of the appointment which the instructor wishes to reserve and the place where he wishes the test to be conducted,
- (b) provide such details relating to himself, the establishment and the nature of the test as the appointed person may reasonably require,
- (c) pay the fee, if any, specified in regulation 31, which is recoverable from the person nominated under paragraph (4).

(2) The appointed person may refuse to accept an application from a large vehicle instructor (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where any appointment specified in the application is unavailable or where, in the opinion of the appointed person, it is reasonably necessary to do so in the general interests of applicants for theory tests.

(3) Subject to paragraphs (2) and (5), upon receipt of such details and such fee the appointed person shall confirm to the large vehicle instructor the date and time of the appointment.

(4) If, before the expiration of the qualifying period, the appointed person receives from the large vehicle instructor the name and such further details relating to—

- (a) the person receiving tuition from that instructor who will at the appointment submit himself for that test, and
- (b) the nature of the test,

as the appointed person may reasonably require, the appointed person shall make the arrangements necessary for the taking of the appropriate test.

(5) A person nominated by a large vehicle instructor pursuant to paragraph (4) for a theory test prescribed in respect of any category may neither be so nominated nor apply under regulation 28 for a further appointment for such a test unless—

- (a) the appointment made pursuant to the first nomination has been cancelled, or
- (b) the test due on that appointment does not take place for any reason other than cancellation, or
- (c) he has kept that appointment (whether or not the test is completed).

(6) The qualifying period for the purposes of paragraph (4) is the period ending on the day which is three clear working days before the day for which the appointment is made.

### **Fees for theory tests**

**31.** The fee payable for a theory test to be conducted by an appointed person in respect of any category of motor vehicle is £15 and is payable to the licensing authority and no fee is payable in respect of any other theory test.

### **Cancellation of tests**

**32.** For the purposes of section 91(b) of the Traffic Act (which section specifies the cases in which a fee paid on an application for an appointment for a test may be repaid) notice cancelling an appointment—

- (a) for a practical or unitary test to be conducted by a DSA examiner must be given to the licensing authority not less than ten clear working days before the day for which the appointment is made;
- (b) for a theory test to be conducted by an appointed person must be given not less than three clear working days before the day for which the appointment is made.