
STATUTORY INSTRUMENTS

1996 No. 2824

The Motor Vehicles (Driving Licences) Regulations 1996

PART III

TESTS OF COMPETENCE TO DRIVE

Appointment of persons to conduct tests

Persons by whom practical and unitary tests may be conducted

21.—(1) Practical and unitary tests other than tests conducted for the purposes specified in paragraph (2) may, subject to the following provisions of this regulation, be conducted by the following persons—

- (a) a person in the public service of the Crown appointed by the licensing authority;
- (b) a person or a class of persons appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department;
- (c) in England and Wales, a person appointed by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947⁽¹⁾ or, in Scotland, by the firemaster of such a brigade, for the purpose of testing members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;
- (d) a person appointed by any chief officer of police, for the purpose of testing—
 - (i) members of a police force; or
 - (ii) persons employed in the driving of motor vehicles for police purposes by a police authority or by the Receiver for the Metropolitan Police District;
- (e) a person appointed by the Commissioner of Police of the Metropolis, for the purpose of testing any person who is the holder of or is an applicant for a licence to drive a motor cab by virtue of the Metropolitan Public Carriage Act 1869⁽²⁾;
- (f) a person appointed by a company which—
 - (i) has been approved by the licensing authority, and
 - (ii) normally employs for the purpose of its operations in excess of 250 persons as drivers of motor vehicles,for the purpose of testing persons employed by it as drivers or persons whom it proposes so to employ;
- (g) an eligible person appointed by a company which—
 - (i) has been approved by the licensing authority, and
 - (ii) is the holder of a PSV operator's licence,

(1) 1947 c. 41.
(2) 1869 c. 115.

for the purpose of conducting, in respect of eligible candidates, practical tests in respect of any class of passenger-carrying vehicles.

(2) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a practical or unitary test shall be conducted by—

- (a) a person in the public service of the Crown appointed by the licensing authority, or
- (b) a person or a class of persons appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department.

(3) No person shall be eligible to appoint any person or class of persons to conduct practical or unitary tests under the provisions of sub-paragraphs (b), (c), (d), (f) or (g) of paragraph (1) or under paragraph (2)(b) unless, following an application made to him for the purpose of any of those sub-paragraphs, the licensing authority is satisfied that—

- (a) proper arrangements will be made by that person, or by the members of that class, for the conduct of tests in accordance with these Regulations; and
- (b) proper records of such tests and the results thereof will be kept by him or them,

and has granted his approval in writing, subject to such conditions as he thinks fit to impose.

(4) No person or class of persons appointed under the provisions of sub-paragraph (b), (c), (d), (f) or (g) of paragraph (1) or under paragraph (2)(b) may conduct tests unless the licensing authority has given his approval in writing to his appointment and such approval shall be granted only if the licensing authority is satisfied that the person (or, in the case of the appointment of a class of persons, each member of that class) is capable of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

(5) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

(6) In this regulation and regulation 22—

“company” includes a body corporate;

“eligible candidate” means—

- (i) a person who is employed as a driver by the company which holds the PSV operator's licence or by a sister company of that company which also holds a PSV operator's licence, or
- (ii) a person whom any such company as is mentioned in sub-paragraph (i) proposes to employ as a driver;

“eligible person” means a person employed by the company which holds the PSV operator's licence or by a sister company of that company which also holds a PSV operator's licence,

and a company is a sister company of another if either is the holding company of the other or both are wholly-owned subsidiaries of a third within the meaning of section 736 of the Companies Act 1985(3).

Persons by whom theory tests may be conducted

22.—(1) Theory tests other than tests conducted for the purposes specified in paragraph (2) may be conducted by the following persons—

- (a) a person appointed in writing by the licensing authority—
 - (i) for the purpose of testing a class of persons specified in the instrument of appointment, or

(3) 1985 c. 6. Section 736 was substituted by the Companies Act 1989, section 144(1).

- (ii) where no class of persons is specified, for the purpose of testing persons generally;
 - (b) a person or a class of persons appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department;
 - (c) a person appointed by any chief officer of police, for the purpose of testing—
 - (i) members of a police force; or
 - (ii) persons employed in the driving of motor vehicles for police purposes by a police authority or by the Receiver for the Metropolitan Police District;
 - (d) in England and Wales, a person appointed by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947 or, in Scotland, by the firemaster of such a brigade, for the purpose of testing members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;
 - (e) an eligible person appointed by a company which—
 - (i) has been approved by the licensing authority, and
 - (ii) is the holder of a PSV operator's licence,for the purpose of conducting, in respect of eligible candidates, theory tests in respect of any class of passenger-carrying vehicles.
- (2) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a theory test shall be conducted by—
- (a) a person appointed by the licensing authority for the purpose;
 - (b) a person appointed by the Secretary of State for Defence, for the purpose of testing members of the armed forces of the Crown and persons in the public service of the Crown under his department.
- (3) No person shall be eligible to appoint any person or class of persons to conduct theory tests under the provisions of sub-paragraphs (b), (c), (d) or (e) of paragraph (1) or under paragraph (2) unless, following an application made to him for the purpose of either of those sub-paragraphs, the licensing authority is satisfied that—
- (a) proper arrangements will be made by that person, or by the members of that class, for the conduct of tests in accordance with these Regulations; and
 - (b) proper records of such tests and the results thereof will be kept by him or them,
- and has granted his approval in writing, subject to such conditions as he thinks fit to impose.
- (4) No person or class of persons may be appointed under the provisions of paragraph (b), (c), (d) or (e) of paragraph (1) or under paragraph (2)(b) unless the person making the appointment has appointed a person or class of persons to conduct practical tests under the provisions of regulation 21(1) and the licensing authority has approved that appointment.
- (5) An appointment made under paragraph (1)(a)(ii) may be made subject to such conditions as are, in the opinion of the licensing authority, reasonably necessary in the general interests of candidates and where an appointed person breaks such a condition the licensing authority may appoint another person to carry out theory tests in substitution for that person notwithstanding that the first appointment has not been revoked.
- (6) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.
- (7) No person appointed by virtue of sub-paragraph (b), (c), (d) or (e) of paragraph (1) or under paragraph (2)(b) may conduct tests unless the licensing authority has given his approval in writing to his appointment and such approval shall be granted only if the licensing authority is satisfied that the person (or, in the case of the appointment of a class of persons, each member of that class) is capable

of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

Revocation of authority to conduct tests

23.—(1) The licensing authority may revoke—

- (a) an appointment made under 22(1)(a), or
- (b) an approval given under regulation 21(3) or (4) or 22(3) or (7),

by notice in writing and the authority of the person whose appointment is revoked or whose approval is withdrawn to conduct theory tests or, as the case may be, to appoint other persons to conduct unitary, practical or theory tests, shall cease upon the date specified in the notice.

(2) Where a person has his appointment revoked or if an approval given in respect of him under regulation 21(3) or 22(3) is withdrawn, that person shall immediately return to the licensing authority all forms of pass certificates supplied to him under regulation 44(8) which he still holds.