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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**

*Nature and conduct of tests*

**Nature of tests other than extended tests**

**36.**—(1) This regulation applies to tests other than extended driving tests.

(2) Subject to regulation 39, the test for a licence authorising the driving of a motor vehicle of a class included in category A, B, C, D, or P shall be conducted in two parts, namely—

- (a) a theoretical test, and
- (b) a practical test of driving skills and behaviour,

and a person taking such a test must pass both parts.

(3) The test for a licence authorising the driving of a motor vehicle of a class included in category B + E, C + E and D + E—

- (a) in a case where the test is for a licence authorising the driving of vehicles in sub-category C1 + E and the applicant is the holder of a full licence which was in force at a time before 1st January 1997 and authorises the driving of motor vehicles included in sub-category C1 but not the driving of any other vehicles included in category C, shall consist of the theory test prescribed in respect of category C and the practical test prescribed in respect of category C + E, and
- (b) in any other case, shall consist of a practical test only.

(4) A person shall be treated as having passed—

- (a) the theory test if he satisfies the person conducting it that he has a knowledge and sound understanding of the specified matters;
- (b) the practical test if he satisfies the person conducting it of his ability to drive safely and to comply with the specified requirements.

(5) The test for a licence authorising the driving of a motor vehicle of a class included in category F, G, H or K shall be a unitary test and a person taking such a test shall be treated as having passed it if he satisfies the person conducting it that he is—

- (a) generally competent to drive a vehicle of that class without danger to, and with due consideration for, other road users,
- (b) fully conversant with the Highway Code, and
- (c) able to comply with the specified requirements.

(6) The practical test and the unitary test shall each be conducted so that—

- (a) the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads, and
- (b) the time during which that person is required to drive on roads is—
  - (i) in the case of a test for a licence authorising the driving of a class of vehicle included in category B + E, C, C + E, D or D + E, not less than 50 minutes;
  - (ii) in the case of any other test, not less than 25 minutes.
- (7) The theory test shall—
  - (a) be conducted as a written examination consisting of—
    - (i) 25 questions in the case of the tests prescribed in respect of categories C and D, and
    - (ii) 35 questions in any other case,
 the questions being in either a multiple choice or multiple response form and testing a candidate on the specified matters in accordance with Schedule 7;
  - (b) have a duration of 40 minutes or, in the circumstances specified in paragraph (8), 80 minutes.
- (8) The circumstances referred to in paragraph (7) are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.
- (9) The specified matters for a theory test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table at the end of this regulation are the matters specified in relation to that category in column (2) of the table.
- (10) The specified requirements for a practical or unitary test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table are the requirements specified in relation to that category in column (3) of the table.

TABLE

<i>(1) Category</i>	<i>(2) Specified matters</i>	<i>(3) Specified requirements</i>
A	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.
B	Matters specified in Part 2 of Schedule 7.	Requirements specified in Part 2 of Schedule 8.
B + E	—	Requirements specified in Part 2 of Schedule 8.
C	Matters specified in Part 3 of Schedule 7.	Requirements specified in Part 3 of Schedule 8.
D	Matters specified in Part 4 of Schedule 7.	Requirements specified in Part 4 of Schedule 8.
C + E	—	Requirements specified in Part 3 of Schedule 8.
D + E	—	Requirements specified in Part 4 of Schedule 8.
F	—	Requirements specified in Parts 5 and 6 of Schedule 8.
G	—	Requirements specified in Parts 5 and 6 of Schedule 8.

<i>(1) Category</i>	<i>(2) Specified matters</i>	<i>(3) Specified requirements</i>
H	—	Requirements specified in Parts 5 and 7 of Schedule 8.
K	—	Requirements specified in Part 5 of Schedule 8.
P	Matters specified in Part 1 of Schedule 7.	Requirements specified in Part 1 of Schedule 8.

### Nature of extended driving tests

**37.**—(1) Where a person is disqualified by order of a court under section 36 of the Offenders Act until he passes an extended driving test, the test which he must pass is a test conducted in accordance with paragraphs (2) to (10) of regulation 36 as modified by virtue of paragraph (2) of this regulation.

(2) For the purpose of an extended driving test, regulation 36 shall apply as if for paragraph (5) (b) there were substituted—

“(b) the time during which that person is required to drive on roads is not less than 60 minutes;”.

### Order of test

**38.**—(1) Where a test is required to be conducted in two parts, unless he makes an election in accordance with paragraph (2), a person taking the test—

- (a) must pass the theory test before he takes the practical test, and
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 25(4) or 26(4)) for a practical test in respect of a motor vehicle of a class included in any category until he has been furnished with—
  - (i) a certificate under regulation 44(2)(a) stating that he has passed the relevant theory test, or
  - (ii) a certificate corresponding to such a certificate furnished under the law of Northern Ireland stating that he has during the relevant period passed the theory test in respect of the same category.

(2) A person may elect to apply for a practical test for a licence authorising the driving of a motor vehicle of any class, other than motor bicycles which are large motor bicycles or fall within sub-category A1, before he has been furnished with such certificate as is referred to in paragraph (1)(b) if the application is for an appointment for a test to be taken on or before—

- (a) 31st December 1996, in the case of a test for a licence authorising the driving of motor vehicles of any other class included in category A, B or P
- (b) 30th June 1997 in the case of a test for a licence authorising the driving of motor vehicles of a class included in any other category,

and where he passes that practical test on or before that date the following paragraphs shall apply.

(3) He may not submit the certificate furnished under regulation 45(2) in respect of that practical test, in support of an application for a licence, as evidence that he has passed a test unless it is accompanied by—

- (a) a certificate furnished under regulation 44(2) stating that he has, during the relevant period, passed the relevant theory test; or

- (b) a certificate corresponding to such a certificate furnished under the law of Northern Ireland stating that he has during the relevant period passed the theory test in respect of the same category.
- (4) If he does not pass the relevant theory test during the relevant period, the passing of the practical test shall from the expiration of that period be disregarded for the purposes of regulations 15(10), 36 and 37.
- (5) In this regulation
  - “the relevant theory test” means the theory test prescribed in respect of the category which includes the class of motor vehicle on which the practical test was taken;
  - “the relevant period” means the period commencing with the date on which the practical test is passed and ending on the date—
    - (i) which falls 6 months later, or
    - (ii) on which the person who took the practical test is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test,
 whichever is the earlier.

### **Exemption from theory test**

- 39.**—(1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category A if—
- (a) on or after 1st July 1996, he has passed the test prescribed in respect of category P;
  - (b) on or after 1st January 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category A;
  - (c) he has passed a test prescribed in respect of category B and is a full-time member of the armed forces of the Crown;
  - (d) he holds a full licence authorising the driving of motor vehicles of a class included in category B;
  - (e) he has passed a Northern Ireland test of competence or is the holder of a Northern Ireland licence corresponding to any of those tests or that licence.
- (2) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category B if—
- (a) on or after 1st July 1996, he has passed the test prescribed in respect of category P;
  - (b) he has passed a test prescribed in respect of motor vehicles of another class included in category B;
  - (c) he has passed a test prescribed in respect of motor vehicles of a class included in category A and is a full-time member of the armed forces of the Crown;
  - (d) he holds a full licence authorising the driving of motor vehicles of a class included in category A;
  - (e) he has passed a Northern Ireland test of competence or is the holder of a Northern Ireland licence corresponding to any of those tests or that licence.
- (3) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category C if—
- (a) on or after 1st January 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category C;

- (b) he holds a full licence authorising the driving of motor vehicles of another class included in category C, other than a licence authorising the driving only of vehicles of a class included in sub-category C1 which was in force at a time before 1st January 1997;
  - (c) he has passed a Northern Ireland test of competence corresponding to that test or is the holder of a Northern Ireland licence corresponding to that licence.
- (4) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category D if—
- (a) on or after 1st January 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category D;
  - (b) he holds a full licence authorising the driving of motor vehicles of another class included in category D other than—
    - (i) vehicles of a class included in sub-category D1 (not for hire or reward), and
    - (ii) vehicles in category D which are driven otherwise than for hire or reward;
  - (c) he has passed a Northern Ireland test of competence corresponding to that test or is the holder of a Northern Ireland licence corresponding to that licence.
- (5) Where a person is disqualified by order of a court under section 36 of the Offenders Act until he passes the appropriate driving test, he shall not be exempt from the requirement to pass a theory test in respect of any class of motor vehicle by virtue of the foregoing provisions of this regulation until the day following the date on which the disqualification is deemed to have expired in relation to that class.
- (6) Where the Secretary of State has revoked a person's licence or test certificate under section 3 of, or Schedule 1 to, the Road Traffic (New Drivers) Act 1995<sup>(1)</sup> he shall not be exempt from the requirement to pass a theory test in respect of any class of motor vehicle by virtue of the foregoing provisions of this regulation until the day following the date on which he passes a relevant driving test within the meaning of section 4(2) of, or paragraph 6 or 9 of Schedule 1 to, that Act.

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(1) 1995 c. 13.