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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**

*Requirements at tests*

**Vehicles suitable for test**

**33.**—(1) Subject to paragraph (2), a practical or unitary test prescribed in respect of a category or sub-category shown in column (1) of the table at the end of this regulation shall be conducted in a vehicle having a specification equivalent to or (other than in the case of a test in respect of category F, G, H, K or P) higher than that shown in relation to that category or sub-category in column (2) of the table.

(2) Where an application for a practical test prescribed in respect of category A contains a declaration that the applicant is suffering from a relevant disability of such a nature that he is unable to ride a motor bicycle without a side-car, the applicant shall take the test on a motor bicycle and side-car combination having the following specification—

- (a) in the case of a test for a licence authorising the driving of a large motor bicycle and side-car combination, a combination in which the bicycle has a maximum net power output of not less than 35 kilowatts, and
  - (b) in the case of a test for a licence authorising the driving of a standard motor bicycle and side-car combination, a combination which has a power to weight ratio not exceeding 0.16 kw/kg.
- (3) A person submitting himself for a practical or unitary test shall provide a vehicle which—
- (a) corresponds to the specification referred to in paragraph (1) or (2), as the case may be;
  - (b) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed;
  - (c) in the case of a test prescribed in respect of category B + E, C, C + E, D or D + E—
    - (i) is not carrying goods or burden other than fixed items which are characteristic of the class to which it belongs, and
    - (ii) is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner can properly conduct the test and is protected from bad weather during the test;
  - (d) in the case of a test prescribed in respect of category D, is so constructed that the examiner can, from the deck of the vehicle on which the driver is seated, clearly observe the road to the rear of the vehicle without the use of any optical device, unless—

- (i) the construction of the vehicle makes it impossible to fulfil that requirement, and
  - (ii) the examiner consents to the requirement not being complied with in consequence of an arrangement to conduct part of the test elsewhere than on a road;
- (e) in the case of a test prescribed in respect of category B + E, C + E, or D + E, is fitted with linkage and braking mechanisms which are designed for use when the trailer is fully laden; and
- (f) is reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test.
- (4) In the table at the end of this regulation, “minimum test vehicle” means, in relation to any category or sub-category, a vehicle of a specification shown in relation to the category or sub-category in column (2) of the table.

TABLE

<i>(1) Category or sub-category</i>	<i>(2) Specification</i>
A in the case of a test for a licence authorising the driving of large motor bicycles	A motor bicycle without a sidecar having an engine with a maximum net power output of 35 kilowatts.
A in the case of any other test	A learner motor bicycle without a sidecar having an engine with a cylinder capacity of 121 cubic centimetres and capable of a speed of 100 kilometres per hour.
A1	A learner motor bicycle without a sidecar having an engine with a cylinder capacity of 75 cubic centimetres.
B	Any four-wheeled vehicle in category B capable of a speed of 100 kilometres per hour.
B1 (invalid carriages)	An invalid carriage.
B1, in the case of any other test	Any vehicle in sub-category B1 capable of a speed of 60 kilometres per hour.
B + E	A combination of a minimum test vehicle for category B and a trailer having a maximum authorised mass of 1,000 kilograms which is capable of a speed of 100 kilometres per hour.
C1	Any vehicle in sub-category C1 having a maximum authorised mass of 4,000 kilograms and capable of a speed of 80 kilometres per hour.
C1 + E	A combination of a minimum test vehicle for sub-category C1 and a trailer having a maximum authorised mass of 2,000 kilograms, the overall length of which is 8 metres and which is capable of a speed of 80 kilometres per hour.
D1	Any vehicle in sub-category D1 capable of a speed of 80 kilometres per hour.

<i>(1) Category or sub-category</i>	<i>(2) Specification</i>
D1 + E	A combination of a minimum test vehicle for sub-category D1 and a trailer having a maximum authorised mass of 1,250 kilograms which is capable of a speed of 80 kilometres per hour.
C	Any vehicle in category C, other than an articulated goods vehicle, having a maximum authorised mass of 10,000 kilograms and a length of 7 metres which is capable of a speed of 80 kilometres per hour.
C + E	Either— (a) an articulated goods vehicle combination having a maximum authorised mass of 18,000 kilograms and a length of 12 metres which is capable of a speed of 80 kilometres per hour, or (b) a combination of a minimum test vehicle for category C and a trailer having a length of 4 metres and a maximum authorised mass of 4 tonnes, which has, in aggregate, a maximum authorised mass of 18,000 kilograms and an overall length of 12 metres and which is capable of a speed of 80 kilometres per hour.
D	Any vehicle in category D having a length of 9 metres and capable of a speed of 80 kilometres per hour.
D + E	A combination of a minimum test vehicle for category D and a trailer having a maximum authorised mass of 1,250 kilograms which is capable of a speed of 80 kilometres per hour.
F	Any vehicle in category F.
G	Any vehicle in category G.
H	Any vehicle in category H.
K	Any vehicle in category K.
P	Any vehicle in category P.

### **Further requirements at tests**

**34.**—(1) No person shall submit himself for a theory test, practical test or unitary test unless he satisfies the residence requirement specified in section 89(1A) of the Traffic Act and where any question arises as to whether a person is normally resident in Great Britain or the United Kingdom (as the case may be) he shall be deemed to be normally resident there if he shows that he will have lived there for not less than 185 days during the period of 12 months ending on the day for which the test appointment is made.

(2) A person submitting himself for a theory test shall—

- (a) before the test commences—
    - (i) except in a case to which paragraph (5) applies, produce to the person conducting the test an appropriate licence authorising him to drive a motor vehicle of a class included in the category or sub-category in respect of which the test is to be taken,
    - (ii) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 6 as evidence of his identity, and
    - (iii) sign a record of his attendance at the test;
  - (b) during the test comply with all reasonable instructions given by the invigilator for the purpose of ensuring the proper and orderly conduct of the test.
- (3) A person submitting himself for a practical test on a motor vehicle of a class included in any category shall, except in a case where—
- (a) he has made an election in accordance with regulation 38(2),
  - (b) he is exempt from the requirement to pass a theory test by virtue of regulation 39, or
  - (c) by virtue of regulation 36(3), no theory test is prescribed for that class,
- produce to the person conducting the test before the test commences a valid certificate furnished under regulation 44(2)(a) showing that he has passed the theory test prescribed in respect of the same category or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland.
- (4) A person submitting himself for a practical or unitary test shall, before the test commences—
- (a) except in a case to which paragraph (5) applies, produce to the person conducting the test an appropriate licence authorising him to drive a motor vehicle of the class on which the test is to be taken,
  - (b) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 6 as evidence of his identity, and
  - (c) sign, on the Driving Test Report Form produced to him by the person conducting the test, a declaration to the effect that there is in force, in relation to the use of the vehicle provided for the purposes of the test, a policy of insurance which complies with the requirements of Part VI of the Traffic Act.
- (5) In the case of an applicant who is a full time member of the armed forces of the Crown (to whom the provisions of regulation 9(2) do not apply), he shall before the commencement of a theory test or, as the case may be, a practical or unitary test prescribed in respect of a category specified in column (1) of the table at the end of regulation 9 satisfy the examiner that he has passed the test prescribed in respect of the category specified in column (2) of the table in relation to the first category.
- (6) A person submitting himself for a practical test for a licence authorising the driving of a motor vehicle of a class included in category A or P shall before the test commences, unless he is exempt from the requirement imposed by section 89(2A) of the Traffic Act, produce to the examiner a valid certificate furnished under regulation 63(1).
- (7) A person submitting himself for a practical or a unitary test shall, during the test—
- (a) except where the test is for a licence authorising him to drive a motor vehicle of a class included in category A, G, H or P or a motor vehicle in sub-category B1 or B1 (invalid carriages) which has no seat other than the driver's seat, allow to travel in the vehicle—
    - (i) the person authorised to conduct the test; and

- (ii) any person authorised by the licensing authority to attend the test for the purpose of supervising it or otherwise;
- (b) where the test is for a licence authorising him to drive a motor vehicle of a class included in category A, G, H or P or a motor vehicle in sub-category B1 or B1 (invalid carriages) which has no seat other than the driver's seat, allow the attendance of—
  - (i) the person authorised to conduct the test; and
  - (ii) any person authorised by the licensing authority for the purpose of supervising the test or otherwise.
- (8) In this regulation and regulation 35—
  - “appropriate licence” means a licence, other than an excepted provisional licence, which—
    - (a) is valid at the date of the test,
    - (b) bears the signature of the person who has submitted himself for the test, and
    - (c) is either—
      - (i) a provisional licence authorising the person submitting himself for the test to drive motor vehicles of the same class as the vehicle which he has provided for the test, or
      - (ii) a full licence which by virtue of section 98(2) of the Traffic Act and regulation 17, authorises that person to drive motor vehicles of that class subject to the same conditions as if he were so authorised by a provisional licence, or
      - (iii) a Northern Ireland licence corresponding to either of those licences.

“excepted provisional licence” means a licence which—

- (a) was in force at a time before 1st January 1997, and
- (b) is issued as a provisional licence in respect of motor vehicles of a class included (by virtue of these Regulations) in category C + E or D + E or sub-categories C1, D1 (not for hire or reward), D1 + E (not for hire or reward) and C1 + E (8.25 tonnes),

but does not include a licence which was granted to a person to whom the provisions of regulation 9(1) do not apply by virtue of paragraph (2) of that regulation.

### **Examiner's right to refuse to conduct test**

- 35.—**(1) Subject to paragraphs (2) and (3), where a person submitting himself for—
- (a) a theory test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by regulation 34(2), or
  - (b) a practical or unitary test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by regulation 33(2) or (3) or regulation 34(3), (4), (5) or (6)

the person authorised to conduct the test must refuse to do so.

- (2) Where a person who has submitted himself for—
- (a) a practical test fails to produce a document required to be produced under regulation 34(3) or (6), or
  - (b) a practical or unitary test fails to produce an appropriate licence as required under regulation 34(4)(a),

if the person authorised to conduct the test is satisfied from other evidence that the document in question exists he may conduct the test.

(3) Where a person with special needs has failed to give to the person conducting a theory test such notice of those needs (being not less than 15 working days) as he may reasonably require the person authorised to conduct the test may refuse to do so.

(4) Where a person who requires the assistance of an interpreter at the theory test attends at the test with an interpreter who is—

- (a) not approved by the licensing authority to act as such, or
- (b) with whom the test candidate is acquainted,

the person authorised to conduct the test must refuse to do so.

(5) In this regulation, “special needs” means a reasonable requirement for special treatment during the test arising by virtue of—

- (a) the test not being available in a language which the test candidate understands,
- (b) the test candidate having reading difficulties, or
- (c) the test candidate being physically disabled.