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STATUTORY INSTRUMENTS

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**1996 No. 2824**

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

**PART IV**

**GOODS AND PASSENGER-CARRYING VEHICLES**

*General*

**Part III of the Traffic Act: prescribed classes of goods and passenger-carrying vehicle**

**46.**—(1) All classes of motor vehicle included in categories C, C + E, D and D + E, except vehicles of classes included in sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward), are prescribed for the purposes of section 89A(5) of the Traffic Act.

(2) Subject to paragraph (3), all classes of motor vehicle included in categories C, C + E, D and D + E, except vehicles of classes included in sub-categories C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward), are prescribed for the purposes of section 99(1) and (1A) of the Traffic Act.

(3) In the case of a licence in force at a time before 1st January 1997, paragraph (2) above shall apply as if “C1” was inserted after “sub-categories”.

(4) All classes of motor vehicle included in categories C, C + E, D and D + E, except vehicles of classes included in sub-categories C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward), are prescribed for the purposes of section 99A(3) and (4) of the Traffic Act.

**Part IV of the Traffic Act: prescribed classes of large goods and passenger-carrying vehicle**

**47.**—(1) Part IV of the Traffic Act and regulations 51 to 54 shall not apply to large goods vehicles—

- (a) of a class included in category F, G or H or sub-category C1 + E (8.25 tonnes), or
- (b) which are exempted goods vehicles or exempted military vehicles.

(2) Part IV of the Traffic Act and regulations 51 to 54 shall not apply to—

- (a) any passenger-carrying vehicle manufactured more than 30 years before the date when it is driven and not used for hire or reward or for the carriage of more than 8 passengers;
- (b) a passenger-carrying vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the passenger-carrying vehicle and its passengers) or for other similar purposes.

(3) All classes of large goods and passenger-carrying vehicle to which Part IV of the Traffic Act applies are prescribed for the purposes of section 117(7) of the Traffic Act.

### **Exempted goods vehicles and military vehicles**

**48.—(1)** For the purposes of this Part of these Regulations, an exempted goods vehicle is a vehicle falling within any of the following classes—

- (a) a vehicle propelled by steam;
- (b) any road construction vehicle used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);
- (c) any engineering plant other than a mobile crane;
- (d) a works truck;
- (e) an industrial tractor;
- (f) an agricultural motor vehicle which is not an agricultural or forestry tractor;
- (g) a digging machine;
- (h) any vehicle which is not used on public roads or, if it is so used during any calendar week—
  - (i) is used only in passing from land in the occupation of a person keeping the vehicle to other land in the occupation of that person, and
  - (ii) is not used on public roads for distances exceeding an aggregate of six miles in that calendar week;
- (j) any vehicle, other than an agricultural motor vehicle, which—
  - (i) is used only for purposes relating to agriculture, horticulture or forestry,
  - (ii) is used on public roads only in passing between different areas of land occupied by the same person, and
  - (iii) in passing between any two such areas does not travel a distance exceeding 1.5 kilometres on public roads;
- (k) a vehicle used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;
- (l) a vehicle manufactured before 1st January 1960, used unladen and not drawing a laden trailer;
- (m) an articulated goods vehicle the unladen weight of which does not exceed 3.05 tonnes;
- (n) a vehicle in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965;
- (o) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the large goods vehicle and its load) or for other similar purposes;
- (p) a vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which—
  - (i) is used solely for dealing with disabled vehicles;
  - (ii) is not used for the conveyance of any goods or load other than a disabled vehicle when so raised and water, fuel, accumulators and articles required for the operation of, or in connection with, such apparatus or otherwise for dealing with disabled vehicles; and
  - (iii) has an unladen weight not exceeding 3.05 tonnes;
- (q) a passenger-carrying vehicle recovery vehicle; and
- (r) a mobile project vehicle.

(2) For the purposes of this Part of these Regulations, an exempted military vehicle is a vehicle falling within any of the following classes—

- (a) a vehicle designed for fire fighting or fire salvage purposes which is the property of, or for the time being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown;
- (b) a vehicle being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939(1) which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act, 1959(2), by section 2 of the Emergency Powers Act 1964(3); or
- (c) an armoured vehicle other than a track-laying vehicle which is the property of, or for the time being under the control of, the Secretary of State for Defence.

(3) In this Regulation—

“digging machine” has the same meaning as in paragraph 4(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;

“agricultural motor vehicle”, “engineering plant”, “industrial tractor” and “works truck” have the same meaning as in regulation 3(2) of the Construction and Use Regulations;

“public road”, “road construction vehicle” and “road construction machinery” have the same meanings respectively as in section 62(1) of the Vehicle Excise and Registration Act 1994.

### Correspondences

**49.**—(1) For the purposes of section 89A(5) of the Traffic Act, a heavy goods vehicle or public service vehicle of a class specified in column (1) of the table at the end of this regulation corresponds to a class of large goods vehicle or passenger-carrying vehicle, as the case may be, specified in column (2) of that table in relation to the class of vehicle in column (1).

(2) For the purposes of paragraph (1), where a heavy goods vehicle driver’s licence held before 1st April 1991 was restricted to vehicles having a permissible maximum weight not exceeding 10 tonnes by virtue of—

- (a) paragraph 3(3) and (5) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) Act 1976(4); or
- (b) paragraph (1) or (2) of regulation 31 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977(5) before they ceased to have effect,

such restriction shall be disregarded.

TABLE

<i>(1) Class of heavy goods or public service vehicle</i>	<i>(2) Corresponding class of large goods or passenger-carrying vehicle</i>
<i>Heavy goods vehicles</i>	<i>Large goods vehicles</i>
1	Categories C and C + E
1A	Categories C and C + E (limited, in each case, to vehicles with automatic transmission)

(1) S.R. & O. 1939/1304.

(2) 1959 c. 19.

(3) 1964 c. 38.

(4) 1976 c. 3.

(5) S.I. 1977/1309, to which there were amendments not relevant to these Regulations.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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<i>(1) Class of heavy goods or public service vehicle</i>	<i>(2) Corresponding class of large goods or passenger-carrying vehicle</i>
2	Category C and vehicles in category C + E which are drawbar trailer combinations
2A	Category C and vehicles in category C + E which are drawbar trailer combinations (limited, in each case, to vehicles with automatic transmission)
3	Category C and vehicles in category C + E which are drawbar trailer combinations
3A	Category C and vehicles in category C + E which are drawbar trailer combinations (limited, in each case, to vehicles with automatic transmission)
<i>Public Service Vehicles</i>	<i>Passenger-carrying vehicles</i>
1	Categories D and D + E
1A	Categories D and D + E (limited, in each case, to vehicles with automatic transmission)
2	Categories D and D + E
2A	Categories D and D + E (limited, in each case, to vehicles with automatic transmission)
3	Category D
3A	Category D (limited to vehicles with automatic transmission)
4	Sub-category D1 and vehicles in category D not more than 5.5 metres in length
4A	Sub-category D1 and vehicles in category D not more than 5.5 metres in length (limited, in each case, to vehicles with automatic transmission)

#### **Part IV of the Traffic Act: dual purpose vehicles**

**50.**—(1) Except in the case of a vehicle mentioned in paragraph (2), Part IV of the Traffic Act and regulations 51 to 54 shall apply to dual purpose vehicles to the extent that they apply to passenger-carrying vehicles.

(2) Part IV of the Traffic Act and regulations **51** to **54** shall apply to any dual purpose vehicle which is—

- (a) adapted to carry not more than 24 persons in addition to the driver,
- (b) driven by a member of the armed forces of the Crown, and
- (c) used to carry passengers for naval, military or air force purposes,

to the extent that they apply to large goods vehicles.

*Persons under the age of 21*

**Large goods vehicles drivers' licences issued to persons under the age of 21: trainee drivers**

**51.**—(1) A large goods vehicle driver's licence issued to a person under the age of 21 shall be subject to the following conditions, prescribed for the purposes of section 114(1) of the Traffic Act, namely that—

- (a) in the case of any LGV trainee driver's licence, the holder shall not drive a large goods vehicle of any class in respect of which the licence is issued (or in respect of which it is treated as a provisional licence by virtue of section 98 of the Traffic Act) unless either—
  - (i) he is a registered employee of a registered employer, and
  - (ii) the vehicle is a large goods vehicle of a class to which his training agreement applies and is owned or operated by that registered employer or by a registered LGV driver training establishment,

or

- (b) in the case of a licence holder who is a part-time member of the armed forces of the Crown, that the vehicle is owned by the Secretary of State for Defence and used for naval, military or air force purposes.

(2) An LGV trainee driver's full licence is subject to the conditions that the holder—

- (a) is a registered employee of a registered employer,
- (b) shall drive only large goods vehicles of a class to which his training agreement applies and which are owned or operated by that registered employer or by a registered LGV driver training establishment, and
- (c) shall not drive a vehicle of any class if the vehicle is being used to draw a trailer, otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full large goods vehicle driver's licence authorising the driving of a vehicle of that class which is not an LGV trainee driver's licence.

(3) The holder of an LGV trainee driver's full licence authorising the driving of a class of large goods vehicles included in category C may not drive large goods vehicles of a class included in category C + E as if he were authorised by a provisional licence to do so before the expiration of a period of two years commencing on the date on which he passed the test for a licence authorising the driving of vehicles of a class included in category C.

(4) In this regulation—

“LGV trainee driver's licence” means a large goods vehicle driver's licence which—

- (a) is a licence to drive vehicles of a class included in category C or C + E,
- (b) is granted to a person under the age of 21 on the date of the application, and
- (c) is in force for a period during the whole or part of which the holder is under the age of 21;

“registered”, in relation to an employee, employer or training establishment, means registered for the time being by the Training Committee in accordance with the Training Scheme;

“training agreement”, in relation to an individual who is undergoing, or is to undergo, driver training under the Training Scheme, means the agreement between that individual and a registered employer;

“the Training Committee” means the National Joint Training Committee for Young LGV Drivers in the Road Goods Transport Industry which is referred to in the Training Scheme;

“the Training Scheme” means the Young Large Goods Vehicle (LGV) Drivers Training Scheme which has been established by the Road Haulage and Distribution Training Council

and approved by the Secretary of State for the purpose of regulations under section 101(2) of the Traffic Act on 30th September 1996 for training young drivers of large goods vehicles.

*Drivers' conduct*

**Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation**

**52.**—(1) The prescribed circumstances for the purposes of section 115(1)(a) of the Traffic Act are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, he has been convicted (or is to be treated as if he had been convicted) of an offence as a result of which—

- (a) the number of penalty points to be taken into account under section 29 of the Offenders Act exceeds three, or
- (b) his licence is treated as revoked under section 37(1) of that Act.

(2) Where a large goods vehicle driver's licence is revoked under section 115(1)(a) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the licensing authority.

(3) Where the licensing authority determines that a person whose licence has been revoked under section 115(1)(a) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the licensing authority may determine.

**Applicants for and holders of a licence who are disqualified by order of a court**

**53.**—(1) Subject to paragraphs (2) to (4), where a person's licence is treated as revoked by virtue of section 37(1) of the Offenders Act the licensing authority may—

- (a) order that person to be disqualified indefinitely or for such period as the licensing authority thinks fit under section 117(2)(a) of the Traffic Act; or
- (b) (except where the licence treated as revoked by virtue of section 37(1) is a provisional licence) if it appears to the licensing authority that, owing to the conduct of the person, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes a test—
  - (i) prescribed in respect of any category of motor vehicle which he was authorised to drive by that licence, and
  - (ii) which, by virtue of these Regulations, he is at that time eligible to take,
 order him to be disqualified for holding or obtaining a full licence until he passes such a test under section 117(2)(b) of the Act.

(2) Where a person's licence is treated as revoked by virtue of section 37(1) of the Offenders Act and the licensing authority would have been required to revoke that person's large goods or passenger-carrying vehicle driver's licence by virtue of section 115(1)(a) of the Traffic Act and regulation 52 had he not been disqualified by order of a court, the licensing authority must order that person to be disqualified indefinitely or for a period under section 117(1) of the Traffic Act.

(3) The cases in which a person to whom paragraph (2) applies must be disqualified either indefinitely or for a period shall be determined by the licensing authority.

(4) Where the licensing authority determines that a person to whom paragraph (2) applies is to be disqualified for a period that person shall be disqualified until he reaches 21 years of age or for such longer period as the licensing authority may determine.

### **Removal of disqualification**

**54.**—(1) Subject to paragraph (2) and (3), the licensing authority may remove a disqualification for a period of more than two years under section 117(4) of the Traffic Act, after consultation with the traffic commissioner in a case which was referred to him, if an application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods commencing on the date of the disqualification—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case.

(2) An application may not be made if the applicant has during the relevant period been convicted (or treated as convicted) of an offence by virtue of which he has incurred—

- (a) penalty points, or
- (b) an endorsement of a Northern Ireland driving licence held by him, or of its counterpart, with particulars of a conviction pursuant to provisions for the time being in force in Northern Ireland that correspond to sections 44 and 45 of the Offenders Act.

(3) Where an application under paragraph (1) for the removal of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.