
STATUTORY INSTRUMENTS

1998 No. 2038

ROAD TRAFFIC

**The Motor Vehicles (Driving Licences)
(Amendment) (No. 4) Regulations 1998**

<i>Made</i>	- - - -	<i>14th August 1998</i>
<i>Laid before Parliament</i>		<i>21st August 1998</i>
<i>Coming into force</i>	- -	<i>11th September 1998</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 89(3) and (5), 92(2) and (4)(b), 97(1), 105(1), (2) and (3) and 108(1) of the Road Traffic Act 1988⁽¹⁾, after consulting with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:—

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 1998 and shall come into force on 11th September 1998.

2. The Motor Vehicles (Driving Licences) Regulations 1996⁽²⁾ shall be amended as provided in regulations 3 to 6 below.

3.—(1) Regulation 21 shall be amended as follows.

(2) In paragraph (1), for sub-paragraph (d) there shall be substituted—

“(d) a person appointed by a chief officer of police, for the purpose of testing—

(i) members of the police force of which he is the chief officer and persons employed by the police authority for the same police area for the purpose of assisting that force, and

(ii) members of another police force and persons employed by a police authority for another police area for the purpose of assisting that force.”.

(3) After paragraph (3) there shall be inserted—

⁽¹⁾ 1988 c. 52. Section 89(3) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 63. Section 92(2) was amended by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974). Section 97(1) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), section 6(2) and Schedule 3, paragraph 9. Section 105(2) was amended by the 1989 Act, Schedule 3, paragraph 14, by the Driving Licences (Community Driving Licence) Regulations 1990 (S.I. 1990/144), and by the Driving Licences (Community Driving Licence) Regulations 1996. In section 108(1), see the definitions of “prescribed” and “regulations”.

⁽²⁾ 1996/2824, relevant amending instruments are S.I. 1997/669 and 1998/528.

“(3A) In the case of an application made by a chief officer of police for the purposes of sub-paragraph (d) of paragraph (1), the licensing authority may grant his approval under paragraph (3) in respect of the testing of all the persons mentioned in that sub-paragraph or only in respect of the testing of the persons mentioned in paragraph (i) thereof.”.

(4) In paragraph (6), after “regulation 22”, there shall be inserted—

““chief officer of police”, “police area” and “police authority” have the meanings given in section 101(1) of the Police Act 1996(3);”.

4.—(1) Regulation 22 shall be amended as follows.

(2) In paragraph (1), for sub-paragraph (c) there shall be substituted—

- “(c) a person appointed by a chief officer of police, for the purpose of testing—
- (i) members of the police force of which he is the chief officer and persons employed by the police authority for the same police area for the purpose of assisting that force, and,
 - (ii) members of another police force and persons employed by a police authority for another police area for the purpose of assisting that force.”.

(3) After paragraph (3) there shall be inserted—

“(3A) In the case of an application made by a chief officer of police for the purposes of sub-paragraph (c) of paragraph (1), the licensing authority may grant his approval under paragraph (3) in respect of the testing of all the persons mentioned in that sub-paragraph or only in respect of the testing of the persons mentioned in paragraph (i) thereof.”.

5.—(1) Regulation 45 shall be amended as follows.

(2) In paragraph (1)(a), after “certificate” there shall be inserted “(a “test pass certificate”)”.

(3) For paragraph (5) there shall be substituted—

“(5) A person authorised to conduct practical or unitary tests by virtue of sub-paragraphs (b), (c), (d), (e), (f) or (g) of regulation 21(1) or regulation 21(2)(b) shall issue test pass certificates using the forms supplied by the licensing authority and the licensing authority may make a charge—

- (a) in the case of forms supplied to a person authorised under regulation 21(1)(b) or (2)(b), of £2.43 per form, and
- (b) in the case of forms supplied to any other person, of £15 per form.”.

6. In regulation 68, after paragraph (8), there shall be inserted—

“(8A) Diabetes requiring insulin treatment is prescribed for the purposes of section 92(4)

(b) in the case of a person who—

- (a) is an applicant for a licence authorising the driving of vehicles in sub-category C1 or C1+E (8.25 tonnes),
- (b) held such a licence on 31st December 1996, and
- (c) satisfies the Secretary of State that since commencing treatment with insulin, and whilst in employment for the purpose, he has had sufficient recent experience in the driving of vehicles in sub-category C1 or C1+E (8.25 tonnes) to make practicable an assessment of the risk posed by his driving vehicles of those classes,

provided that he satisfies the conditions mentioned in paragraph (8B).

(8B) The conditions referred to in paragraph (8A) are that—

- (a) the Secretary of State was aware on 31st December 1997 that he suffered from that disability;
- (b) he has experienced no hypoglycaemic episodes while driving,
- (c) he makes an arrangement to undergo at intervals of not more than 12 months an examination by a hospital consultant specialising in the treatment of diabetes and so far as is reasonably practicable conforms to that arrangement,
- (d) his application is supported by a report from such a consultant sufficient to satisfy the Secretary of State that he has a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia during his normal working hours,
- (e) he regularly monitors his condition while employed in driving vehicles in sub-category C1 or C1+E (8.25 tonnes), and
- (f) the licensing authority is satisfied that the driving of such a vehicle in pursuance of the licence is not likely to be a source of danger to the public.”.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

14th August 1998

Larry Whitty
Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Motor Vehicles (Driving Licences) Regulations 1996 (S.I.1996/2824) by—

- (a) enabling the Secretary of State to approve an appointment by a chief officer of police of a person to conduct driving tests of constables and civilians employed by other forces;
- (b) enabling the Secretary of State to charge police forces, fire brigades and the Secretary of State for Defence for the issue of forms of test pass certificates in respect of practical driving tests;
- (c) lifting the prohibition on the grant to insulin-dependent diabetics of licences authorising the driving of vehicles in sub-categories C1 and C1+E (8.25 tonnes)—comprising goods vehicles up to 7.5 tonnes, and goods vehicle and trailer combinations up to 8.25 tonnes, permissible maximum weight—where certain conditions are satisfied.