

STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III

TESTS OF COMPETENCE TO DRIVE

Appointment of persons to conduct tests

Persons by whom theory tests may be conducted

23.—(1) [^{F1}Subject to paragraph (8A).] A theory test other than a test conducted in the circumstances specified in paragraph (2) may be conducted by—

- (a) a person appointed in writing by the Secretary of State—
 - (i) for the purpose of testing a class of persons specified in the instrument of appointment, or
 - (ii) where no class of persons is specified, for the purpose of testing persons generally;
- (b) a person who, or a member of a class of persons which, has been 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;

- [^{F2}(c) a person appointed by a chief officer of police, for the purpose of testing—
 - (i) members of a police force, and
 - (ii) persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;]

[^{F3}(d)

[^{F4}(da) in England, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]

[^{F5}(da) in England or Wales, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]

[^{F6}(db) in Scotland, a person appointed by [^{F7}any relevant authority (as defined in section 6 of the Fire (Scotland) Act 2005 (asp 5))][^{F7}the Scottish Fire and Rescue Service] for the purpose of testing employees of [^{F8}any relevant authority][^{F8}that Service];]

[^{F9}(dc) in England or Wales, a person appointed by any ambulance service NHS trust, or ambulance service NHS foundation trust, for the purpose of testing employees of any of those trusts;

(dd) in Scotland, a person appointed by the Scottish Ambulance Service Board, for the purpose of testing employees of that Board;

(de) a person who, or a member of a class of persons which—

- (i) has been appointed to conduct theory tests under sub-paragraph (b) of paragraph (1), and
- (ii) has the prior written approval of the Secretary of State for the purpose of testing employees of one or more emergency services;
- (df) a person who—
 - (i) is appointed to conduct theory tests under any one of sub-paragraphs (c) to (dd) of paragraph (1), and
 - (ii) has the prior written approval of the Secretary of State for the purpose of testing either or both—
 - (aa) defence personnel;
 - (bb) employees of one or more other emergency services;]
- (e) an eligible person appointed by a company which—
 - (i) has been approved by the Secretary of State, 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^[F10], or
- (f) an eligible person appointed by a company which—
 - (i) has been approved by the Secretary of State, and
 - (ii) is the holder of a goods vehicle operator's licence,
 for the purpose of conducting, in respect of eligible candidates, theory tests in respect of any class of goods vehicles.]

[^{F11}(1A) The Secretary of State may grant approval under paragraph (1)(de)(ii) or (df)(ii) subject to such conditions as the Secretary of State thinks fit and may vary any such conditions by notice in writing given to the person to whom the approval was granted.]

(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 Secretary of State for the purpose;
- (b) a person who, or a member of a class of persons which, has been 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 [^{F12}sub-paragraphs (b), (c), (da), (db), [^{F13}(dc), (dd),] (e) or (f) 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 Secretary of State is satisfied that—

- (a) proper arrangements will be made by the applicant, 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.

[^{F14}(3A) The Secretary of State may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.]

(4) In the case of an application made by a chief officer of police for the purposes of sub-paragraph (c) of paragraph (1), the Secretary of State 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) No person or class of persons may be appointed under the provisions of [^{F15}sub-paragraphs (b), (c), (da), (db), [^{F16}(dc), (dd),] (e) or (f) of paragraph (1)] or under paragraph (2)(b) unless the person making the appointment has appointed a person or class of persons to conduct [^{F17}manoeuvres tests or] practical tests under the provisions of regulation 24(1) and the Secretary of State has approved that appointment.

(6) An appointment made under paragraph (1)(a)(ii) may be made subject to such conditions as are, in the opinion of the Secretary of State, reasonably necessary in the general interests of candidates and where an appointed person breaks such a condition the Secretary of State may appoint another person to carry out theory tests in substitution for that person notwithstanding that the first appointment has not been revoked.

(7) 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.

(8) No person or member of a class of persons appointed by virtue of [^{F18}sub-paragraphs (b), (c), (da), (db), [^{F19}(dc), (dd),] (e) or (f) of paragraph (1)] or under paragraph (2)(b) may conduct tests unless the Secretary of State has given his approval in writing to the appointment and such approval shall be granted only if the Secretary of State 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 knowledge and understanding of driving theory relating to the category or sub-category of vehicles in respect of which he is appointed to conduct tests.

[^{F20}(8A) The following persons may not conduct a theory test within the meaning of regulation 3A(1)(ab)—

- (a) a person appointed under paragraph (1)(da), (db), (dc), (dd), (e) or (f);
- (b) a person to whom paragraph 1(df) applies on grounds that included prior appointment under paragraph 1(da) to (dd).]

(9) In this regulation and regulation 24—

[^{F21}“ambulance service NHS trust” or “ambulance service NHS foundation trust” means—

- (i) in England, a National Health Service trust or NHS foundation trust established under the National Health Service Act 2006 which has a function of providing ambulance services;
- (ii) in Wales, a National Health Service trust established under the National Health Service (Wales) Act 2006 which has a function of providing ambulance services;]

[^{F22}“chief officer of police”, “police area” and “police authority” have [^{F23}in relation to England and Wales] the meanings given in section 101(1) of the Police Act 1996 ;

“company” includes a body corporate;

[^{F24}“defence personnel” means members of the armed forces of the Crown and persons in the public service of the Crown under the department of the Secretary of State for Defence;]

“eligible candidate” means—

- (i) [^{F25}a person who is employed as a driver by the company which holds the PSV licence where paragraph (1)(e) applies, or the goods vehicle operator's licence where paragraph (1)(f) applies, or by a sister company of that company which holds a licence of the same description, or;]
- (ii) a person whom any such company as is mentioned in sub-paragraph (i) proposes to employ as a driver;

[^{F26}“eligible person” means a person employed by the company which holds the PSV licence where paragraph (1)(e) applies, or the goods vehicle operator's licence where paragraph (1)(f) applies, or by a sister company of that company which holds a licence of the same description, or;]

[^{F27cc}“emergency services” means—

- (i) a police force, and a reference to employees of a police force includes a reference to members of the force and persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;
- (ii) a fire and rescue authority;
- (iii) the Scottish Fire and Rescue Service;
- (iv) an ambulance service NHS Trust or ambulance service NHS Foundation Trust;
- (v) the Scottish Ambulance Service Board;]

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 ^{MI}Companies Act 1985 .

[^{F28cc}“goods vehicle operator’s licence” means the holder of an operator’s licence within the meaning of section 58(1) of the Goods Vehicles (Licensing of Operators) Act 1995.]

Textual Amendments

- F1** Words in reg. 23(1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **8(a)**
- F2** Reg. 23(1)(c) substituted (16.1.2012) by [The Local Policing Bodies \(Consequential Amendments\) Regulations 2011 \(S.I. 2011/3058\)](#), regs. 1(2), **16(2)**
- F3** Reg. 23(1)(d) omitted (1.4.2008) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **3(a)**
- F4** Reg. 23(1)(da) inserted (E.) (30.12.2004) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(England\) Order 2004 \(S.I. 2004/3168\)](#), arts. 1(1), **51(2)(b)**
- F5** Reg. 23(1)(da) inserted (W.) (25.10.2005) by [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(Wales\) Order 2005 \(S.I. 2005/2929\)](#), arts. 1(1), **51(2)(b)**
- F6** Reg. 23(1)(db) inserted (S.) (2.8.2005) by [The Fire \(Scotland\) Act 2005 \(Consequential Modifications and Amendments\) \(No. 2\) Order 2005 \(S.S.I. 2005/344\)](#), art. 1, **Sch. 1 para. 24(2)(b)**; S.S.I. 2005/392, arts. 1, 2
- F7** Words in reg. 23(1)(db) substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 18(2)(a)**
- F8** Words in reg. 23(1)(db) substituted (S.) (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Modifications and Savings\) Order 2013 \(S.S.I. 2013/119\)](#), art. 1, **sch. 2 para. 18(2)(b)**
- F9** Regs. 23(1)(dc)-(df) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **4(a)**
- F10** Reg. 23(1)(f) and word inserted (2.4.2007) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2007 \(S.I. 2007/698\)](#), regs. 1(1), **3(a)**
- F11** Reg. 23(1A) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **4(b)**
- F12** Words in reg. 23(3) substituted (1.4.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **3(b)**
- F13** Words in reg. 23(3) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **4(c)**
- F14** Reg. 23(3A) inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **5** (with reg. 22)
- F15** Words in reg. 23(5) substituted (1.4.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2008 \(S.I. 2008/508\)](#), regs. 1, **3(c)**
- F16** Words in reg. 23(5) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **4(c)**

- F17** Words in reg. 23(5) inserted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **6** (with reg. 33)
- F18** Words in reg. 23(8) substituted (1.4.2008) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008* (S.I. 2008/508), regs. 1, **3(b)**
- F19** Words in reg. 23(8) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **4(c)**
- F20** Reg. 23(8A) substituted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **4(d)**
- F21** Words in reg. 23(9) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **4(e)(i)**
- F22** 1996 c. 16.
- F23** Words in reg. 23(9) inserted (1.4.2013) by *The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013* (S.I. 2013/602), art. 1(2), **Sch. 2 para. 79**
- F24** Words in reg. 23(9) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **4(e)(ii)**
- F25** Words in reg. 23(9) substituted (2.4.2007) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007* (S.I. 2007/698), regs. 1(1), **3(b)(i)**
- F26** Words in reg. 23(9) substituted (2.4.2007) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007* (S.I. 2007/698), regs. 1(1), **3(b)(ii)**
- F27** Words in reg. 23(9) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **4(e)(iii)**
- F28** Words in reg. 23(9) inserted (2.4.2007) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007* (S.I. 2007/698), regs. 1(1), **3(b)(iii)**

Modifications etc. (not altering text)

- C1** Reg. 23 applied (with modifications) (8.5.2017) by *The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017* (S.I. 2017/470), art. 1(2), **Sch. 1 para. 43(2)**
- C2** Reg. 23(1)(c)(ii) modified (20.12.2023) by *The York and North Yorkshire Combined Authority Order 2023* (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 43(2)**

Marginal Citations

- M1** 1985 c. 6. Section 736 was substituted by the *Companies Act 1989*, section 144(1).

[^{F29}**23A.**—(1) The Secretary of State shall, on request, supply (by electronic or other means) a test set to any person who has appointed another person or class of persons to conduct theory tests under sub-paragraph (b), (c), (da), (db), [^{F30}(dc), (dd),] (e) or (f) of regulation 23(1) or under regulation 23(2)(b).

- [^{F31}(2) For each test set supplied under paragraph (1) in respect of a test which—
- (a) is of the type specified in column (2) of an item in the table;
 - (b) relates to a vehicle falling within a category specified in column (3); and
 - (c) is to be conducted at a time specified in column (4),

the Secretary of State may make a charge of the amount specified in column (5).

Changes to legislation: There are currently no known outstanding effects for the *The Motor Vehicles (Driving Licences) Regulations 1999*, Cross Heading: *Appointment of persons to conduct tests*. (See end of Document for details)

Table

(1) Item	(2) Type of test	(3) Vehicle category	(4) Time	(5) Charge £
1.	Any test	AM, A or B	Before 1st October 2014	18.50
2.	Any test	AM, A or B	On or after 1st October 2014	15
3.	Large vehicle test of driving theory	C or D	Before 1st October 2014	20
4.	Large vehicle test of driving theory	C or D	On or after 1st October 2014	12
5.	Large vehicle test of hazard perception	C or D	Any time	9]

(3) The charge referred to in paragraph (2) is payable by the person who has appointed a person or class of persons to conduct the theory test for which a test set has been supplied.

(4) In this regulation, a “test set” means—

- (a) in respect of [^{F32}a test falling within item 1 or 2 of the table in paragraph (2)], a set of [^{F33}the information and materials necessary for the conduct of that test, including the film clips] as described in regulation 40B, for each person taking the test; and
- (b) in respect of [^{F34}a test falling within item 3, 4 or 5 of the table in paragraph (2)], a set of theory test questions, in the case of the large vehicle test of driving theory or a set of film clips, in the case of the large vehicle test of hazard perception, the set of questions or clips each being as described in regulation 40B, for each person taking the test.]

Textual Amendments

- F29** Reg. 23A inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **6** (with reg. 22)
- F30** Words in reg. 23A(1) inserted (1.11.2021) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2021 \(S.I. 2021/1128\)](#), regs. 1(2), **5**
- F31** Reg. 23A(2) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(2)(a)**
- F32** Words in reg. 23A(4)(a) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(2)(b)(i)**
- F33** Words in reg. 23A(4)(a) substituted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **9**
- F34** Words in reg. 23A(4)(b) substituted (20.8.2014) by [The Driving Theory Test Fees \(Various Amendments\) Regulations 2014 \(S.I. 2014/1816\)](#), regs. 1, **2(2)(b)(ii)**

[^{F35}Persons by whom manoeuvres tests, large vehicle off road manoeuvres tests, practical tests and unitary tests may be conducted]

24.—(1) A [^{F36}manoeuvres test, large vehicle off road manoeuvres test, practical test] or unitary test other than a test conducted in the circumstances specified in paragraph (2) [^{F37}or (2A)] may, subject to the following provisions of this regulation, be conducted by—

- (a) a person in the public service of the Crown appointed by the Secretary of State;

- (b) a person who, or a member of a class of persons which, has been 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) ^{F38} ... ^{F39} ... ^{F38} ... ^{F40} ...
- ^{F41}(ca) in England, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]
- ^{F42}(ca) in England or Wales, a person appointed by any fire and rescue authority for the purpose of testing employees of any fire and rescue authority;]
- ^{F43}(cb) in Scotland, a person appointed by ^{F44}any relevant authority (as defined in section 6 of the [Fire \(Scotland\) Act 2005 \(asp 5\)](#))]^{F44}the Scottish Fire and Rescue Service] for the purpose of testing employees of ^{F45}any relevant authority]^{F45}that Service];]
- ^{F46}(cc) in England or Wales, a person appointed by any ambulance service NHS trust, or ambulance service NHS foundation trust, for the purpose of testing employees of any of those trusts;
- (cd) in Scotland, a person appointed by the Scottish Ambulance Service Board for the purpose of testing employees of that Board;
- (ce) a person who, or a member of a class of persons which, —
 - (i) has been appointed to conduct manoeuvres, practical or unitary tests under sub paragraph (b) of paragraph (1), and
 - (ii) has the prior written approval of the Secretary of State for the purpose of testing employees of one or more emergency services;
- (cf) a person who—
 - (i) is appointed to conduct manoeuvres, practical or unitary tests under any one of sub paragraphs (ca) to (cd) or (d) of paragraph (1), and
 - (ii) has the prior written approval of the Secretary of State for the purpose of testing either or both—
 - (aa) defence personnel;
 - (bb) employees of one or more other emergency services;]
- ^{F47}(d) a person appointed by a chief officer of police, for the purpose of testing—
 - (i) members of a police force, and,
 - (ii) persons employed by a police authority, local policing body or chief officer of police for the purpose of assisting a police force;]
- ^{F48}(e)
- (f) an eligible person appointed by a company which—
 - (i) has been approved by the Secretary of State, and
 - (ii) is the holder of a PSV operator’s licence,for the purpose of conducting, in respect of eligible candidates, practical tests in respect of any class of passenger-carrying vehicles ^{F49}, or
- (g) an eligible person appointed by a company which—
 - (i) has been approved by the Secretary of State, and
 - (ii) is the holder of a goods vehicle operator’s licence,for the purpose of conducting, in respect of eligible candidates, practical tests in respect of any class of goods vehicles.]

[^{F50}(1ZA) A large vehicle off road manoeuvres test other than a large vehicle off road manoeuvres test conducted in the circumstances specified in paragraph (2) or (2A) may, subject to the following provisions of this regulation, be conducted by—

- (a) a person appointed by a body which has been approved by the Secretary of State for the purpose of conducting large vehicle off road manoeuvres tests, and
- (b) such person must also be approved in writing by the Secretary of State for the purpose of testing a class of persons specified in the instrument of appointment, and such appointment—
 - (i) may be made subject to such conditions as are, in the opinion of the Secretary of State, reasonably necessary in the general interests of candidates, and
 - (ii) where a person so approved breaks such a condition, the Secretary of State may approve another person to carry out large vehicle off road manoeuvres tests in substitution for that person notwithstanding that the first approval has not been revoked.]

[^{F51}(1) The Secretary of State must ensure that persons appointed as examiners for the purposes of paragraph (1)—

- (a) who were appointed on or after 19th January 2013 meet and maintain the minimum standards set out in paragraphs 1, 2.1 and 2.2 of Annex IV, and
- (b) who were appointed before 19th January 2013 meet the quality assurance and regular periodic training arrangements in place in accordance with paragraph 4 of Annex IV.

(1B) The Secretary of State must establish arrangements for authorising an examiner to conduct driving tests and ensure that such arrangements are in compliance with paragraphs 2.3, 3 and 5.1 of Annex IV.

(1C) The Secretary of State must ensure that there are in place quality assurance and regular periodic training arrangements of driving examiners in accordance with paragraph 4 of Annex IV.

(1D) In this regulation, “Annex IV” means Annex IV of [Directive 2006/126/EC](#) of the European Parliament and of the Council on driving licences [^{F52}reading that Annex as if—

- (a) in the fifth indent of point 1.3, “EU and” was omitted, and
- (b) references to “Member States” or “Member State” were references to the Secretary of State.]]

[^{F53}(1E) The Secretary of State may grant approval under paragraph (1)(ce)(ii) or (cf)(ii) subject to such conditions as the Secretary of State thinks fit, and may vary any such conditions by notice in writing given to the person to whom the approval was granted.]

(2) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a [^{F54}manoeuvres test, large vehicle off road manoeuvres test, practical test] or unitary test shall be conducted by—

- (a) a person in the public service of the Crown appointed by the Secretary of State, or
- (b) a person who, or a member of a class of persons which, has been 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.

[^{F55}(2A) [^{F56}A [^{F57}manoeuvres test, a large vehicle off road manoeuvres test or a practical test]] which is conducted as a disability assessment test shall be conducted by—

- (a) a person in the public service of the Crown appointed by the Secretary of State for the purposes of paragraph (1)(a), or
- (b) a person appointed by the Secretary of State for the purpose of conducting the test.]

(3) No person shall be eligible to appoint any person or class of persons to conduct [^{F58}manoeuvres tests, large vehicle off road manoeuvres tests, practical tests] or unitary tests under the provisions of [^{F59}sub-paragraphs (b), (ca), (cb) [^{F60}(cc), (cd)], (d), (f) or (g) of paragraph (1)] [^{F61}, paragraph (1ZA)] or under paragraph (2)(b) unless, following an application made to him for the purpose of any of those sub-paragraphs, the Secretary of State is satisfied that—

(a) proper arrangements will be made by the applicant, 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.

[^{F62}(3A) The Secretary of State may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.]

(4) In the case of an application made by a chief officer of police for the purposes of sub-paragraph (d) of paragraph (1), the Secretary of State 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) No person or member of a class of persons appointed under the provisions of [^{F63}sub-paragraphs (b), (ca), (cb) [^{F64}(cc), (cd)], (d), (f) or (g) of paragraph (1)] [^{F65}, under paragraph (1ZA)] or under paragraph (2)(b) may conduct tests unless the Secretary of State has given his approval in writing to his appointment and such approval shall be granted only if the Secretary of State 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.

(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.

[^{F66}(7) Each person who has appointed a person to conduct tests under sub-paragraph (ca), (cb) [^{F67}(cc), (cd)], (d), (f) or (g) of paragraph (1) shall pay an annual charge of £950 during the currency of the appointment to the Secretary of State in accordance with paragraph (8) in respect of each person so appointed.

(8) In the case of an appointment made—

(a) on or after 4 August 2008, the annual charge is payable on the making of the appointment and on each anniversary of the appointment; and

(b) before 4 August 2008, the annual charge is payable on 4 August 2008 and on each anniversary of that date.]

Textual Amendments

- F35** Reg. 24 heading substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **5(a)**
- F36** Words in reg. 24(1) substituted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **5(b)**
- F37** Words in reg. 24(1) inserted (1.1.2001) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 2\) Regulations 2000 \(S.I. 2000/3157\)](#), regs. 1, **6(1)(a)**
- F38** Words in reg. 24(1)(c) omitted (W.) (25.10.2005) by virtue of [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(Wales\) Order 2005 \(S.I. 2005/2929\)](#), arts. 1(1), **51(3)(a)**
- F39** Words in reg. 24(1)(c) omitted (E.) (30.12.2004) by virtue of [The Fire and Rescue Services Act 2004 \(Consequential Amendments\) \(England\) Order 2004 \(S.I. 2004/3168\)](#), arts. 1(1), **51(3)(a)**

- F40** Words in reg. 24(1)(c) omitted (S.) (2.8.2005) by virtue of The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) (No. 2) Order 2005 (S.S.I. 2005/344), art. 1, **Sch. 1 para. 24(3)(a)**; S.S.I. 2005/392, **arts. 1, 2**
- F41** Reg. 24(1)(ca) inserted (E.) (30.12.2004) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (England) Order 2004 (S.I. 2004/3168), arts. 1(1), **51(3)(b)**
- F42** Reg. 24(1)(ca) inserted (W.) (25.10.2005) by The Fire and Rescue Services Act 2004 (Consequential Amendments) (Wales) Order 2005 (S.I. 2005/2929), arts. 1(1), **51(3)(b)**
- F43** Reg. 24(1)(cb) inserted (S.) (2.8.2005) by The Fire (Scotland) Act 2005 (Consequential Modifications and Amendments) (No. 2) Order 2005 (S.S.I. 2005/344), art. 1, **Sch. 1 para. 24(3)(b)**; S.S.I. 2005/392, **arts. 1, 2**
- F44** Words in reg. 24(1)(cb) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 2 para. 18(3)(a)**
- F45** Words in reg. 24(1)(cb) substituted (S.) (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Modifications and Savings) Order 2013 (S.S.I. 2013/119), art. 1, **sch. 2 para. 18(3)(b)**
- F46** Regs. 24(1)(cc)-(cf) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(a)**
- F47** Reg. 24(1)(d) substituted (16.1.2012) by The Local Policing Bodies (Consequential Amendments) Regulations 2011 (S.I. 2011/3058), regs. 1(2), **16(3)**
- F48** Reg. 24(1)(e) omitted (1.9.2003) by virtue of The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2003 (S.I. 2003/2003), regs. 1(1)(a), **3(3)**
- F49** Reg. 24(1)(g) and preceding word inserted (2.4.2007) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007 (S.I. 2007/698), regs. 1(1), **4**
- F50** Reg. 24(1ZA) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(c)**
- F51** Reg. 24(1)-(1D) inserted (29.12.2014) by The Road Traffic Act 1988 and Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/3190), regs. 1, **6**
- F52** Words in reg. 24(1D) inserted (31.12.2020) by The Driving Licences (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1251), regs. 1(2), **6(7)**; 2020 c. 1, Sch. 5 para. 1(1)
- F53** Reg. 24(1E) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(b)**
- F54** Words in reg. 24(2) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(d)**
- F55** Reg. 24(2A) inserted (1.1.2001) by The Motor Vehicles (Driving Licences) (Amendment)(No. 2) Regulations 2000 (S.I. 2000/3157), regs. 1, **6(2)**
- F56** Words in reg. 24(2A) added (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **7(d)** (with reg. 33)
- F57** Words in reg. 24(2A) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(e)**
- F58** Words in reg. 24(3) substituted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(f)(i)**
- F59** Words in reg. 24(3) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **4(a)**
- F60** Words in reg. 24(3) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(c)**
- F61** Words in reg. 24(3) inserted (15.11.2021 at 1.00 a.m.) by The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021 (S.I. 2021/1154), regs. 1(2), **5(f)(ii)**
- F62** Reg. 24(3A) inserted (7.7.2008) by The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435), regs. 1(1), **7(a)** (with reg. 22)
- F63** Words in reg. 24(5) substituted (1.4.2008) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2008 (S.I. 2008/508), regs. 1, **4(b)**
- F64** Words in reg. 24(5) inserted (1.11.2021) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021 (S.I. 2021/1128), regs. 1(2), **6(e)**

- F65** Words in reg. 24(5) inserted (15.11.2021 at 1.00 a.m.) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1154), regs. 1(2), **5(g)**
- F66** Reg. 24(7)(8) inserted (7.7.2008) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008* (S.I. 2008/1435), regs. 1(1), **7(b)** (with reg. 22)
- F67** Words in reg. 24(7) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **6(c)**

Modifications etc. (not altering text)

- C3** Reg. 24 applied (with modifications) (8.5.2017) by *The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017* (S.I. 2017/470), art. 1(2), **Sch. 1 para. 43(3)**
- C4** Reg. 24(1)(d)(ii) modified (20.12.2023) by *The York and North Yorkshire Combined Authority Order 2023* (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 43(3)**

Revocation of authority to conduct tests

25.—(1) The Secretary of State may revoke—

- (a) an appointment made under regulation 23(1)(a) or (2)(a) or under regulation 24(1)(a) [^{F68}, (1ZA)] or (2)(a), or
- (b) an approval given under regulation 23 [^{F69}(1)(de)(ii), (1)(df)(ii),] (3) or (8) or under regulation 24 [^{F70}(1)(ce)(ii), (1)(cf)(ii)] [^{F71}, (1ZA)(a), (3)] (3) or (5),

by notice in writing and the authority of the person whose appointment is revoked or whose approval is withdrawn to conduct theory tests [^{F72}or large vehicle off road manoeuvres tests] or, as the case may be, to appoint other persons to conduct [^{F73}unitary tests, manoeuvres tests, [^{F74}large vehicle off road manoeuvres tests,] practical tests] 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 [^{F75}23(1)(de)(ii), (1)(df)(ii), (3), 24(1)(ce)(ii), (1)(cf)(ii) [^{F76}, 24(1ZA)] or (3)] is withdrawn, that person shall immediately return to the Secretary of State all forms of pass certificates supplied to him under regulations 47(8) and 48(3) which he still holds.

Textual Amendments

- F68** Word in reg. 25(1)(a) inserted (15.11.2021 at 1.00 a.m.) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1154), regs. 1(2), **6(a)(i)**
- F69** Words in reg. 25(1)(b) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **7(a)(i)**
- F70** Words in reg. 25(1)(b) inserted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **7(a)(ii)**
- F71** Words in reg. 25(1)(b) inserted (15.11.2021 at 1.00 a.m.) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1154), regs. 1(2), **6(a)(ii)**
- F72** Words in reg. 25(1) inserted (15.11.2021 at 1.00 a.m.) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1154), regs. 1(2), **6(a)(iii)**
- F73** Words in reg. 25(1) substituted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **8** (with reg. 33)
- F74** Words in reg. 25(1) inserted (15.11.2021 at 1.00 a.m.) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 3) Regulations 2021* (S.I. 2021/1154), regs. 1(2), **6(a)(iv)**
- F75** Words in reg. 25(2) substituted (1.11.2021) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2021* (S.I. 2021/1128), regs. 1(2), **7(b)**

F76 Words in reg. 25(2) inserted (15.11.2021 at 1.00 a.m.) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 3\) Regulations 2021 \(S.I. 2021/1154\)](#), regs. 1(2), **6(b)**

[^{F77}**25A.**—(1) The Secretary of State may revoke—

- (a) an appointment made under regulation 22A(1)(a), or
- (b) an approval given under regulation 22A(2),

by notice in writing and the authority of the person whose appointment or approval is revoked to conduct safe road use tests or, as the case may be, to appoint others to do so shall cease upon the date specified in the notice.]

Textual Amendments

F77 Reg. 25A inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **10**

[^{F78}**Applications for safe road use tests**

25B.—(1) Subject to paragraph (4), a relevant awarding authority which is approved under regulation 22A(2) but which is not an appointed person may apply to an appointed person for an appointment for a safe road use test in respect of a person seeking to attain a relevant qualification (“the candidate”).

(2) An application made under paragraph (1) shall specify the date, time and location of the appointment sought and provide the name and such further details relating to—

- (i) the candidate who is to attend the appointment to take the test, and
- (ii) whether the candidate has special needs,
as the appointed person may reasonably require.

(3) Subject to paragraph (4), upon receipt of such details the appointed person shall confirm to the relevant awarding authority the date and time of the appointment.

(4) The appointed person may refuse to accept an application from a relevant awarding authority (or, where two or more applications have been made on the same occasion, to accept all or any of those applications) where any appointment specified in the application is unavailable or where, in the opinion of the appointed person, it is reasonably necessary to do so in the general interests of applicants for safe road use tests.

(5) Subject to paragraph (6), no application may be made for an appointment on behalf of a person who has failed to pass a safe road use test if less than three working days, commencing with the day after the first test, would expire before the day on which the subsequent test would take place.

(6) Paragraph (5) shall not apply in a case where the appointed person has given notice, prior to the first test, that an appointment for a subsequent test would be accepted without the interval referred to in that paragraph having expired.]

Textual Amendments

F78 Reg. 25B inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **11**

Changes to legislation:

There are currently no known outstanding effects for the The Motor Vehicles (Driving Licences) Regulations 1999, Cross Heading: Appointment of persons to conduct tests.