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STATUTORY INSTRUMENTS

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**1999 No. 2864**

**The Motor Vehicles (Driving Licences) Regulations 1999**

**PART III**

**TESTS OF COMPETENCE TO DRIVE**

*Nature and conduct of tests*

**Nature of tests other than extended tests**

[<sup>F1</sup>40.—(1) This regulation and regulations 40A to 40C apply to tests other than extended driving tests and are subject to regulation 42.

[<sup>F2</sup>(1A) The test for a licence authorising the driving of a motor vehicle in category A or P, or in sub-category A1, shall be conducted in three parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception;
- (b) the manoeuvres test; and
- (c) the practical test.

(1B) A person taking the test referred to in paragraph (1A) must—

- (a) pass all three parts; and
- (b) take all three parts in the same category or sub-category of vehicle.]

(2) The test for a licence authorising the driving of a motor vehicle of a class included in [<sup>F3</sup>category B] shall be conducted in two parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception, and
- (b) a practical test of driving skills and behaviour,

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

(3) Subject to paragraph (4), the test for a licence authorising the driving of a motor vehicle of a class included in category C or D shall be conducted in three parts, namely—

- (a) the large vehicle test of driving theory,
- (b) the large vehicle test of hazard perception, and
- (c) a practical test of driving skills and behaviour,

and a person taking such a test must pass all three parts.

(4) 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+E (8.25 tonnes) but not the driving of any other vehicles included in category C+E, shall consist of the matters prescribed in respect of the large vehicle test of driving theory

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for category C, the large vehicle hazard perception test and the specified requirements prescribed in respect of the practical test for category C+E, and

(b) in any other case, shall consist of a practical test only.

(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 the test 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 requirements specified in regulation 40C(6) in respect of a vehicle of that class.]

[<sup>F4</sup>40A.—(1) Where a test is required to be conducted in two parts, a person taking the test—

- (a) must pass the theory test [<sup>F5</sup>or have passed, within the last 2 years, that part of a Northern Ireland test concerning the theory of driving vehicles in category B and corresponding to the theory test] before he takes the practical test, and
- (b) shall not be entitled to apply for an appointment <sup>F6</sup>... for a practical test in respect of a motor vehicle of a class included in [<sup>F7</sup>category B] until he has been furnished with—
  - (i) a valid standard theory test pass certificate stating that he has passed the theory test prescribed in respect of that category, or
  - [<sup>F8</sup>(ii) a certificate relating to the passing of the part of the Northern Ireland test referred to in sub-paragraph (a).]

[<sup>F9</sup>(1A) Where a test is required to be conducted in three parts pursuant to regulation 40(1A) a person—

- (a) must, pass the theory test in respect of a vehicle in category A or P or have passed, within the last 2 years, that part of a Northern Ireland test concerning the theory of driving vehicles in category A or P before taking the manoeuvres test;
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 32(4)) for the manoeuvres test in respect of a vehicle in category A or P until that person has been furnished with—
  - (i) a valid standard theory test pass certificate stating that the person has passed the theory test in respect a vehicle in category A or P; or
  - (ii) a certificate relating to the passing of the part of the Northern Ireland test referred to in sub-paragraph (a); and
- (c) must, before taking a practical test in relation to a vehicle in category A or P, or in sub-category A1, pass the manoeuvres test in respect of a vehicle in the same category or sub-category as that in respect of which the practical test is to be taken.]

(2) Where a test is required to be conducted in three parts [<sup>F10</sup>pursuant to regulation 40(3)], a person taking the test—

- (a) must pass the large vehicle test of driving theory and the large vehicle test of hazard perception [<sup>F11</sup>or have passed, within the last 2 years, those parts of a Northern Ireland test concerning the theory of driving vehicles in category C or D (including hazard perception),] before he takes the practical test;

- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 33(4)) for a practical test in respect of a motor vehicle of a class included in category C or D until he has been furnished with —
- (i) a valid large vehicle theory test pass certificate in respect of that category; or
- [ a certificate or certificates relating to the passing of those parts of the Northern F12(ii) Ireland test referred to in sub-paragraph (a).]

### Textual Amendments

- F1** Reg. 40 substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **13** (with reg. 22)
- F2** Reg. 40(1A)(1B) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **18(a)** (with reg. 33)
- F3** Words in reg. 40(2) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **18(b)** (with reg. 33)
- F4** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F5** Words in reg. 40A(1)(a) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(a)(i)** (with reg. 33)
- F6** Words in reg. 40A(1)(b) omitted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(a)(ii)(aa)** (with reg. 33)
- F7** Words in reg. 40A(1)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(a)(ii)(bb)** (with reg. 33)
- F8** Reg. 40A(1)(b)(ii) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(a)(ii)(cc)** (with reg. 33)
- F9** Reg. 40A(1A) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(b)** (with reg. 33)
- F10** Words in reg. 40A(2) (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(c)(i)** (with reg. 33)
- F11** Words in reg. 40A(2) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(c)(ii)** (with reg. 33)
- F12** Words in reg. 40A(2)(b)(ii) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **19(c)(iii)** (with reg. 33)

### Content of the tests

- 40B.—**(1) The standard test of driving theory shall—
- (a) be conducted as an approved form of examination consisting of 50 questions, the questions being in either multiple choice or multiple response form and testing a candidate on the matters specified in regulation 40C(4) in respect of a vehicle of the relevant class; and
- (b) have a duration of 57 minutes or, in the circumstances specified in paragraph (6), 114 minutes.
- (2) The large vehicle test of driving theory shall—
- (a) be conducted as an approved form of examination consisting of 100 questions, the questions being in either multiple choice or multiple response form and testing the candidate on the matters specified in regulation 40C(5) in respect of a vehicle of the relevant class and the CPC subjects applicable to that class; and
- (b) have a duration of 115 minutes or, in the circumstances specified in paragraph (6), 230 minutes.

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- (3) The standard test of hazard perception shall—
  - (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
  - (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard to traffic on the road.
- (4) The large vehicle test of hazard perception shall comply with the requirements set out in paragraph (3) for the standard test of hazard perception and shall be in a form considered appropriate by the Secretary of State for testing the candidate’s competence in hazard perception in relation to vehicles in categories C and D.
- (5) The practical test and the unitary test shall each be conducted so that—
  - (a) <sup>F13</sup>... the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads,
  - <sup>F14</sup>(b) .....
  - (c) the time during which that person is required to drive on roads is—
    - (i) in the case of a test taken before 1st September 2008 for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 50 minutes;
    - (ii) in the case of a test taken on or after 1st September 2008 for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 60 minutes;
    - (iii) in the case of a test for a licence authorising the driving of a class of vehicle included in category B+E, C1+E, C+E, D1+E or D+E, not less than 50 minutes; and
    - (iv) in the case of any other test, not less than 30 minutes.

<sup>F15</sup>(5A) The manoeuvres test may be conducted on a special testing ground or on roads.]

(6) The circumstances referred to in paragraphs (1) and (2) are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.

- (7) For the purposes of this regulation—
  - “an approved form of examination” means a form of examination which is conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate; and
  - “film clip” means a sequence of visual images displayed electronically.

| Textual Amendments |  |
|--------------------|--|
| <b>F4</b>          | Regs. 40A-40C inserted (7.7.2008) by <a href="#">The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2008 (S.I. 2008/1435)</a> , regs. 1(1), <b>14</b> (with reg. 22)                  |
| <b>F13</b>         | Words in reg. 40B(5)(a) omitted (30.3.2009) by virtue of <a href="#">The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788)</a> , regs. 1(2), <b>20(a)(i)</b> (with reg. 33) |
| <b>F14</b>         | Reg. 40B(5)(b) omitted (30.3.2009) by virtue of <a href="#">The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788)</a> , regs. 1(2), <b>20(a)(ii)</b> (with reg. 33)         |
| <b>F15</b>         | Reg. 40B(5A) inserted (30.3.2009) by <a href="#">The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788)</a> , regs. 1(2), <b>20(b)</b> (with reg. 33)                        |

**Passing the test**

**40C.**—(1) A person shall be treated as having passed the theory test described in regulation 40(2) (a) if he satisfies the person conducting the test—

- (a) in respect of the standard test of driving theory, of his knowledge and understanding of the specified matters; and
- (b) in respect of the standard test of hazard perception, that his performance in the test demonstrates an ability to perceive hazards on the road.

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

- (a) the large vehicle test of driving theory if he satisfies the person conducting the test of his knowledge and understanding of the specified matters and the CPC subjects; and
- (b) the large vehicle test of hazard perception if he satisfies the person conducting the test that his performance in the test demonstrates an ability to perceive hazards on the road.

(3) A person shall be treated as having passed the [<sup>F16</sup>manoeuvres test or] practical test if he satisfies the person conducting it of his ability to drive safely and to comply with the specified requirements.

(4) The specified matters for a standard test of driving theory in respect of 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.

(5) The specified matters for a large vehicle test of driving theory in respect of 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.

(6) <sup>F17</sup>... The specified requirements for a practical or unitary test in respect of 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. |

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| <i>(1) Category</i> | <i>(2) Specified matters</i>               | <i>(3) Specified requirements</i>                      |
|---------------------|--|--|
| 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. |
| 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.        |

[<sup>F18</sup>(7) The specified requirements for the manoeuvres test are those specified in Schedule 8A.]]

#### Textual Amendments

- F4** Regs. 40A-40C inserted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **14** (with reg. 22)
- F16** Words in reg. 40C(3) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **21(a)** (with reg. 33)
- F17** Words in reg. 40C(6) omitted (30.3.2009) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **21(b)** (with reg. 33)
- F18** Reg. 40C(7) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **21(c)** (with reg. 33)

#### Nature of extended driving tests

**41.**—(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 [<sup>F19</sup>regulations 40 to 40C] as modified by virtue of paragraph (2) of this regulation.

[<sup>F20</sup>(2) For the purposes of an extended driving test, the provisions of regulations 40 to 40C shall apply as if regulation 40(1) were omitted and as if for sub-paragraph (c) of regulation 40B(5) there were substituted—

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

#### Textual Amendments

- F19** Words in reg. 41(1) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **15(a)** (with reg. 22)
- F20** Reg. 41(2) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **15(b)** (with reg. 22)

**Exemption from theory test**

42.—(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) he has, on or after 1st July 1996, passed the test prescribed in respect of category P and holds a full licence authorising the driving of a class of vehicles in that category; or
- (b) he holds a full licence authorising the driving of motor vehicles <sup>F21</sup>... of another class included in category A <sup>F21</sup>...; or
- (c) he has passed a Northern Ireland test of competence corresponding to the test mentioned in sub-paragraph (a), or is the holder of a Northern Ireland licence corresponding to a licence mentioned in sub-paragraph (b); or
- (d) he has passed a test for a licence authorising the driving of motor vehicles <sup>F22</sup>... of another class included in category A <sup>F22</sup>... and is <sup>F22</sup>... a full-time member of the armed forces of the Crown.

(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—

- <sup>F23</sup>(a) .....
- (b) he holds a full licence authorising the driving of motor vehicles <sup>F24</sup>...of another class included in category B <sup>F24</sup>...; or
- (c) he has passed a Northern Ireland test of competence corresponding to the test mentioned in sub-paragraph (a) or is the holder of a Northern Ireland licence corresponding to the licence mentioned in sub-paragraph (b); or
- (d) he has passed a test for a licence authorising the driving of motor vehicles <sup>F25</sup>... of another class included in category B <sup>F25</sup>... and is <sup>F25</sup>... a full-time member of the armed forces of the Crown.

(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) 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, or a Northern Ireland licence corresponding to such a licence; or
- (b) on or after 1st January 1997, he has passed a test for a licence authorising the driving of motor vehicles of another class included in category C and is a full-time member of the armed forces of the Crown.

(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) 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;or a Northern Ireland licence corresponding to such a licence; or
- (b) on or after 1st January 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category D and is a full-time member of the armed forces of the Crown.

(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

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test in respect of any class of motor vehicle by virtue of the foregoing provisions of this regulation until 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 pass certificate under section 3(2) of, or Schedule 1 to, the Road Traffic (New Drivers) Act 1995 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.

#### Textual Amendments

- F21** Words in reg. 42(1)(b) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **7(2)**
- F22** Words in reg. 42(1)(d) omitted (21.2.2003) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2003 \(S.I. 2003/166\)](#), regs. 1(1), **3(a)**
- F23** Reg. 42(2)(a) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **7(3)(a)**
- F24** Words in reg. 42(2)(b) omitted (1.2.2001) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2001 \(S.I. 2001/53\)](#), regs. 1, **7(3)(b)**
- F25** Words in reg. 42(2)(d) omitted (21.2.2003) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2003 \(S.I. 2003/166\)](#), regs. 1(1), **3(b)**



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