
STATUTORY INSTRUMENTS

1999 No. 2864

The Motor Vehicles (Driving Licences) Regulations 1999

PART III

TESTS OF COMPETENCE TO DRIVE

Requirements at tests

Test vehicles

37.—^[F1](1) Subject to paragraph (3), the prescribed practical or unitary test for a licence authorising the driving of vehicles included in a category shown in column (1) of the Table at the end of this regulation must be conducted in a vehicle having a power, mass, size or other specification, equivalent to or (except in the case of a test prescribed in respect of category F, G, H, K or P) greater than that shown, and conforming to such description as may be set out, in relation to that category in column (2) of the Table.]

^[F2](2) Subject to paragraph (3), the prescribed practical test for a licence authorising the driving of vehicles included in a sub-category shown in column (1) of the Table at the end of this regulation must be conducted in a vehicle having a power, mass, size or other specification, equivalent to or greater than that shown, and conforming to such description as may be set out, in relation to that sub-category in column (2) of the Table.]

(3) Where an applicant for a practical test prescribed in respect of category A declares that he is suffering from a relevant disability of such a nature that he is unable to ride a motor bicycle without a side-car, that test must be conducted 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,
 - (b) in the case of a test for a licence authorising the driving of a standard motor bicycle and side-car combination (other than a combination included in sub-category A1), a combination which has a power to weight ratio not exceeding 0.16 kw/kg., and
 - (c) in the case of a test for a licence authorising the driving of a motor bicycle and side-car combination included in sub-category A1, a combination consisting of a minimum test vehicle for that sub-category and a side-car where the combination has a power to weight ratio not exceeding 0.16 kw/kg.
- (4) 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), (2) or (3), 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, and

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- (c) is reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test.
- (5) A person submitting himself for a practical test prescribed in respect of category B or B+E shall provide a motor vehicle which—
- (a) is fitted with a front passenger seat unless it—
 - (i) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or
 - (ii) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed,
 - (b) has fitted for use with the front passenger seat (or, if there is no such seat, with another seat in which the person conducting the test may conveniently sit for the purpose of the test) a properly anchored and functioning three-point seat belt, and
 - (c) in the case of a vehicle fitted with a front passenger seat, has fitted as an integral part of that seat a head restraint which satisfies the requirements of Council Directive [78/932/EEC](#)^{F3}.
- (6) A person submitting himself for a practical test prescribed in respect of category B shall provide a vehicle which is fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat unless it—
- (a) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or
 - (b) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed.
- (7) A person submitting himself for a practical test prescribed in respect of category B+E, C, C+E, D or D+E shall provide a motor vehicle which is not carrying goods or burden other than fixed items which are characteristic of the class to which it belongs.
- (8) A person submitting himself for a practical test prescribed in respect of category C, C+E, D or D+E shall provide a motor vehicle which is fitted with a seat which is firmly secured to the vehicle and in such a position that the person conducting the test may properly do so and is protected from bad weather during the test.
- (9) A person submitting himself for a practical test prescribed in respect of category D or D+E shall provide a motor vehicle which is fitted with a seat which is so placed that the person conducting the test 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—
- (a) the construction of the vehicle makes it impossible to fulfil that requirement, or
 - (b) 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.
- (10) A person submitting himself for a practical test prescribed in respect of category B+E, C+E or D+E shall provide a motor vehicle which is fitted with linkage and braking mechanisms which are designed for use when the trailer is fully laden.
- [^{F4}(10A) A person submitting himself for a practical test prescribed in respect of category C, C+E, D, or D+E shall provide a motor vehicle which is fitted with an anti-lock braking system and a tachograph.
- (10B) A person submitting himself for a practical test prescribed in respect of category C or C+E shall provide a motor vehicle which has at least eight forward ratios.]
- [^{F5}(10C) A person submitting himself for a practical test prescribed in respect of category [^{F6}C, C+E, D or D+E] shall provide a motor vehicle in which any seat which is used by the person conducting the test and any seat used by any person authorised by the Secretary of State to attend the test for

the purpose of supervising it or otherwise, are each fitted with a properly anchored and functioning two or three-point seat belt.

(10D) A person submitting himself for a practical test prescribed in respect of category B+E, C, C+E, D or D+E shall provide a motor vehicle which is fitted with an exterior nearside mirror and an exterior offside mirror providing adequate rearward vision from the seat occupied by the person conducting the test.]

(11) In the case of a test being conducted by a person appointed in accordance with paragraph (1) (b) or (2)(b) of regulation 24, paragraphs (5)(c) and (6) shall not apply.

(12) 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>^{F7}(1) Category or sub-category</i>	<i>(2) Specification or description</i>
A, in the case of a test for a licence authorising the driving of large motor bicycles	A motor bicycle without a side car, capable of an unassisted speed of 100 kilometres per hour on the level, and having an engine with a maximum net power output of at least 35 kilowatts.
A, in the case of any other test	A learner motor bicycle without a sidecar, capable of an unassisted speed of 100 kilometres per hour on the level, and having an engine with a cylinder capacity of at least 121 cubic centimetres.
A1	A learner motor bicycle without a sidecar having an engine with a cylinder capacity of at least 75 cubic centimetres.
B	Any four-wheeled vehicle in category B capable of an unassisted speed of 100 kilometres per hour on the level.
B1	Any vehicle in sub-category B1 capable of an unassisted speed of 60 kilometres per hour on the level.
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 combination is capable of an unassisted speed of 100 kilometres per hour on the level. The cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the tractor vehicle. The closed box body may be narrower than the tractor vehicle provided that the driver's view to the rear of the trailer is only made possible by the use of the external rear-view mirrors of the tractor vehicle.

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C1	Any vehicle in sub-category C1 having a maximum authorised mass of 4,000 kilograms, a length of at least 5 metres, and capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the vehicle shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab.
C1+E	A combination of a minimum test vehicle for sub-category C1 and a trailer with a maximum authorised mass of 2,000 kilograms, which combination is at least 8 metres long and capable of an unassisted speed of 80 kilometres per hour on the level. The combination must have a maximum authorised mass of 4,000 kilograms. The cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the tractor vehicle. The closed box body may be narrower than the tractor vehicle provided that the driver's view to the rear of the trailer is only made possible by the use of the external rear-view mirrors of the tractor vehicle.
D1	Any vehicle in sub-category D1 having a maximum authorised mass of 4,000 kilograms, a length of at least 5 metres, which is capable of an unassisted speed of 80 kilometres per hour on the level.
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 an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the trailer shall consist of a closed box body which is at least 2 metres wide and at least 2 metres high.
C	Any vehicle in category C, other than an articulated goods vehicle, having a maximum authorised mass of 12,000 kilograms, a length of at least 8 metres and a width of at least 2.4 metres, which is capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the vehicle shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab.
C+E	Either— <ul style="list-style-type: none"> (a) an articulated goods vehicle combination having a maximum

authorised mass of 20,000 kilograms, a length of at least 14 metres and a width of at least 2.4 metres, and which is capable of an unassisted speed of 80 kilometres per hour on the level, or

- (b) (b) a combination of a minimum test vehicle for category C and a trailer having a length of at least 7.5 metres (each having a width of at least 2.4 metres), a maximum authorised mass of 4,000 kilograms, and which has, in aggregate, a maximum authorised mass of 20,000 kilograms and an overall length of 14 metres and which is capable of an unassisted speed of 80 kilometres per hour on the level.

The cargo compartment of the articulated goods vehicle combination or the trailer (as the case may be) shall consist of a closed box body which is at least as wide and as high as the corresponding dimensions of the cab or tractor vehicle.

D	Any vehicle in category D having a length of at least 10 metres, a width of at least 2.4 metres, and capable of an unassisted speed of 80 kilometres per hour on the level.
D+E	A combination of a minimum test vehicle for category D and a trailer of a width of at least 2.4 metres having a maximum authorised mass of 1,250 kilograms, which combination is capable of an unassisted speed of 80 kilometres per hour on the level. The cargo compartment of the trailer shall consist of a closed box body which is at least 2 metres wide and at least 2 metres high.
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.]

Textual Amendments

- F1** Reg. 37(1) substituted (1.10.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(b), **5(2)** (with reg. 5(6))
- F2** Reg. 37(2) substituted (1.10.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(b), **5(3)** (with reg. 5(6))

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- F3** Council Directive of 16 October 1978 on the approximation of laws relating to the head restraints of seats of motor vehicles, OJ No. L325, 20.11.78, p. 1.
- F4** Reg. 37(10A)(10B) inserted (1.10.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(b), **5(4)** (with reg. 5(6))
- F5** Reg. 37(10C)(10D) inserted (1.4.2006) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2006 \(S.I. 2006/524\)](#), regs. 1(2), **9(2)**
- F6** Words in reg. 37(10C) substituted (1.7.2007) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2006 \(S.I. 2006/524\)](#), regs. 1(2), **9(3)**
- F7** Reg. 37 Table substituted (1.10.2003) by [The Motor Vehicles \(Driving Licences\) \(Amendment\)\(No. 4\) Regulations 2003 \(S.I. 2003/2003\)](#), regs. 1(1)(b), **5(5)** (with reg. 5(6))

Further requirements at tests

38.—(1) Subject to paragraph (2), 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) Paragraph (1) shall not apply in the case of a person who submits himself for an appropriate driving test pursuant to section 36 of the Offenders Act or for any part of such a test.

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

(a) before the test commences—

(i) except in a case to which paragraph (7) 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 and a counterpart thereof,

(ii) except where he has produced an appropriate licence containing his photograph, satisfy the person conducting the test as to his identity in accordance with paragraph (6), 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.

(4) 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 is exempt from the requirement to pass a theory test by virtue of regulation 42, or

(b) by virtue of [^{F8}regulation 40(4)], no theory test is prescribed for that class,

produce to the person conducting the test before the test commences [^{F9}a valid standard theory test pass certificate or a valid large vehicle theory test pass certificate] 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.

(5) A person submitting himself for a practical or unitary test shall, before the test commences—

(a) 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 and a counterpart thereof,

(b) except where he has produced an appropriate licence containing his photograph, satisfy the person conducting the test as to his identity in accordance with paragraph (6), and

[^{F10}(c) sign, on the Driving Test Report Form produced to him by the person conducting the test, a declaration to the effect that—

- (i) there is in force, in relation to the use of the vehicle provided for the test, a policy of insurance which complies with the requirements of Part VI of the Traffic Act, and
- (ii) he satisfies the residence requirement as described in paragraph (1).]

[^{F11}(5A) A person submitting himself for a theory test, practical test or unitary test who produces a licence which fails to satisfy the person conducting the test, after an examination or otherwise, that it is an appropriate licence as required under paragraph (3)(a)(i) or (5)(a) must surrender the licence forthwith to the person conducting the test.]

[^{F12}(6) For the purposes of this regulation, a person conducting a test may be satisfied as to a person's identity –

- (a) from a valid passport, or
- (b) where the person conducting the test is a person to whom regulation 23(1)(b) or regulation 24(1)(b) applies, from such evidence as that person considers appropriate.]

(7) 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 11(1) 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 11 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.

(8) 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 68(1).

(9) 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, K or P or a motor vehicle in sub-category B1 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 Secretary of State 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 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 Secretary of State for the purpose of supervising the test or otherwise.

(10) In this regulation and regulation 39—

“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

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- (ii) a full licence which by virtue of section 98 of the Traffic Act and regulation 19, 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, or
- (iv) a Community licence which, by virtue of section 99A of the Traffic Act and regulation 19, 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;

“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 and D1 (not for hire or reward),

but does not include a licence which was granted to a full-time member of the armed forces of the Crown to whom the provisions of regulation 11(1) do not apply by virtue of paragraph (2) of that regulation.

Textual Amendments

- F8** Words in reg. 38(4) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **12(a)** (with reg. 22)
- F9** Words in reg. 38(4) substituted (7.7.2008) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2008 \(S.I. 2008/1435\)](#), regs. 1(1), **12(b)** (with reg. 22)
- F10** Reg. 38(5)(c) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **8**
- F11** Reg. 38(5A) inserted (2.4.2007) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2007 \(S.I. 2007/698\)](#), regs. 1(1), **8**
- F12** Reg. 38(6) substituted (1.11.2005) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No 2\) Regulations 2005 \(S.I. 2005/2717\)](#), regs. 1, **9**

Examiner’s right to refuse to conduct test

39.—(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 38(3), 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 paragraphs (4) to (10) of regulation 37 or by paragraph (4), (5), (7) or (8) of regulation 38,

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

(2) Where a person—

- (a) fails to produce an appropriate licence as required under paragraph (3)(a)(i) or (5)(a) of regulation 38, or
- (b) where he has submitted himself for a practical or unitary test, fails to produce a document required to be produced under paragraph (4) or (8) of that regulation,

if the person authorised to conduct the test—

- (i) is satisfied from other evidence that the document in question exists, and
- (ii) in the case of a person who has failed to produce a licence, is satisfied that the requirements of regulation 38(3)(a)(ii) or (5)(b) have been complied with,

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—

- (a) is not approved by the Secretary of State to act as such, or
- (b) appears to be acquainted with the test candidate,

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.

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