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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

##### *Requirements at tests*

##### **Test vehicles**

37.—<sup>[F1]</sup>(1) Subject to <sup>[F2]</sup>paragraphs (3) and (3A)], the prescribed <sup>[F3]</sup>manoeuvres test, <sup>[F4]</sup>large vehicle off road manoeuvres test,] practical test] or unitary test for a licence authorising the driving of vehicles included in a category shown in column (1) of <sup>[F5]</sup>Table 1] 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 <sup>[F6]</sup>AM, F, G, H or K]) greater than that shown, and conforming to such description as may be set out, in relation to that category in column (2) of <sup>[F5]</sup>Table 1].]

<sup>[F7]</sup>(2) Subject to <sup>[F8]</sup>paragraphs (3) and (3A)], the prescribed <sup>[F9]</sup>manoeuvres test, large vehicle off road manoeuvres test or] practical test for a licence authorising the driving of vehicles included in a sub-category shown in column (1) of <sup>[F5]</sup>Table 1] 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 <sup>[F5]</sup>Table 1].]

<sup>[F10]</sup>(2A) Where in an application for a manoeuvres test or a practical test prescribed in respect of category AM it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a moped with two wheels, that test shall be conducted on a specially adapted two-wheeled moped, a three-wheeled moped or a light quadricycle.]

<sup>[F11]</sup><sup>[F12]</sup>(3) Subject to paragraph (3A), where the test referred to in paragraph (1) is for a licence authorising the driving of vehicles in sub-category A1, A2 or A3 shown in column (1) of Table 1, the test must be conducted in a vehicle conforming to the description set out in relation to that sub-category in column (2) of Table 1.]

<sup>[F13]</sup>(3A) Where in an application for a manoeuvres test or a practical test prescribed in respect of category A it is declared that the applicant is suffering from a relevant disability of such a nature that the applicant is unable to ride a motorcycle without side-car, the test must be conducted—

- (a) in the case of the test for a licence authorising the driving of a vehicle in sub-category A1, on an A1 motor tricycle or an A1 motorcycle with sidecar where the capacity and unassisted speed on the level of the motor tricycle or the motorcycle, (as the case may be), conforms to the specification in the description set out in relation to sub-category A1 in column (2) of Table 1;
- (b) in the case of the test for a licence authorising the driving of a vehicle in sub-category A2, on an A2 motorcycle with sidecar where the capacity and power output of the motorcycle

conforms to the specification in the description set out in relation to sub-category A2 in column (2) of Table 1; and

- (c) in the case of the test for a licence authorising the driving of a vehicle in sub-category A3, on an A3 motor tricycle or an A3 motorcycle with sidecar where the capacity and unassisted speed on the level of the motor tricycle or the motorcycle, (as the case may be) conforms to the specification in the description set out in relation to sub-category A3 in column (2) of Table 1 which-

- (i) applies until 30<sup>th</sup> December 2018 where the test is conducted on or before that date; and

- (ii) applies on and from 31<sup>st</sup> December 2018 where the test is conducted on or after that date]

(4) A person submitting himself for a [<sup>F14</sup>manoeuvres test, [<sup>F15</sup>large vehicle off road manoeuvres test,] practical test] or unitary test shall provide a vehicle which—

- (a) corresponds to the specification referred to in paragraph (1), (2) [<sup>F16</sup>, (2A)] 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
- (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—

- <sup>F17</sup>(i) . . . . .

- (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 [<sup>F18</sup>Regulation (EC) No 661/2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor].

<sup>F19</sup>(6) . . . . .

[<sup>F20</sup>(7) A person submitting himself for a [<sup>F21</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category B+E, C, C+E, D, or D+E shall provide a vehicle which is not carrying goods or burden other than either or both of the following—

- (a) fixed items which are characteristic of the class to which it belongs;
- (b) any load carried in accordance with paragraph (7A).]

[<sup>F22</sup>(7A) A person submitting himself for a [<sup>F23</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of any of the categories or sub-categories shown in column 1 of Table 2 at the end of this regulation—

- (a) may, during the period beginning with 15th August 2013 and ending with 14th November 2013, provide a vehicle which—

- (i) is carrying a load of the nature and weight shown in column 2 of Table 2, in relation to that category or sub-category and description of vehicle; and
  - (ii) is loaded in such a way that the person authorised to conduct the test can visually assess the weight of the load without the load being disturbed;
- (b) shall, on or after 15th November 2013, provide a vehicle which—
  - (i) is carrying a load of the nature and weight shown in column 2 of Table 2, in relation to that category or sub-category and description of vehicle; and
  - (ii) is loaded in such a way that the person authorised to conduct the test can visually assess the weight of the load without the load being disturbed.]
- (8) A person submitting himself for a [<sup>F24</sup>large vehicle off road manoeuvres test or] 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 [<sup>F25</sup>large vehicle off road manoeuvres test or] 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.
- [<sup>F26</sup>(10A) A person submitting himself for a [<sup>F27</sup>large vehicle off road manoeuvres test or] 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 [<sup>F28</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category C or C+E shall provide a motor vehicle which [<sup>F29</sup>is capable of manual transmission].]
- [<sup>F30</sup>(10C) A person submitting himself for a [<sup>F31</sup>large vehicle off road manoeuvres test or] practical test prescribed in respect of category [<sup>F32</sup>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 [<sup>F33</sup>large vehicle off road manoeuvres test or] 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 [<sup>F34</sup>Table 1] 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 [<sup>F34</sup>Table 1].

[<sup>F35</sup>Table 1]

[ <sup>F36</sup> (1) Category or sub-category	(2) Specification or description
[ <sup>F37</sup> AM	Any two-wheeled moped]
[ <sup>F38</sup> A1	[ <sup>F39</sup> An A1 motorcycle without side-car, with a power rating not exceeding 11kW and a power to weight ratio not exceeding 0.1 kW/kg that is capable of an unassisted speed of at least 90 kilometres per hour on the level. If powered by an internal combustion engine, the cylinder capacity shall be at least 115 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.08 kW/kg.]
A2	[ <sup>F40</sup> An A2 motorcycle without side-car, with a power rating of at least 20kW but not exceeding 35kW and a power to weight ratio not exceeding 0.2 kW/kg. If powered by an internal combustion engine, the cylinder capacity of the engine shall be at least [ <sup>F41</sup> 245 cubic centimetres]. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.15 kW/kg.]
A3	[ <sup>F42</sup> Until 30th December 2018, an A3 motorcycle without side-car and a power of at least 40kW. If powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 595 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.25 kW/kg.  From 31st December 2018, an A3 motorcycle without side-car with a power of at least 50kW whose unladen mass is more than 175kg. If powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 595 cubic centimetres. If powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.25 kW/kg.]]
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

	<p>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.</p>
C1	<p>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.</p>
C1+E	<p>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.</p>
D1	<p>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.</p>
D1+E	<p>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.</p>
C	<p>Any vehicle in category C, other than an articulated goods vehicle, having a maximum</p>

	<p>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.</p>
C+E	<p>Either—</p> <ul style="list-style-type: none"> <li>(a) (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</li> <li>(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.</li> </ul> <p>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.</p>
D	<p>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.</p>
D+E	<p>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.</p>
F	<p>Any vehicle in category F.</p>
G	<p>Any vehicle in category G.</p>

H	Any vehicle in category H.
K	Any vehicle in category K.
F43	F43
...	...]

[<sup>F44</sup>Table 2**Load requirements for test vehicles**

<i>(1) Category or sub-category and description of vehicle</i>	<i>(2) Nature and weight of load required to be carried on the vehicle or trailer or both.</i>
B+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
C	Water or foam carried on the fire engine so that the total laden weight of the fire engine is at least 10,000kg.
(a) fire engine	
C	Five IBCs loaded on the motor vehicle.
(b) other motor vehicles	
C+E	Eight IBCs loaded on the combination.
(a) articulated goods vehicle combination	
C+E	Five IBCs loaded on the motor vehicle and three IBCs loaded on the trailer.
(b) combination of a minimum test vehicle for category C and a trailer	
C1+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
D+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.
D1+E	A training load weighing a minimum of 600kg and a maximum of 1,000kg loaded on the trailer.]]

**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** Words in reg. 37(1) Table 1 substituted (10.4.2014) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/613\)](#), regs. 1, **5(a)**
- F3** Words in reg. 37(1) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **15(a)** (with reg. 33)

- F4** Words in reg. 37(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), **13(a)**
- F5** Words in reg. 37(1)(2) substituted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(a)**
- F6** Words in reg. 37(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(a)**
- F7** 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))
- F8** Words in reg. 37(2) substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(a)**
- F9** Words in reg. 37(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), **13(b)**
- F10** Reg. 37(2A) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(b)**
- F11** Reg. 37(3) substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(b)**
- F12** Reg. 37(3) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(c)**
- F13** Reg. 37(3A) inserted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(c)**
- F14** Words in reg. 37(4) substituted (30.3.2009) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009 (S.I. 2009/788), regs. 1(2), **15(d)** (with reg. 33)
- F15** Words in reg. 37(4) 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), **13(c)**
- F16** Word in reg. 37(4)(a) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(d)**
- F17** Reg. 37(5)(a)(i) and word omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(e)**
- F18** Words in reg. 37(5)(c) substituted (22.12.2018) by The Driving Licences (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1251), regs. 1(3), **6(8)**
- F19** Reg. 37(6)(a) and word omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012 (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(f)**
- F20** Reg. 37(7) substituted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(c)**
- F21** Words in reg. 37(7) 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), **13(d)**
- F22** Reg. 37(7A) inserted (15.8.2013) by The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013 (S.I. 2013/1753), regs. 1(1), **2(3)(d)**
- F23** Words in reg. 37(7A) 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), **13(e)**
- F24** Words in reg. 37(8) 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), **13(f)**
- F25** Words in reg. 37(10) 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), **13(g)**
- F26** 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))
- F27** Words in reg. 37(10A) 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), **13(h)**
- F28** Words in reg. 37(10B) 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), **13(i)**
- F29** Words in reg. 37(10B) substituted (10.4.2014) by The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014 (S.I. 2014/613), regs. 1, **5(d)**



- F30** 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)**
- F31** Words in reg. 37(10C) 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), **13(j)**
- F32** 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)**
- F33** Words in reg. 37(10D) 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), **13(k)**
- F34** Words in reg. 37(12) substituted (15.8.2013) by *The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013* (S.I. 2013/1753), regs. 1(1), **2(3)(e)**
- F35** Words in reg. 37(12) substituted (15.8.2013) by *The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013* (S.I. 2013/1753), regs. 1(1), **2(3)(f)**
- F36** 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))
- F37** Words in reg. 37 Table inserted (19.1.2013) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(g)(i)**
- F38** Words in reg. 37 Table substituted (19.1.2013) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(g)(ii)**
- F39** Words in reg. 37 Table 1 substituted (10.4.2014) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014* (S.I. 2014/613), regs. 1, **5(e)(i)**
- F40** Words in reg. 37 Table 1 substituted (10.4.2014) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014* (S.I. 2014/613), regs. 1, **5(e)(ii)**
- F41** Words in reg. 37 Table 1 substituted (1.3.2022) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2022* (S.I. 2022/110), regs. 1(1), **3**
- F42** Words in reg. 37 Table 1 substituted (10.4.2014) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2014* (S.I. 2014/613), regs. 1, **5(e)(iii)**
- F43** Words in reg. 37 Table omitted (19.1.2013) by virtue of *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 20(g)(iii)**
- F44** Reg. 37(12) Table 2 inserted (15.8.2013) by *The Motor Vehicles (Driver Testing and Vehicle Load) Regulations 2013* (S.I. 2013/1753), regs. 1(1), **2(3)(g)**

### Further requirements at tests

**38.**—<sup>F45</sup>(ZA1) A person submitting to a safe road use test (“the candidate”) to be conducted by an appointed person shall be accompanied by a person who is employed by a school, college or other body which has responsibility for the candidate or that candidate’s undertaking of that test.]

<sup>F46</sup>(1) Subject to paragraph (2), a person submitting to a theory test, manoeuvres test, <sup>F47</sup>large vehicle off road manoeuvres test,] practical test or unitary test must satisfy the residence requirement in section 97A(1)(d) of the Traffic Act as if that person were making an application under section 97, except that the requirement shall be met at the time of attending the test.]

(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<sup>F48</sup> ...,

- (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),<sup>F49</sup> ...
- (iii) sign a record of his attendance at the test;
- [<sup>F50</sup>(ia) where the test is a theory test within the meaning of regulation 3A(1)(ab), produce a valid qualification award certificate or a valid relevant qualification certificate, as appropriate; and]
- (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.
- [<sup>F51</sup>(4) Subject to paragraph (4A), a person submitting to a manoeuvres test [<sup>F52</sup>, large vehicle off road manoeuvres test] or a practical test must, before the test commences, produce to the person conducting the test—
  - (a) in the case of a test on a motor vehicle of a class included in any category other than category A, a valid standard theory test pass or a valid large vehicle theory test pass certificate showing that the person submitting to the test 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; or
  - (b) in the case of a test on a motor vehicle of a class included in category A, a valid standard theory test pass certificate showing that the person submitting to the test has passed the theory test prescribed in respect of category A or category AM or a valid certificate corresponding to either such certificate furnished under the law of Northern Ireland.]
- [<sup>F53</sup>(4A) Paragraph (4) does not apply in a case where—
  - (a) a person submitting to a manoeuvres test [<sup>F54</sup>, large vehicle off road manoeuvres test] or a practical test is exempt from the requirement to pass a theory test by virtue of regulation 42; or
  - (b) by virtue of regulation 40(4) no theory test is prescribed for the class of vehicle on which a manoeuvres test [<sup>F55</sup>, large vehicle off road manoeuvres test] or a practical test (as the case may be) is to be taken]
- (5) A person submitting himself for a [<sup>F56</sup>manoeuvres test, [<sup>F57</sup>large vehicle off road manoeuvres test,] practical test] 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<sup>F58</sup> ...,
  - (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
- [<sup>F59</sup>(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).]
- [<sup>F60</sup>(5A) A person submitting himself for a theory test [<sup>F61</sup>manoeuvres test], [<sup>F62</sup>large vehicle off road manoeuvres 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.]
- [<sup>F63</sup>(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 [<sup>F64</sup>or a valid identity card issued under the Identity Cards Act 2006], 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 [<sup>F65</sup>manoeuvres test, [<sup>F66</sup>large vehicle off road manoeuvres test,] practical test] 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 [<sup>F67</sup>manoeuvres test or] practical test for a licence authorising the driving of a motor vehicle of a class included in category [<sup>F68</sup>AM or A] 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) [<sup>F69</sup>, or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland.]

[<sup>F70</sup>[<sup>F71</sup>(8A) Subject to paragraph (8B), before commencement of a practical test in relation to a vehicle of a class included in category AM or A the person submitting to the test shall produce to the person conducting the test—

(a) a module 1 pass certificate which—

(i) is valid;

(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken; and

(iii) save in a case where sub-paragraph (a) of paragraph (4A) applies, records as the date of the theory test the same date as is recorded for that test in the valid standard theory test pass certificate which is produced in accordance with paragraph (4); or

(b) a certificate, furnished under the law of Northern Ireland, indicating that the person submitting to the practical test has passed that part of a Northern Ireland test corresponding to the manoeuvres test, which—

(i) is valid; and

(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken.]

(8B) In the case of a person who is exempt from the requirement to pass a theory test by virtue of regulation 42(1), the certificate produced in accordance with paragraph (8A) shall be dated no earlier than six months before the date on which it is produced.]

(9) A person submitting himself for a [<sup>F72</sup>manoeuvres test, [<sup>F73</sup>large vehicle off road manoeuvres test,] practical test] 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 [<sup>F74</sup>category AM, A, G, H or K], 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 [<sup>F74</sup>category AM, A, G, H or K], 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
  - (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 <sup>F75</sup>, or
  - (v) a Community licence, which by virtue of section 37(4) of the Offenders Act, authorises that person to drive motor vehicles of that class subject to the same conditions as if the person 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

- F45** Reg. 38(ZA1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **16(a)**
- F46** Reg. 38(1) substituted (29.12.2014) by [The Road Traffic Act 1988 and Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2014 \(S.I. 2014/3190\)](#), regs. 1, **7**
- F47** Words in reg. 38(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), **14(a)**
- F48** Words in reg. 38(3)(a)(i) omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), **Sch. 2 para. 11(c)(i)**
- F49** Word in reg. 38(3)(a)(ii) omitted (1.5.2010) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **16(b)(i)**
- F50** Reg. 38(3)(a)(ia) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), **16(b)(ii)**
- F51** Reg. 38(4) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 21(a)**
- F52** Words in reg. 38(4) 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), **14(b)**

- F53** Reg. 38(4A) inserted (19.1.2013) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 21(b)**
- F54** Words in reg. 38(4A)(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), **14(c)(i)**
- F55** Words in reg. 38(4A)(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), **14(c)(ii)**
- F56** Words in reg. 38(5) substituted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **16(c)** (with reg. 33)
- F57** Words in reg. 38(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), **14(d)**
- F58** Words in reg. 38(5)(a) omitted (8.6.2015) by virtue of *The Road Safety Act 2006* (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 11(c)(ii)**
- F59** 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**
- F60** Reg. 38(5A) inserted (2.4.2007) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2007* (S.I. 2007/698), regs. 1(1), **8**
- F61** Words in reg. 38(5A) inserted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **16(d)** (with reg. 33)
- F62** Words in reg. 38(5A) 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), **14(e)**
- F63** 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**
- F64** Words in reg. 38(6)(a) inserted (27.4.2010) by *The Vehicles Regulations (Amendment) Order 2010* (S.I. 2010/1111), arts. 1(1), **2**
- F65** Words in reg. 38(7) substituted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **16(e)** (with reg. 33)
- F66** Words in reg. 38(7) 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), **14(f)**
- F67** Words in reg. 38(8) inserted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **16(f)** (with reg. 33)
- F68** Words in reg. 38(8)(8A) substituted (19.1.2013) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 21(c)**
- F69** Words in reg. 38(8) inserted (31.12.2015) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015* (S.I. 2015/1797), regs. 1, **4(a)**
- F70** Reg. 38(8A) substituted (31.12.2015) by *The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015* (S.I. 2015/1797), regs. 1, **4(b)**
- F71** Reg. 38(8A)(8B) inserted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **16(g)** (with reg. 33)
- F72** Words in reg. 38(9) substituted (30.3.2009) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2009* (S.I. 2009/788), regs. 1(2), **16(h)** (with reg. 33)
- F73** Words in reg. 38(9) 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), **14(g)**
- F74** Words in reg. 38(9)(a)(b) substituted (19.1.2013) by *The Motor Vehicles (Driving Licences) (Amendment) Regulations 2012* (S.I. 2012/977), reg. 1(2), **Sch. 3 para. 21(d)**
- F75** Words in reg. 38(10) added (4.1.2016) by *The Road Traffic Offenders Act 1988* and *Motor Vehicles (Driving Licences) (Amendment) Regulations 2015* (S.I. 2015/2004), regs. 1, **3(2)**

### Examiner's right to refuse to conduct test

**39.**—<sup>F76</sup>(ZA1) An appointed person shall refuse to conduct a safe road use test where the requirement in regulation 38(ZA1) is not met.]

- (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 [<sup>F77</sup>test (other than in relation to [<sup>F78</sup>a two-wheeled vehicle] of a class included in category [<sup>F78</sup>AM or A])] 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) [<sup>F79</sup>or (7)] of regulation 38,

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

[<sup>F80</sup>(1A) Subject to paragraphs (2) and (3), the person authorised to conduct a test in relation to [<sup>F81</sup>a two-wheeled vehicle] of a class included in category [<sup>F81</sup>AM or A] must refuse to do so where—

- (a) a person submitting to a manoeuvres test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7) or (8) of regulation 38 or by paragraph (1A)(a) of regulation 40A has been complied with; or
- (b) a person submitting to a practical test fails to satisfy the person conducting the test that any requirement imposed by paragraph (4) of regulation 37, by paragraph (4), (5), (7), (8), (8A) or (8B) of regulation 38 or by paragraph (1A)(c) of regulation 40A has been complied with.]

(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 [<sup>F82</sup>manoeuvres test, [<sup>F83</sup>large vehicle off road manoeuvres test,] practical test] or unitary test, fails to produce a document required to be produced [<sup>F84</sup>in accordance with paragraph (4), (8), (8A) or (8B)] 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.

<sup>F85</sup>(4) .....

(5) In this regulation, “special needs” means a reasonable requirement for special treatment during the test arising by virtue of—

<sup>F86</sup>(a) .....

- (b) the test candidate having reading difficulties, or
- (c) the test candidate being physically disabled.

#### Textual Amendments

**F76** Reg. 39(ZA1) inserted (1.5.2010) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2010 \(S.I. 2010/1203\)](#), regs. 1(2), 17

**F77** Words in reg. 39(1)(b) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), 17(a)(i) (with reg. 33)

**F78** Words in reg. 39(1)(b) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 22**

- F79** Words in reg. 39(1)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(a)(ii)** (with reg. 33)
- F80** Reg. 39(1A) inserted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(b)** (with reg. 33)
- F81** Words in reg. 39(1A) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2012 \(S.I. 2012/977\)](#), reg. 1(2), **Sch. 3 para. 22**
- F82** Words in reg. 39(2)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(c)(i)** (with reg. 33)
- F83** Words in [reg. 39\(2\)\(b\)](#) 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), **15**
- F84** Words in reg. 39(2)(b) substituted (30.3.2009) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations 2009 \(S.I. 2009/788\)](#), regs. 1(2), **17(c)(ii)** (with reg. 33)
- F85** Reg. 39(4) omitted (31.12.2015) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **5(a)**
- F86** Reg. 39(5)(a) omitted (31.12.2015) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) \(No. 4\) Regulations 2015 \(S.I. 2015/1797\)](#), regs. 1, **5(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Motor Vehicles (Driving Licences) Regulations 1999, Cross Heading: Requirements at tests.