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STATUTORY INSTRUMENTS

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**2001 No. 53**

**ROAD TRAFFIC**

**The Motor Vehicles (Driving Licences)  
(Amendment) Regulations 2001**

<i>Made</i>	- - - -	<i>11th January 2001</i>
<i>Laid before Parliament</i>		<i>11th January 2001</i>
<i>Coming into force</i>	- -	<i>1st February 2001</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by sections 89(3), (5), (5A), (6)(c), (7) and (9), 97(3)(a), (3A), (3B) and (4), 99(2) and 105(1), (2) and (3) of the Road Traffic Act 1988(1) and after consultation with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 2001 and shall come into force on 1st February 2001.

**Preliminary**

2. The Motor Vehicles (Driving Licences) Regulations 1999(2) shall be further amended in accordance with the following provisions of these Regulations.

**Amendment of regulation 3 (interpretation)**

3. In regulation 3(1) after the definitions of “appropriate driving test” and “extended driving test” there shall be inserted the following definition—

““certified direct access instructor” has the meaning given by regulation 64(2);”.

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(1) 1988 c. 52; section 89(3) was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, para 63; section 89(5A) was inserted, section 89(6) and (7) was amended and section 89(9) was substituted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 4, 6(1), Schedule 3, para 8; section 97(3A) and (3B) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989, section 6(2); sections 89(7) and (9), 97(3), (3A), (4) and 99(2) were amended by the Driving Licences (Community Driving Licence) Regulations 1996 (S.I.1996/1974), Schedule 1, paragraphs 6, 8; section 105(2) was amended by the Driving Licences (Community Driving Licence) Regulations 1990, S.I. 1990/144.

(2) S.I. 1999/2864, to which there are amendments not relevant to these Regulations.

**Revocation of regulation 13 (restrictions on the grant of provisional licences)**

4. Regulation 13 shall be omitted.

**Amendment of regulation 15 (duration of provisional licence authorising the driving of motor cycles)**

5. In regulation 15 for paragraph (1)(b) there shall be substituted—
  - “(b) the same period as is provided by section 99(1) of the Traffic Act in relation to a licence to which section 99(1) applies.”

**Amendment of regulation 16 (conditions attached to provisional licences)**

- 6.—(1) Regulation 16 shall be amended as follows.
  - (2) In paragraph (7) “(within the meaning of regulation 64(2))” shall be omitted.
  - (3) After paragraph (7) there shall be inserted—
    - “(7A) The holder of a provisional licence authorising the driving of a moped or a learner motor bicycle shall not drive such a vehicle on a road when undergoing relevant training, unless the instructor giving the training is at all times—
      - (a) present with him on the road while riding another moped or learner motor bicycle or any motor bicycle, and
      - (b) supervising only him or him and not more than 3 other persons each of whom holds such a provisional licence.
    - (7B) In paragraph (7A)—
      - (a) “relevant training” means training (otherwise than as part of an approved training course for motor cyclists) in how to drive a moped or learner motor cycle given by a professional instructor; and
      - (b) “professional instructor” means an instructor paid money or money’s worth for giving such training.”

**Amendment of regulation 42 (exemption from theory test)**

- 7.—(1) Regulation 42 shall be amended as follows.
  - (2) In paragraph (1)(b) the words “either” and “or of a class included in category B” shall be omitted.
  - (3) In paragraph (2)—
    - (a) sub-paragraph (a) shall be omitted; and
    - (b) in sub-paragraph (b) the words “either” and “or of a class included in category A” shall be omitted.

**Amendment of regulation 43 (entitlement upon passing a test other than an appropriate driving test)**

- 8.—(1) Regulation 43 shall be amended as follows.
  - (2) In paragraph (1) for “paragraphs (2), (3) and (4)” there shall be substituted “the following provisions of this regulation”.
  - (3) In paragraph (2) for “regulation 44” there shall be substituted “regulations 44 and 44A”.
  - (4) In paragraph (3) after “The licence shall” there shall be inserted “, subject to paragraph (5),”.

(5) After paragraph (4) there shall be inserted the following paragraph—

“(5) Where a person has passed a test (or Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of vehicles included in category B, the effect of paragraph (3) in relation to the driving of vehicles in category P shall be as follows—

- (a) the licence granted by the Secretary of State shall authorise the driving of vehicles within class P if and only if—
  - (i) the test was passed before 1st February 2001;
  - (ii) the person concerned held at the date on which he passed the test the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was at that time valid in accordance with regulation 68(2); or
  - (iii) the person concerned holds the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was furnished to him after the date on which he passed the test, and
- (b) where a certificate referred to in sub-paragraph (a)(ii) or (iii) shows that the person concerned has successfully completed an approved training course for riders of three-wheeled mopeds, the only vehicles in category P authorised by the licence to be driven shall be three-wheeled mopeds.”

#### **Entitlement upon passing a test other than an appropriate driving test: category P**

9. After regulation 44 there shall be inserted the following regulation—

##### **“Entitlement upon passing a test other than an appropriate driving test: category P**

**44A.**—(1) This regulation applies where a person has passed a test (or Northern Ireland test of competence corresponding to such a test) for a licence authorising the driving of vehicles included in category P.

(2) Where this regulation applies the Secretary of State shall grant to the person who passed the test—

- (a) in a case where the test was passed on a three-wheeled moped, a licence authorising the driving of all vehicles having three wheels included in category P;
- (b) in any other case, a licence authorising the driving of all vehicles included in category P.”

#### **Amendment of regulation 68 (evidence period of validity of certificate of completion of approved training course)**

**10.**—(1) Regulation 68 shall be amended as follows.

(2) For sub-paragraph (b) of paragraph (2) there shall be substituted—

“(b) after whichever is the earliest of the following dates, namely—

- (i) in a case where the person to whom the certificate was furnished is subsequently disqualified by order of a court under section 36 of the Offenders Act, the date on which the order is made;
- (ii) in a case where the licence of the person to whom the certificate was furnished is subsequently revoked by the Secretary of State under section 3(1) of the Road

Traffic (New Drivers) Act 1995(3), the date on which the revocation has effect in accordance with section 3(2) of that Act;

- (iii) in a case where the certificate was issued before 1st February 2001, the last day of the period of 3 years beginning with the date of the certificate; or
- (iv) in a case where the certificate was issued on or after 1st February 2001, the last day of the period of 2 years beginning with the date of the certificate.”

#### **Amendment of regulation 69 (exemptions from Part V)**

11. In regulation 69 after paragraph (2) there shall be inserted the following paragraphs—

“(2A) Subject to paragraph (2C), section 89(2A) of the Traffic Act shall not apply to a person who is for the time being the holder of a full licence for a class of vehicle included in category A in respect of a test of competence to drive a vehicle of any other class included in that category.

(2B) Subject to paragraph (2C), a person who is for the time being the holder of a full licence for a class of vehicle included in category A shall be exempt from the restriction imposed by section 97(3)(e) on his driving a vehicle of another class included in that category.

(2C) The exemptions conferred by paragraphs (2A) and (2B) shall not apply in relation to the holder of a full licence authorising him only to drive a vehicle included in category A having automatic transmission in respect of—

- (a) a test of competence to drive a vehicle having manual transmission; or
- (b) his driving a vehicle having manual transmission.”

#### **Amendment of Schedule 12 (elements of an approved training course)**

12. In Schedule 12 in the second indent of element (B) after “satisfactory standard and” there shall be inserted “(except in a case where the course is to be completed on a motor bicycle and side-car combination or a three-wheeled moped)”.

#### **Amendment of Schedule 13 (form of certificate of completion of approved motor bicycle training courses)**

13. In Schedule 13 for Part 3 there shall be substituted Part 3 set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State

*Keith Hill*  
Parliamentary Under-Secretary of State,  
Department of the Environment, Transport and  
the Regions

11th January 2001

SCHEDULE

Regulation 13

PART 3 OF SCHEDULE 13 TO THE PRINCIPAL REGULATIONS

“PART 3

**CERTIFICATE OF COMPLETION OF APPROVED TRAINING COURSE  
Road Traffic Act 1988 Certificate of Completion of an Approved Training Course for Riders  
of Motor Bicycles and Mopeds**

Driver Number of Candidate .....

Date and time of course completion .....

Category restrictions .....

Current name .....

Current address .....

.....

..... [Postcode] .....

has successfully completed an approved training course for riders of motor bicycles for the purpose of section 97 of the Road Traffic Act 1988 (as amended by section 6 of the Road Traffic (Driver Licensing and Information Systems) Act 1990.

Signature of certified instructor .....

Instructor's name .....

Instructor certificate number ..... Training body reference .....

Candidate's signature .....

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**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations further amend the Motor Vehicles (Driving Licences) Regulations 1999 (“the principal Regulations”).

Regulations 3 and 6(2) provide for a generally applicable definition of “certified direct access instructor” in the principal Regulations.

Regulation 4 revokes regulation 13 of the principal Regulations which requires the Secretary of State, in specified circumstances, to refuse to grant a provisional licence to drive a motor bicycle to a person who has been the holder of a previous licence and regulation 5 amends regulation 15 so as to allow a provisional licence to be granted for the same period as a provisional car licence.

Regulation 6 amends regulation 16 of the principal Regulations so as to make it a condition of a provisional licence to drive a moped or learner motor bicycle that, when receiving professional tuition on a road after compulsory basic training, the holder of the licence cannot have with him more than 3 other such learners.

**Status:** This is the original version (as it was originally made).

Regulation 7 also amends regulation 42 so as to remove some of the exemptions from the requirement to pass a theory test for the purpose of obtaining a licence in category A or B.

Regulation 43 of the principal Regulations is amended by regulation 8 so that, in relation to a person passing the test of competence to drive a vehicle in category B on or after 1st February 2001, a licence to drive vehicles in category B does not confer entitlement to drive vehicles in category P unless the licence holder has successfully completed an approved training course for motor cyclists. Regulation 9 inserts a new regulation 44A into the principal Regulations to provide for the grant of a licence restricted to three-wheeled vehicles in category P.

Provision is made by regulations 10, 12 and 13 and the Schedule for a certificate of the successful completion of an approved training course for motor cyclists to be restricted to motor bicycle and side-car combinations or three-wheeled mopeds.

The period of validity of a certificate of successful completion of an approved training course for riders of motor bicycles and mopeds is reduced by regulation 10(3), amending regulation 68 of the principal Regulations and regulation 11 amends regulation 69 so as to modify the exemptions from the requirement to complete such courses.