
STATUTORY INSTRUMENTS

2008 No. 1435

**The Motor Vehicles (Driving Licences)
(Amendment) (No. 4) Regulations 2008**

Nature and conduct of tests

14. After regulation 40, insert—

“**40A.**—(1) Where a test is required to be conducted in two parts, a person taking the test—

- (a) must pass the theory test before he takes the practical test, and
- (b) shall not be entitled to apply for an appointment (or, as the case may be, be nominated pursuant to regulation 32(4)) for a practical test in respect of a motor vehicle of a class included in category A, B or P 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
 - (ii) a certificate corresponding to such a certificate furnished under the laws of Northern Ireland stating that he has during the relevant period passed the theory test in respect of the same category.

(2) Where a test is required to be conducted in three parts, a person taking the test—

- (a) must pass the large vehicle test of driving theory and the large vehicle test of 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
 - (ii) a certificate corresponding to such a certificate furnished under the law of Northern Ireland.

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.
- (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) subject to paragraph (b), the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads,
- (b) in the case of a test for a licence authorising the driving of a class of vehicle included in category A or P, the person undertaking the test undertakes the activities and manoeuvres specified in paragraphs 7 to 15 of Section D of Part I of Schedule 8 on a special testing ground, and
- (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.
- (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.

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 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) 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.
D + E	—	Requirements specified in Part 4 of Schedule 8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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