

---

STATUTORY INSTRUMENTS

---

**2010 No. 865**

**The Vehicle Drivers (Certificates of Professional Competence) (Amendment) Regulations 2010**

**Amendment of the principal Regulations**

**4. In regulation 5 (initial CPC test)—**

- (a) in paragraph (5A) for “taking” substitute “applying to take”;
- (b) after paragraph (5A) insert—

“(5B) Where a person has failed to pass the theoretical test or the practical test (both as referred to in the table at the end of this regulation), no application may be made by, or in respect of, that person for a test of the same part to be conducted on a day which falls before the expiry of a period of three clear working days commencing with the day after that on which that part of the test was failed.”;

- (c) for paragraph (6) substitute—

“(6) Subject to paragraph (6ZA), where an initial CPC test is organised by a competent authority, the candidate shall pay to the competent authority the fee specified in the table at the end of this regulation for the part of the test for which an application for an appointment is made.”;

- (d) after paragraph (6) (as substituted by these Regulations) insert—

“(6ZA) A trainer may, in respect of a candidate who has received, or will receive, from that trainer, training or instruction in Great Britain in relation to the initial CPC test, apply for an appointment in Great Britain for any part of a test referred to in the table at the end of this regulation if the trainer—

- (a) pays to the Secretary of State the fee specified in the table for that part of the test;
- (b) provides such details relating to the trainer’s business in Great Britain, the appointment sought or the vehicle on which the test is to be taken as the Secretary of State may reasonably require; and
- (c) undertakes to provide the relevant details relating to the candidate no later than 1600 hours on the day before the last clear working day before the day for which the appointment is made.

(6ZAB) An application under paragraph (6ZA) may be refused where the appointment specified in that application is unavailable or where, in the opinion of the Secretary of State, it is reasonably necessary to do so in the general interests of candidates in Great Britain.

(6ZAC) Where an appointment (“the booked appointment”) for part of a test has been made by or on behalf of a candidate in respect of a particular category of relevant vehicle, no application for a further appointment shall be made for that candidate in relation to that part of the test in respect of that category of relevant vehicle unless—

- (a) the booked appointment has been cancelled;

(b) the part of the test due to take place on the day of the booked appointment does not otherwise take place; or

(c) subject to paragraph (5B), the candidate fails to pass the test.

(6ZAD) A fee paid pursuant to paragraph (6) may be repaid if notice to cancel the appointment for the part of the test is given to the competent authority not less than three clear working days before the date of the appointment for that part of the test.

(6ZAE) A fee paid pursuant to paragraph (6ZA) may be repaid if notice to cancel the appointment for the part of the test is given to the Secretary of State not less than three clear working days before the date of the appointment for that part of the test.”;

(e) in paragraph (6A), for “it conducts” substitute “that person is to conduct”;

(f) after paragraph (6A) insert—

“(6ZB) A fee paid pursuant to paragraph (6A) in respect of the practical test may be repaid if the person approved under paragraph (1) gives notice to the competent authority that the appointment for the conduct of that part of the test has been cancelled and the notice was given to the competent authority at any time before the time of the appointment.”;

(g) for paragraph (9) substitute—

“(9) In paragraphs (5B), (6ZA)(c), (6ZAD) and (6ZAE), “working day” means, in Great Britain, a day other than a Sunday, bank holiday, Christmas Day or Good Friday.”.

(h) after paragraph (9) (as substituted by these Regulations) add—

“(10) In paragraph (6ZA) “relevant details”, in relation to a candidate, means the name and such further details relating to—

(a) that candidate,

(b) the licence that candidate holds,

(c) the nature of the test, and

(d) the vehicle on which the test is to be taken,

as the Secretary of State may reasonably request upon the making of the appointment for the test.”.