

2017 No. 1156

ROAD TRAFFIC

**The Motor Cars (Driving Instruction) (Amendment) Regulations
2017**

<i>Made</i>	- - - -	<i>27th November 2017</i>
<i>Laid before Parliament</i>		<i>1st December 2017</i>
<i>Coming into force</i>	- -	<i>23rd December 2017</i>

The Secretary of State, in exercise of the powers conferred by sections 132(1) and 132(2)(a) and 141 of the Road Traffic Act 1988(a), makes the following Regulations.

Citation and commencement

1.—(1) These Regulations may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations 2017.

(2) These Regulations come into force on 23rd December 2017.

Amendments to the Motor Cars (Driving Instruction) Regulations 2005

2.—(1) The Motor Car (Driving Instruction) Regulations 2005(b) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “licence” for “regulation 12” substitute “regulations 4, 7 and 12”.

(3) In regulation 7 (instructional ability and fitness test)—

(a) in paragraph (1), for “an examiner as if” to the end substitute “a pupil, and which is carried out on a road in a motor vehicle in which the examiner is present.”;

(b) omit paragraph (2);

(c) for paragraph (3), substitute—

“(3) In assessing the candidate’s knowledge and ability, the examiner shall have regard to the candidate’s—

(a) method, clarity, adequacy and correctness of instruction;

(b) observation and proper correction of the pupil’s errors;

(c) manner, patience and tact in dealing with the pupil; and

(d) ability to inspire confidence.”; and

(d) after paragraph (3), insert—

(a) 1988 c. 52. Section 132(1) was amended by paragraph 9 of Schedule 29 to the Transport Act 2000 (c. 38).

(b) S.I. 2005/1902. Relevant amendments are that the definition of “licence” in regulation 2 was amended by S.I. 2014/2216 and S.I. 2015/952, regulation 8(5) was amended by S.I. 2005/2716 and regulation 12(12) was added by S.I. 2014/2216. There are other amendments not relevant to these Regulations.

“(4) In this regulation—

“pupil” means a person who is undergoing instruction and is the holder of —

- (a) a provisional licence to drive a motor car granted under Part 3 of the Act;
 - (b) a current licence to drive a motor car (not being a provisional licence) granted under Part 3 of the Act;
 - (c) a current licence to drive a motor car granted under the law in force in Northern Ireland and corresponding to either a full or provisional driving licence; or
 - (d) a Community licence authorising the holder to drive a motor car in Great Britain;
- but does not include an approved driving instructor, or any person who is training to become an approved driving instructor and who has passed a driving ability and fitness test; and

“candidate” means the person undergoing the instructional ability and fitness test.”.

(4) In regulation 8 (motor car to be provided for practical part of examination)—

(a) in paragraph (5)—

(i) in sub-paragraph (a), for “the examiner” substitute “a pupil”;

(ii) in sub-paragraph (b), after “driver’s seat” insert “and front passenger seat”;

(iii) after sub-paragraph (b), insert—

“(ba) have fitted to the rear seat of the vehicle a seat belt;”;

(iv) in sub-paragraph (d), for “that meets the conditions set out in paragraph (6)” substitute “which complies with the requirements of Part VI of the Act”; and

(v) in the words after sub-paragraph (d), for “examiner is playing the role referred to in regulation 7(1)(a) or (b)” substitute “pupil is a holder of a provisional licence”; and

(b) omit paragraph (6).

(5) In regulation 12(12) (nature of test and provision of a motor car), in the definition of “pupil”, for sub-paragraph (d), substitute—

“(d) a Community licence authorising the holder to drive a motor car in Great Britain; but does not include an approved driving instructor, or any person who is training to become an approved driving instructor and who has passed a driving ability and fitness test; and”.

(6) In Schedule 1, paragraph 10 (requirements for test of driving technique)—

(i) after “Perform”, insert “at least two of”; and

(ii) in sub-paragraph (a), omit “and reverse right or left round a corner while keeping within the correct traffic lane”.

Signed by authority of the Secretary of State for Transport

27th November 2017

Jesse Norman
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Cars (Driving Instruction) Regulations 2005 (S.I. 2005/1902) (“the 2005 Regulations”).

Regulation 7 of the 2005 Regulations is amended so that the candidate will be assessed on their ability to give effective instruction to a pupil during the instructional ability and fitness test, rather than the examiner playing the role of a pupil for the purposes of this test. The examiner is no longer responsible for choosing the subjects on which the candidate is to instruct the pupil. The list of subjects on which a pupil may be instructed has also been removed. The criteria on which the examiner assesses the candidate’s knowledge and ability to instruct is amended to be consistent with the criteria of the continued ability and fitness test set out in regulation 12(6). Both “pupil” and “candidate” have been defined for the purposes of regulation 7. A pupil may be either a provisional licence holder or a full licence holder who is receiving instruction from the candidate, but may not be an approved driving instructor or any person who is training to become an approved driving instructor and who has passed a driving ability and fitness test.

Regulation 8 of the 2005 Regulations is amended to ensure that the vehicle to be used for the instructional ability and fitness test is suitable for the requirements of this test. In addition to the driver’s seat, a seat belt and head restraint must also be fitted to the front passenger seat. A seat belt must also be fitted the rear seat of the vehicle. The policy of insurance in relation to the vehicle being used for the test must comply with the requirements of Part VI of the Road Traffic Act 1988 (third party liabilities).

Regulation 12 of the 2005 Regulations is amended so that a pupil undergoing a continued ability and fitness test may not be an approved driving instructor or any person who is training to become an approved driving instructor and who has passed a driving ability and fitness test.

Schedule 1 of the 2005 Regulations is amended to remove reversing round a corner as a manoeuvre which a candidate may be required to perform during the technical control of the vehicle part of the driving ability and fitness test.

A regulatory triage assessment of the effect that amending the instructional ability and fitness test will have on the costs of business and the voluntary sector is available from DVSA, The Axis Building, 112 Upper Parliament Street, Nottingham NG1 6LP. The regulatory triage assessment and the Explanatory Memorandum are published alongside this instrument on the UK legislation website, www.legislation.gov.uk.

© Crown copyright 2017

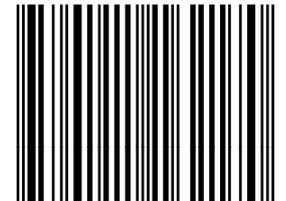
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.25

UK201711281015 12/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/1156>

ISBN 978-0-11-116217-0



9 780111 162170