STATUTORY INSTRUMENTS

2017 No. 1156

ROAD TRAFFIC

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

Made - - - -	*27th November 2017*
Laid before Parliament	*1st December 2017*
Coming into force - -	*23rd December 2017*

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(**1**), 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(**2**) 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;

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

(**2**) 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.

(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—

"(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".