STATUTORY INSTRUMENTS

2015 No. 1797

ROAD TRAFFIC

The Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015

Made - - - -	*15th October 2015*
Laid before Parliament	*22nd October 2015*
Coming into force - -	*31st December 2015*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 89(2A)(**1**), (3)(**2**) and (6)(c)(**3**), 105(1), (2)(a)(**4**) and (ee)(**5**) and (3), and 108(1)(**6**) of the Road Traffic Act 1988(**7**).

The Secretary of State has consulted with representative organisations as required by section 195(2) of the Road Traffic Act 1988.

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) (No. 4) Regulations 2015 and come into force on 31st December 2015.

Amendments to the Motor Vehicles (Driving Licences) Regulations 1999

2. The Motor Vehicles (Driving Licences) Regulations 1999(**8**) are amended as set out in regulations 3 to 10.

3. In regulation 3A(1)(a) (meaning of "theory test")—

(a) for "40(2)" substitute "40(2A)"; and

(**1**) Section 89(2A) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), section 6(1).
(**2**) Section 89(3) was amended by the Road Traffic Act 1991 (c.40), Schedule 4, paragraph 63 and by the Road Safety Act 2006 (c.49), section 36, subsections (1) and (2).
(**3**) Section 89(6) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), Schedule 3, paragraph 8(b) and by the Road Safety Act 2006 (c.49), Schedule 7, part 19.
(**4**) Section 105(2)(a) was substituted by S.I. 1996/1974, Schedule 1, paragraph 17(a), and amended by the Crime (International Co-operation) Act 2003 (c.32), Schedule 5, paragraphs 17 and 23(a)(i).
(**5**) Section 105(2)(ee) was inserted by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), Schedule 3, paragraph 14, and was amended by the Road Traffic Act 1991 (c.40), Schedule 8.
(**6**) See the definitions of "prescribed", "regulations" and "test of competence to drive" in section 108(1).
(**7**) 1988 c.52.
(**8**) S.I. 1999/2864; relevant amending instruments are S.I. 2001/53, 2003/636, 2003/2003, 2008/1435, 2009/788 and 2012/977.

(b) for "40(2)(a)" substitute "40(2A)(a)".

4. In regulation 38 (further requirements at tests)—

(a) at the end of paragraph (8) insert—

", or a valid certificate corresponding to such a certificate furnished under the law of Northern Ireland."; and

(b) for paragraph (8A) substitute—

"(8A) Subject to paragraph (8B), before commencement of a practical test in relation to a vehicle of a class included in category AM or A the person submitting to the test shall produce to the person conducting the test—

(a) a module 1 pass certificate which—

(i) is valid;

(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken; and

(iii) save in a case where sub-paragraph (a) of paragraph (4A) applies, records as the date of the theory test the same date as is recorded for that test in the valid standard theory test pass certificate which is produced in accordance with paragraph (4); or

(b) a certificate, furnished under the law of Northern Ireland, indicating that the person submitting to the practical test has passed that part of a Northern Ireland test corresponding to the manoeuvres test, which—

(i) is valid; and

(ii) is in respect of the same category or sub-category of vehicle as that in which the practical test is to be taken.".

5. In regulation 39 (examiner's right to refuse to conduct test)—

(a) omit paragraph (4); and

(b) in paragraph (5) omit sub-paragraph (a).

6. At the end of regulation 40A(1A)(c) insert—

", or have passed that part of a Northern Ireland test corresponding to the manoeuvres test in respect of a vehicle in the same category or sub-category as that in respect of which the practical test is to be taken.".

7. In regulation 40C(1) (passing the test) for "40(2)(a)" substitute "40(2A)(a)".

8. In regulation 43 (entitlement upon passing a test other than an appropriate driving test)—

(a) for paragraph (5)(a)(ii) substitute—

"(ii) the person concerned held at the date on which he passed the test either—

(aa) 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

(bb) a valid certificate corresponding to such a certificate which was furnished to him under the law of Northern Ireland; or"; and

(b) for paragraph (5)(a)(iii) substitute—

"(iii) the person concerned holds either—

(aa) the prescribed certificate of successful completion by him of an approved training course for motor cyclists and that certificate was