STATUTORY INSTRUMENTS

2015 No. 952

ROAD TRAFFIC

The Motor Cars (Driving Instruction) (Amendment) Regulations 2015

Made - - - -	*26th March 2015*
Laid before Parliament	*27th March 2015*
Coming into force - -	*8th June 2015*

The Secretary of State for Transport, in exercise of the powers conferred by sections 123(2), 125(2D), (3) and (5)(a)(ii), 129(1C), (5) and (5ZA), 132(1) and (2)(a), 133A(2) and (6), 133B(2A), 134(a) and 141 and 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 2015.

(2) These Regulations come into force on 8th June 2015.

Amendment of the Motor Cars (Driving Instruction) Regulations 2005

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

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "the Act" insert—

> ""adaptations or assistive devices" means modifications made to a vehicle, or movable devices, which have been specially designed and constructed, or

(**1**) 1988 c.52; sections 125(2D) and (5)(a)(ii) were inserted by paragraph 17 of Schedule 2 to the Deregulation Act 2015 (c. 20), section 125(3) was amended by paragraph 17 of Schedule 2 to the Deregulation Act 2015 and by S.I. 1999/357, sections 129(1C) and (5ZA) were inserted by paragraph 22 of Schedule 2 of the Deregulation Act 2015, section 129(5) was amended by section 2 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c. 31) and by paragraph 22 of Schedule 2 to the Deregulation Act 2015, section 132 was amended by paragraph 9 of Schedule 29 to the Transport Act 2000 (c. 38), section 133A was inserted by section 3 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and sections 133A(2) and (6) were amended by paragraph 24 of Schedule 2 to the Deregulation Act 2015, section 133B was inserted by section 3 of the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 and section 133B(2A) was inserted by paragraph 25 of Schedule 2 to the Deregulation Act 2015 and section 141 was amended by paragraph 24 of Schedule 6 to the Road Safety Act 2006 (c. 49).

(**2**) S.I. 2005/1902; relevant amendments are that regulation 2 was amended by S.I. 2014/2216, the table in regulation 17(1) was substituted by S.I. 2014/1816 and Schedules 4 and 5 were substituted by S.I. 2014/480.

specially adapted, for use by a person suffering from some disability or physical defect to enable them to drive or deliver driving instruction in a motor car;";

(b) after the definition of "approved driving instructor" insert—

""automatic-only licence" means a licence which permits the holder to drive a car with automatic transmission but does not permit the holder to drive a car with manual transmission;

"car with automatic transmission" means a motor car in which either—

(a) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or

(b) he is provided with such means but they do not include a clutch pedal, lever or other device which he may operate manually,

and accordingly a "car with manual transmission" is any other class of motor car;;";

(c) in the definition of "continued ability and fitness test" for the words "or appropriate motor cars referred to respectively in sections 125(5) and 125B(6)(b)" substitute "referred to in section 125(5)(a)(i)";

(d) in the definition of "driving ability and fitness test" for the words "sections 125(3)(a) and 125A(6)(a)" substitute "section 125(3)(a)";

(e) in the definition of "examination" for the words "sections 125(3)(a) and 125A(6)(a)" substitute "section 125(3)(a)";

(f) in the definition of "instructional ability and fitness test" for the words "sections 125(3)(a) and 125A(6)(a)" substitute "section 125(3)(a)";

(g) in the definition of "licence" after the words "regulation 12" insert "and the definition of "automatic-only licence";

(h) in the definition of "written examination" for the words "sections 125(3)(a) and 125A(6)(a)" substitute "section 125(3)(a)".

(3) In regulation 8(3) (motor car to be provided for practical part of examination) for the words "fulfils the conditions mentioned in section 125A(1)(a) and (b) of the Act" substitute "has an automatic-only licence".

(4) In regulation 9(1) (additional conditions for entry of name on register) for the words from "register" to "be)" substitute "register".

(5) In regulation 10(1) (additional conditions for removal of names from the register) omit the words "and 128(2A)".

(6) In regulation 11(1) (additional condition for retention of names on the register) omit the words "and 127(3A)".

(7) In regulation 13(2) (additional conditions to be satisfied for the grant of a licence)—

(a) at the end of paragraph (h) for "." substitute ";";

(b) after paragraph (h) insert—

"(i) that, so long as he holds the licence, he will, if at any time required to do so by the Registrar, submit himself for an emergency control assessment (whether or not he already holds an emergency control certificate) at the place specified by the Registrar, within 2 months of the Registrar making that requirement;

(j) that, so long as he holds the licence, if instruction in the driving of a motor car is to be given in circumstances where there is a reasonable expectation of an emergency arising which necessitates the instructor taking control of the motor

car, he will only give such instruction if he would be able to take control of the motor car if such an emergency arose while giving the instruction.".

(8) In regulation 16 (form of licences)—

(a) in paragraph (1)—

(i) for "129(2)(a)" substitute "129(2)";

(ii) omit the words "Part 1 of";

(b) omit paragraph (2).

(9) After regulation 16 insert—

"PART 5A

Ability to take control of a vehicle in an emergency

Prescribed class of vehicle

16A. The prescribed class of vehicle for the purposes of sections 125(2D), 129(1C) and 133A(2) and (6) of the Act is—

(a) in relation to a person with an automatic-only driving licence, a car with automatic transmission; and

(b) in relation to a person with a driving licence that allows them to drive cars with manual transmission, a car with manual transmission,

with, in either case, such adaptations or assistive devices (if any) that the person would generally use or have available to them when conducting driving instruction.

Emergency control assessments – prescribed time periods

16B.—(1) The prescribed period for the purposes of sections 125(5)(a)(ii), 129(5ZA) and section 133B(2) of the Act is two months.

(2) The circumstances prescribed for the purpose of section 133B(2A)(c) of the Act are that—

(a) where—

(i) the failure of the emergency control assessment was likely to be attributable to the absence or malfunction of suitable adaptations or assistive devices; and

(ii) the person who failed the ECA wishes to make a further attempt at the assessment using suitable adaptations or assistive devices,

the assessment may take place as soon as the adaptations or assistive devices are available;

(b) where paragraph (a) does not apply—

(i) in relation to a person who failed an emergency control assessment which they were required to take under section 125(5)(a)(ii) of the Act—

(aa) that at least one week has passed between the date on which they last failed an emergency control assessment and the date for which they are booking their new emergency control assessment; and

(bb) that the person has not already taken and failed three or more emergency control assessments in the six month period immediately