STATUTORY INSTRUMENTS

1975 No. 1731

ROAD TRAFFIC

The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1975

Made - - - -	24*th October* 1975
Laid before Parliament	4*th November* 1975
Coming into Operation	25*th November* 1975

The Secretary of State for the Environment, in exercise of the powers conferred by sections 114(3), 115(1A), 119, 120(1), 121 and 124 of the Road Traffic Act 1972**(a)**, as amended by section 15 of the Road Traffic Act 1974**(b)**, and of all other enabling powers, and after consultation with representative organisations in accordance with section 199(2) of the said Act of 1972, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 25th November 1975, and may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1975.

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations 1975**(c)** shall be amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 2 (Interpretation), in paragraph (1)—

(*a*) after the definition of "hgv driver's licence" there shall be inserted the following definition—

" "hgv trainee driver's licence" means a hgv driver's licence which—

(i) is a licence to drive heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A,

(ii) is applied for by a person under the age of 21 on the date of the application, and

(iii) has effect for a period during the whole or a part of which the holder is under the age of 21,

and "hgv trainee driver's full licence" and "hgv trainee driver's provisional licence" shall be construed accordingly;";

(*b*) after the definition of "Northern Ireland hgv driver's licence" there shall be inserted the following definitions—

" "registered", in relation to, or to matters arising in connection

(a) 1972 c. 20. (b) 1974 c. 50. (c) S.I. 1975/739 (1975 II, p. 2733).

with, the training scheme, a hgv trainee driver's licence, or an application for such a licence, means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

"standard hgv driver's licence" means a hgv driver's licence which is not a hgv trainee driver's licence, and "standard" in relation to a full licence or a provisional licence, shall be construed accordingly;";

(*c*) after the definition of "test" there shall be inserted the following definitions—

""training agreement", in relation to an individual who is undergoing, or is to undergo, hgv driver training, means his agreement therefor with his registered employer in pursuance of the training scheme;

"the Training Committee" means the Committee which has been established by the employers' associations and the trade unions in the road goods transport industry with a constitution approved by the Secretary of State and which is known as the National Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry;

"the training scheme" means the scheme which has been established by the Training Committee with the approval of the Secretary of State for training young drivers of heavy goods vehicles and which provides for—

(i) the registration by the Training Committee of employers who are willing and able to provide hgv driver training for persons employed by them,

(ii) the registration by the Training Committee of persons operating establishments for providing hgv driver training,

(iii) a syllabus for hgv driver training, and

(iv) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, hgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;".

4. In Regulation 3 (Applications for licences), in paragraph (1)(*c*), after sub-paragraph (v) there shall be inserted the following sub-paragraphs—

"(vi) if the application is an application for a hgv trainee driver's licence, the Training Committee's certificate as to his registration as a trainee hgv driver, as to his employer's registration under the training scheme, as to the class of heavy goods vehicles for which he is, or is to undergo, training and as to any registered hgv driver training establishment whose vehicles he may drive; and

(vii) if the application is an application for a standard hgv driver's licence or a hgv trainee driver's licence by a person who holds a current hgv trainee driver's licence, that licence.".

5. For Regulation 4 (Qualification of applicants) there shall be substituted the following Regulation:—

"*Qualification of applicants*

4. An applicant for a hgv driver's licence shall have the following qualifications, experience and knowledge:—

(*a*) he must not be a person to whom paragraph (3) of Regulation 3 applies;

(*b*) he shall not—

(i) at any time since he attained the age of three years, have had an epileptic attack, or

(ii) suffer from any disease or disability likely to cause the driving by him of a heavy goods vehicle to be a source of danger to the public;

(*c*) he shall, on the date of commencement of the hgv driver's licence applied for—

(i) in the case of an applicant for a standard hgv driver's licence for heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A (except in the case of an applicant for a hgv driver's licence to drive motor vehicles, owned by the Secretary of State for Defence and used for naval, military or air force purposes, or motor vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown), be aged 21 years or over, or

(ii) in the case of an applicant for a standard hgv driver's licence for a heavy goods vehicle of class 4 or 4A be aged 17 years or over, or

(iii) in the case of an applicant for a hgv trainee driver's licence, be aged 18 years or over but under 21 years;

(*d*) he shall hold an ordinary driving licence or a Northern Ireland (ordinary) driving licence in either case authorising him to drive a vehicle or vehicles in the class of heavy goods vehicles in respect of which he desires to obtain the grant of a licence;

(*e*) in the case of an applicant for a hgv trainee driver's licence—

(i) the licence referred to in sub-paragraph (*d*) above shall be free from the endorsement, under section 101 of the Act of 1972 or under that provision of the law for the time being in force in Northern Ireland which corresponds to that section, of particulars of any conviction, and

(ii) he shall be a person who is a registered employee of a registered employer; and

(*f*) in the case of an applicant for a hgv trainee driver's licence to drive heavy goods vehicles of a class shown in column (1) of the Table in this sub-paragraph, a period of one year shall have expired since the date on which he passed the test to drive heavy goods vehicles of the class or classes specified in relation thereto in column (2) of that Table.

TABLE

(1) Class for which licence applied for	(2) Class for which applicant has passed the test
Class 2	Class 3
Class 2A	Class 3 or 3A
Class 1	Class 2
Class 1A	Class 2 or 2A".

6. In Regulation 6 (Form of Licences)—

(*a*) in paragraph (1) there shall be inserted the word "Standard" before "hgv drivers' licences"; and

(*b*) after paragraph (1) there shall be inserted the following paragraph:—

"(1A) Hgv trainee drivers' licences shall contain

(*a*) in the case of a full licence, particulars in the form set out in Part I of Schedule 3A; and

(*b*) in the case of a provisional licence, particulars in the form set out in Part II of Schedule 3A.".

7. In Regulation 9 (Provisional licences)—

(*a*) the word "standard" shall be inserted before the word "licence" in each place where that word occurs; and

(*b*) at the end of paragraph (1) there shall be inserted the following paragraph—

"(1A) In applying the provisions of paragraph (1) above the effect of the Motor Vehicles (Minimum Age for Driving) (Amendment) Regulation 1975(**a**) shall be disregarded.".

8. After Regulation 9 (Provisional licences) there shall be inserted the following Regulation:—

"*Hgv Trainee Drivers' Licences*

9A.—(1) Every hgv trainee driver's licence shall be subject to the following condition, namely, that the holder shall not drive a heavy goods vehicle of any class for which the licence is issued (other than a vehicle of class 4 or 4A), or for which by virtue of paragraph (3) below the licence is treated as a provisional licence, unless—

(*a*) the holder is the registered employee of a registered employer named in the licence;

(*b*) the vehicle is a heavy goods vehicle of a class to which his training agreement applies and which is stated in the licence; and

(*c*) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named in the licence.

(2) In so far as a hgv trainee driver's full licence is not at the same time a full licence to drive heavy goods vehicles of classes 4 and 4A, it shall also be treated for the purposes of Part IV of the Act of 1972 as a hgv driver's provisional licence to drive heavy goods vehicles of those classes.

(3) The holder of a hgv trainee driver's full licence to drive heavy goods vehicles of a class shown in column (1) of the Table in this paragraph may, on or after the expiration of one year from the date on which he passed the test to drive heavy goods vehicles of that class and on surrendering that licence in accordance with Regulation 13(3) and paying the fee prescribed thereby, be granted a hgv trainee driver's licence which will be a full licence to drive heavy goods vehicles of the class to which the surrendered licence relates and will also be treated for the purposes of Part IV of the Act of 1972 as a hgv trainee driver's provisional licence to drive heavy goods vehicles of the class or classes specified in relation thereto in column (2) of that Table.

(**a**) S.I. 1975/1730 (1975 III, p. 5877).

TABLE

(1) Class for which full licence is held	(2) Class for which licence is to be treated as a provisional licence
Class 3	Classes 2 and 2A
Class 3A	Class 2A
Class 2	Classes 1 and 1A
Class 2A	Class 1A

(4) Subject to paragraphs (5) and (6) below, a hgv trainee driver's provisional licence, including a hgv trainee driver's full licence which is treated as a hgv trainee driver's provisional licence under paragraph (2) or (3) above, shall be subject to the following conditions (additional to that required by paragraph (1) above), that is to say, that the holder shall not drive a heavy goods vehicle of any class which he may drive by virtue of the provisional licence—

(*a*) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class;

(*b*) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark in the form set out in Schedule 4;

(*c*) if the vehicle is being used to draw a trailer, unless the trailer, is part of an articulated vehicle being driven by the holder.

(5) The condition specified in paragraph (4)(*a*) above shall not apply while the holder of a hgv trainee driver's provisonal licence is undergoing a test.

(6) Where the holder of a hgv trainee driver's provisional licence (including a full licence which is treated as a provisional licence as mentioned above) has passed a test for a heavy goods vehicle of a class for which the licence is a provisional licence—

(*a*) the condition specified in paragraph (4)(*a*) above—

(i) shall not apply in any case so far as regards the driving of a vehicle of class 4 or 4A if the test is, or by virtue of Regulation 19 has effect as, a test for a vehicle of that class,

(ii) shall not apply so far as regards the driving of a vehicle of class 2, 2A, 3 or 3A if the test is, or by virtue of Regulation 19 has effect as, a test for a vehicle of that class, except in a case where the vehicle is being used to draw a trailer which is not part of an articulated vehicle being driven by the holder and the holder is under the age of 21,

(iii) shall not apply so far as regards the driving of a vehicle of class 1 or 1A, if the test is, or by virtue of Regulation 19 has effect as, a test for a vehicle of that class, except in a case where the holder is under the age of 21,

but shall remain applicable in the excepted cases mentioned in (ii) and (iii) above; and

(*b*) the conditions specified in paragraph (4)(*b*) and (*c*) above shall not apply so far as regards the driving of any vehicle of a class for which the test has been, or has by virtue of Regulation 19 deemed to have been, passed.

(7) A hgv trainee driver's full licence to drive heavy goods vehicles—

(*a*) of class 1 or 1A, shall be subject to the condition that the holder, when under the age of 21, shall not drive any such vehicle otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class;

(*b*) of class 2, 2A, 3 or 3A shall be subject to the condition that the holder, when under the age of 21 and when the vehicle is being used to draw a trailer which is not a part of an articulated vehicle being driven by the holder, shall not drive any such vehicle otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class.".

9. In Regulation 10 (Suspension or revocation) after paragraph (3) there shall be inserted the following paragraph:—

"(4) The circumstances referred to in section 115(1A) of the Act of 1972 (obligatory revocation of hgv driver's licence when the holder is under the age of 21) are that the holder's ordinary driving licence or Northern Ireland (ordinary) driving licence bears more than one relevant endorsement. In this paragraph "relevant endorsement" means an endorsement of particulars of a conviction in pursuance either of section 101 of the Act of 1972 (endorsement of licences) or of that provision of the law for the time being in force in Northern Ireland which corresponds to the said section 101."

10. In Regulation 14 (Production of Licences) after the words "Regulation 9(1)" in paragraphs (1) and (2) there shall be inserted the words "or 9A(2) or (3)), or the holder of a hgv trainee driver's full licence to drive heavy goods vehicles of class 1 or 1A or heavy goods vehicles of class 2, 2A, 3 or 3A (when being used to draw a trailer which is not part of an articulated vehicle),".

11. In Regulation 16 (Qualifications of applicants for tests) at the beginning the words "(1)" shall be inserted and at the end of the following paragraph shall be inserted:—

"(2) An applicant for a test in respect of a heavy goods vehicle of class 3 or 3A who is under the age of 21 when the test is taken shall, in addition to complying with the requirements of paragraph (1) above, be a person who—

(*a*) has held a hgv trainee driver's provisional licence for, and has been regularly driving, heavy goods vehicles of that class for at least the 3 months immediately preceding the taking of the test; or

(*b*) has held an ordinary driving licence or a Northern Ireland (ordinary) driving licence authorising him to drive, and has been regularly driving, motor cars for at least one year immediately preceding the taking of the test ".

12. In Regulation 24 (Additional qualification) in paragraph (1)—

(*a*) for the words "if he is under the age of 21 years" in sub-paragraph (*a*) there shall be substituted the words "if the test which he passes is a test to drive heavy goods vehicles of class 4 or 4A and he is under the age of 21 years"; and

(*b*) for the words "(*d*) if he is 21 years of age or over" there shall be substituted the words "(*b*) in any other case".

13. In Regulation 28 (Exemptions) in paragraph (3)—

(*a*) for the definition of "play-bus" there shall be substituted the following:—

" "play-bus" means a vehicle—

(*a*) which was originally constructed to carry passengers but has been adapted to carry goods or burden of any description, and

(*b*) which is owned by a person or body of persons who carry on, otherwise than in the course of a trade or business conducted with a view to profit, activities which consist of, or include, the provision of play equipment for children by making it available at different places,

when being driven on a road—

(i) by or on behalf of the owner of the vehicle for the carriage of such equipment, or of such equipment together with not more than two passengers of full age appointed by such owner to supervise the use of the equipment by children, to or from the place where the equipment is to be , or has been, made available for such use, or

(ii) for the purpose of proceeding to or from the place where a mechanical defect in the vehicle itself is to be, or has been, remedied, or

(iii) in such circumstances that by virtue of Section 5 of the Vehicles (Excise) Act 1971**(a)** the vehicle is not chargeable with duty in respect of its use on public roads;"; and

(*b*) after the definition of "play-bus" there shall be inserted the following definition:—

" "play equipment for children" includes articles required in connection with the use of such equipment by children;" ".

14. After Schedule 3 (Forms of standard licences) there shall be inserted the following Schedule:

(see Regulation 6)

"SCHEDULE 3A

PART I

Form of heavy goods vehicle trainee driver's full licence

Road Traffic Acts 1972 and 1974

HEAVY GOODS VEHICLE TRAINEE DRIVER'S LICENCE

Issued by the Licensing Authority for

Space for name and address of holder

[

]

is hereby authorised, subject to the conditions set out or referred to below, to drive heavy goods vehicles of Classes

[here specify classes]

from until inclusive.

(a) 1971 c. 10.

CONDITIONS

Name and address of holder's registered employer.....
.....

Name and address of registered hgv driver training establishment whose vehicles the holder may drive .....
.....
.....

Class of heavy goods vehicle to which holder's training agreement applies .....
.....

1. The holder shall not by virtue of this licence (including the provisional licence below) drive a heavy goods vehicle of class 1, 1A, 2, 2A, 3 or 3A unless—

(*a*) he is a registered employee of the registered employer named above,

(*b*) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named above, and

(*c*) the vehicle is a heavy goods vehicle of a class which is stated above as being a class to which the holder's training agreement applies.

In this Condition "registered" means registered for the time being by the National Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in accordance with the relevant provisions of their training scheme.

2. The holder shall not by virtue of this licence, while under the age of 21, drive otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full licence (not being a trainee driver's licence) to drive a vehicle of that class—

(*a*) a heavy goods vehicle of class 1 or 1A, or

(*b*) a heavy goods vehicle of class 2, 2A, 3 or 3A when the vehicle is being used to draw a trailer which is not part of an articulated vehicle.

PROVISIONAL LICENCE

This licence has effect as a provisional licence in respect of heavy goods vehicles of class [here specify]. Such heavy goods vehicles may be driven subject to the conditions applying to provisional licence holders.

Normal signature of Licensee .....

PART II

Form of heavy goods vehicles trainee driver's provisional licence

Road Traffic Acts 1972 and 1974

HEAVY GOODS VEHICLE TRAINEE DRIVER'S PROVISIONAL LICENCE

Issued by the Licensing Authority for

Space for name and address of holder

[

]

is hereby authorised, subject to the conditions set out or referred to below, to drive heavy goods vehicles of Classes

[here specify classes]

from until inclusive.

CONDITIONS

Name and address of holder's registered employer ....
.....

Name and address of registered hgv driver training establishment whose vehicles the holder may drive ....

Class of heavy goods vehicle to which holder's training agreement applies ....

1. The holder shall not by virtue of this licence drive a heavy goods vehicle of class 1, 1A, 2, 2A, 3 or 3A unless—

(*a*) he is a registered employee of the registered employer named above,

(*b*) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named above, and

(*c*) the vehicle is a heavy goods vehicle of a class which is stated above as being a class to which the holder's training agreement applies.

In this Condition "registered" means registered for the time being by the National Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in accordance with the relevant provisions of their training scheme.

2. This licence is subject also to the special conditions applying to hgv trainee driver's provisional licences set out in Regulation 9A of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1975, as amended by the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1975.

Normal signature of Licensee .....".

Signed by authority of
the Secretary of State. *John Gilbert*,
24th October 1975 Minister for Transport,
Department of Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Heavy Goods Vehicles (Drivers' Licences) Regulations 1975 by making provision for the grant of heavy goods vehicle (hgv) trainee driver's licences to persons between the ages of 18 and 21 who are undergoing, or are to undergo, training in the driving of heavy goods vehicles of classes 1, 1A, 2, 2A, 3 or 3A in accordance with the terms of the Training Scheme established by the National Joint Training Committee for Young HGV Drivers in the Roads Goods Transport Industry and set out in the Scheme for the Training of Persons Under 21 as Drivers of Heavy Goods Vehicles approved by the Secretary of State on 16th October 1975. The Regulations also amend the definition of "playbus" in the 1975 Regulations.

Details of the main amendments made by these Regulations to the Heavy Goods Vehicles (Driver's Licences) Regulations 1975 are as follows (the references to the numbered regulations being references to the regulations so numbered in those Regulations):—

(1) In Regulation 2 (Definitions) the necessary new definitions are inserted.

(2) In Regulation 3 (Applications for Licences) provision is made for requiring the applicant for a hgv trainee driver's licence to produce to the licensing authority the Training Committee's certificate as to his registration and his employer's registration under the Training Scheme and as to the class of heavy goods vehicle for which he is training or is to train.

(3) Regulation 4 (Qualifications of applicants) is recast so as to include provision for the age qualification of applicants for hgv trainee drivers licences and so as to ensure that a hgv trainee driver begins his training on the lighter class of heavy good vehicles and can only start training on the next heavier class of such vehicles after one year has elapsed since he passed his test on the lighter class.

(4) Regulation 6 (Form of Licences) is amended so as to make provision (by means of the new Schedule 3A) for the forms of full and provisional hgv trainee drivers' licences.

(5) Regulation 9 (Provisional Licences) is amended so as to ensure that a hgv trainee driver who holds a full licence cannot act as supervisor to a person who holds a provisional licence.

(6) The new Regulation 9A (HGV Trainee Drivers' Licences) sets out the conditions to which all hgv trainee drivers' licences are subject, make provision for hgv trainee driver's provisional licences and for the further conditions applicable to such licences, and enables a hgv trainee driver's full licence for one class of heavy goods vehicles to be treated as a provisional licence for another class of such vehicles.

(7) Regulation 10 (Suspension or Revocation) is supplemented by a new paragraph providing for the obligatory revocation of a hgv trainee driver's licence if the holder's ordinary driving licence or Northern Ireland (Ordinary) driving licence bears more than one endorsement of particulars of a conviction.

(8) Regulation 16 (Qualifications of applicants for tests) is amended so as to provide that an applicant under 21 for a test in respect of heavy goods vehicles of class 3 or 3A must have held a hgv trainee driver's provisional licence for, and must have been regularly driving, such vehicles for at

least 3 months immediately before he takes his test, or must have held an ordinary driving licence or a Northern Ireland (Ordinary) driving licence for motor cars, and must have been regularly driving motor cars, for at least one year immediately before he takes the test.

(9) In Regulation 28 (Exemptions) the definition of "playbus" is amended so as to extend the exemption from hgv driver licensing to such vehicles when carrying up to two adult passengers appointed to supervise the use by children of the play equipment carried by the vehicle.

SI 1975/1731
ISBN 0-11-051731-8

