STATUTORY INSTRUMENTS

1983 No. 1232

ROAD TRAFFIC

The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1983

Made - - - -	*9th August* 1983
Laid before Parliament	*22nd August* 1983
Coming into Operation	*13th September* 1983

The Secretary of State for Transport, in exercise of the powers conferred by sections 114(3), 115(1A), and 119(1) of the Road Traffic Act 1972(**a**), and now vested in him(**b**), after consultation with representative organisations in accordance with section 199(2) of that Act, hereby makes the following Regulations:—

1. These Regulations shall come into operation on 13th September 1983, and may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1983.

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations 1977(**c**) are further amended in accordance with the following provisions of these Regulations.

3. In Regulation 2 (Interpretation)—

(*a*) after the definition of "ordinary driving licence" insert the following definition:—

" "penalty points" means penalty points endorsed on an ordinary driving licence pursuant to section 19 of, and Schedule 7 to, the Transport Act 1981(**d**) or counted as having been so endorsed pursuant to section 19(7)(*a*) of that Act;"

(*b*) after the definition of "registered" insert the following definition:—

" "relevant endorsement" means an endorsement on a Northern Ireland (ordinary) driving licence of particulars of a conviction in pursuance of that provision for the time being in force in Northern Ireland that corresponds to section 101 of the Act of 1972;".

(**a**) 1972 c. 20; section 115(1A) was inserted by section 15(3) of the Road Traffic Act 1974 (c. 50) and section 119(1) was amended by section 1(2) of, and paragraph 10 of Schedule 1 to, the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3).
(**b**) S.I. 1979/571 and 1981/238.
(**c**) S.I. 1977/1309; the relevant amending Instrument is S.I. 1980/1821.
(**d**) 1981 c. 56; Schedule 7 to the said Act of 1981 has been amended by section 58 of the Transport Act 1982 (c. 49).

4. In Regulation 4 (Qualifications of applicants)—

(*a*) for paragraph (*d*) substitute the following paragraph:—

"(*d*) in the case of an applicant for an hgv trainee driver's licence he shall be a registered employee of a registered employer and—

(i) if he is applying for his first hgv driver's licence, the licence referred to in paragraph (*c*) above, if it is an ordinary driving licence, shall have no penalty points endorsed on it, or if it is a Northern Ireland (ordinary) driving licence, shall be free from a relevant endorsement;

(ii) in any other case, the licence referred to in paragraph (*c*) above, if it is an ordinary driving licence shall not have more than three penalty points endorsed on it, or if it is a Northern Ireland (ordinary) driving licence, shall bear not more than one relevant endorsement;"; and

(*b*) delete the paragraph which follows the Table in that Regulation.

5. In Regulation 11 (Suspension or revocation), for paragraph (4), substitute the following paragraph—

"(4) The circumstances prescribed for the purposes of 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 has more than three penalty points endorsed on it, or that the holder's Northern Ireland (ordinary) driving licence bears more than one relevant endorsement.".

Signed by authority of the Secretary of State

Lynda Chalker,
Parliamentary Under Secretary of State,
Department of Transport.

9th August 1983.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

1. These Regulations further amend the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977.

2. They amend Regulation 4 of the 1977 Regulations (as to the qualifications of applicants for hgv trainee drivers' licences) by providing that a holder of an ordinary driving licence must hold a licence which has no penalty points endorsed on it if he is applying for a hgv trainee driving licence for the first time (in place of the previous provisions that the ordinary driving licence should have no endorsement) and that the holder of an ordinary driving licence shall have no more than three penalty points endorsed on it if he is applying for a hgv trainee driver's licence if he has previously held such a licence (in place of the provision that the ordinary driving licence should bear not more than one endorsement). Regulation 4 refers.

3. These Regulations also amend Regulation 11(4) of the 1977 Regulations by providing that the circumstances in which hgv licences shall be revoked by virtue of section 115(1A) of the Road Traffic Act 1972 are that the holder of an ordinary driving licence has more than three penalty points endorsed on his licence (in place of the previous circumstances of the ordinary driving licence bearing more than one endorsement). Regulation 5 refers.

4. "Penalty Points" are defined as the penalty points endorsed on a licence under the provisions of section 19 of, and Schedule 7 to, the Transport Act 1981, and the term "relevant endorsement" is defined. Regulation 2 refers.

5. No amendments are made to the substance of Regulations 4 and 11 as to the holder of a Northern Ireland (ordinary) driving licence.

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