STATUTORY INSTRUMENTS

1975 No. 739

ROAD TRAFFIC
The Heavy Goods Vehicles (Drivers' Licences) Regulations 1975

Made - - - -	*29th April* 1975
Laid before Parliament	*14th May* 1975
Coming into Operation	*1st June* 1975

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The Secretary of State for the Environment, in exercise of the powers conferred by sections 114(1) and (3), 119, 120(1), 121, 124, 125(3) and (4) and 188(7) of, and paragraphs 2 and 4 of Schedule 5 to, the Road Traffic Act 1972**(a)** and of all other enabling powers, and after consultation with representative organisations in accordance with the provisions of section 199(2) of that Act, hereby makes the following Regulations:—

PART I—PRELIMINARY

Commencement, citation and revocation

1.—(1) These Regulations shall come into operation on 1st June 1975 and may be cited as the Heavy Goods Vehicles (Drivers' Licences) Regulations 1975.

(2) The Regulations specified in Schedule 1 are hereby revoked.

(3) In so far as any application, appointment or requirement made, notice or approval given, licence, certificate or other document granted or issued or other thing done under the Regulations revoked by paragraph (2) above could have been made, given, granted, issued or done under a corresponding provision of these Regulations, it shall not be invalidated by the said revocation but shall have effect as if made, given, granted, issued or done under that corresponding provision.

(4) Any reference in any such application, appointment, notice, approval, licence, certificate or other document as is mentioned in paragraph (3) above to any provision of the Regulations revoked by these Regulations, whether specifically or by means of a general description, shall, unless the context otherwise requires, be construed as a reference to the corresponding provision of these Regulations.

(a) 1972 c. 20.

(5) Paragraphs (3) and (4) above shall have effect without prejudice to the operation of section 38 of the Interpretation Act 1889(a) (which relates to the effect of repeals) as it applies for the purposes of these Regulations by virtue of Regulation 2(5) below.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"the Act of 1972" means the Road Traffic Act 1972;

"articulated vehicle" means a motor car or heavy motor car as defined in section 190(2) and (3) of the Act of 1972 which is so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby and which has a trailer so attached;

"clerk to the traffic commissioners" means the clerk to the traffic commissioners for any traffic area constituted for the purposes of Part III of the Road Traffic Act 1960(b);

"full licence" means a hgv driver's licence other than a provisional hgv driver's licence;

"hgv driver's licence" means a heavy goods vehicle driver's licence;

"licensing authority" has the same meaning as in section 113(1) of the Act of 1972;

"ordinary driving licence" means a licence to drive a motor vehicle granted under Part III of the Act of 1972;

"Northern Ireland (ordinary) driving licence" means a licence to drive a motor vehicle granted under the law for the time being in force in Northern Ireland that corresponds to Part III of the Act of 1972, not being a licence granted under any Order in Council under section 1(3) of and Schedule 1 to the Northern Ireland Act 1974(c), a Measure of the Northern Ireland Assembly, or any enactment passed by the Parliament of Northern Ireland, in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom;

"Northern Ireland hgv driver's licence" means a licence to drive heavy goods vehicles granted under the law for the time being in force in Northern Ireland that corresponds to Part IV of the Act of 1972, not being a licence granted under any Order in Council under section 1(3) of and Schedule 1 to the Northern Ireland Act 1974, a Measure of the Northern Ireland Assembly, or any enactment passed by the Parliament of Northern Ireland, in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom;

"test" means a test of competence to drive heavy goods vehicles of any class, being a test for which provision is made under section 119(1) of the Act of 1972;

"vehicle with automatic transmission" means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(a) 1889 c. 63.
(b) 1960 c. 16.
(c) 1974 c. 28.

(2) In these Regulations, unless the context otherwise requires—

(*a*) any reference to a class or classes of heavy goods vehicles is a reference to one of the classes or to the classes of heavy goods vehicles specified in Schedule 2;

(*b*) any reference to a numbered class of such vehicles is a reference to a class of that number specified in that Schedule; and

(*c*) any reference to an additional class, in relation to a class of heavy goods vehicles, is a reference to a class specified in the column in that Schedule headed "Additional Classes" in relation to that class.

(3) Any reference in these Regulations to any enactment or instrument shall be construed, unless the context otherwise requires, as a reference to that enactment or instrument as amended re-enacted or replaced by any subsequent enactment or instrument.

(4) Any reference in these Regulations to a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations except where otherwise expressly provided.

(5) The Interpretation Act 1889 shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament, and as if for the purpose of section 38 of that Act these Regulations were an Act of Parliament and the Regulations revoked by Regulation 1(2) were Acts of Parliament thereby repealed.

PART II—LICENCES

Applications for licences

3.—(1) A person who desires to obtain the grant of a hgv driver's licence shall—

(*a*) furnish to the appropriate licensing authority all relevant particulars and make any relevant declaration specified in such form as the Secretary of State may require;

(*b*) submit his application not more than two months before the date on which the licence is to have effect; and

(*c*) send with his application—

(i) if required by the licensing authority, a certificate in such form as the Secretary of State may require signed by a registered medical practitioner as that expression is construed by section 52(2) of the Medical Act 1956**(a)** not more than three months prior to the date on which the licence is to have effect,

(ii) if he is an applicant for a hgv driver's licence under paragraph 1 of Schedule 5 to the Act of 1972, a certificate in such form as the Secretary of State may require,

(iii) his ordinary driving licence or his Northern Ireland (ordinary) driving licence,

(iv) the fee for the hgv driver's licence, and

(v) a pass certificate showing that he has passed the test within the relevant period for the class of heavy goods vehicles which the hgv driver's licence applied for will authorise him to drive, except in the case of an application for a provisional licence or a hgv driver's licence under paragraph 1 of Schedule 5 to the Act of 1972 or where

(a) 1956 c. 76.

he has held a full hgv driver's licence authorising him to drive such vehicles within the relevant period.

In this sub-paragraph "relevant period" means the period specified in section 114(1) of the Act of 1972 ending on the date of the coming into force of the hgv driver's licence applied for.

(2) Any application for a hgv driver's licence which does not comply with paragraph (1) above may be treated by the licensing authority as of no effect, but where the licensing authority so treats such an application or refuses the grant of a licence any fee and any documents required by sub-paragraph (*c*) of that paragraph to be sent with the application shall be returned to the applicant.

(3) A person shall not apply for a hgv driver's licence if—

(*a*) he holds a hgv driver's licence which has been suspended or a Northern Ireland hgv driver's licence which has been suspended, whether (in either case) the suspension has effect under Part IV of the Act of 1972 or under the law for the time being in force in Northern Ireland that corresponds to the said Part IV;

(*b*) he is disqualified for holding or obtaining a hgv driver's licence or a Northern Ireland hgv driver's licence, whether (in either case) the disqualification has effect under Part IV of the Act of 1972 or under the law for the time being in force in Northern Ireland that corresponds to the said Part IV;

(*c*) he is disqualified by a court for holding or obtaining an ordinary driving licence or by a court in Northern Ireland for holding or obtaining a Northern Ireland (ordinary) licence; or

(*d*) in the event of the application being granted he would hold more than one hgv driver's licence or would hold a hgv driver's licence and a Northern Ireland hgv driver's licence.

(4) In this Regulation "appropriate licensing authority" means the licensing authority to whom the application for a licence is required to be made in accordance with section 113 of the Act of 1972 or, as the case may be, Regulation 25.

Qualifications 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 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 hgv driver's licence for heavy goods vehicles of class 4 or 4A, be aged 17 years or over; and

(*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.

Grant of licences subject to a limitation

5. Where an applicant for a hgv driver's licence—

(*a*) holds an ordinary driving licence which contains a provision under section 87(4) of the Act of 1972 limiting the applicant to the driving of vehicles of a particular construction or design only; or

(*b*) holds a Northern Ireland (ordinary) licence which contains a similar provision under the law for the time being in force in Northern Ireland that corresponds to the said section 87(4),

any full licence granted to the applicant to drive a heavy goods vehicle shall contain a corresponding limitation.

Form of licences

6.—(1) hgv drivers' licences shall be issued in the form of a book containing—

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

(*b*) in the case of a provisional licence, particulars in the form set out in Part II of that Schedule,

(2) Where an applicant for a hgv driver's licence is already a holder of a hgv driver's licence the licensing authority may, instead of issuing him with a new book, issue the appropriate hgv driver's licence by affixing in the book already held a page or pages containing such particulars as would fall to be included in any new book issued to the applicant.

Signature of licences

7. Every person to whom a hgv driver's licence is granted shall forthwith sign it in ink with his usual signature.

Fees for licences

8. The fee for the grant of a full licence shall be £3 and the fee for the grant of a provisional licence shall be £1-50.

Provisional licences

9.—(1) A full licence to drive heavy goods vehicles of any class shall also be treated for the purposes of Part IV of the Act of 1972 as a provisional licence to drive heavy goods vehicles of any other class which the holder is not prohibited under section 4 of the Act of 1972 by reason of his age from driving.

(2) Subject to paragraph (3) below, a provisional licence, including a full licence which is treated as a provisional licence under paragraph (1) above, shall be subject to the following conditions, that is to say, 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 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*) which is being used to draw a trailer, except where the trailer is part of an articulated vehicle being driven by the holder.

(3) The condition specified in paragraph (2)(*a*) above shall not apply whilst the holder of a provisional licence is undergoing a test and none of the conditions specified in the said paragraph (2) shall apply in relation to the driving of a heavy goods vehicle of any class where the holder of the licence has passed a test for a vehicle of that class.

Suspension or revocation

10.—(1) The holder of a hgv driver's licence which has been suspended or revoked by a licensing authority shall, on receipt of notice, either delivered to the holder personally or sent by the recorded delivery service to the holder's last known address, of the decision of the licensing authority to suspend or revoke the licence, forthwith deliver it to the licensing authority for endorsement or cancellation.

(2) A licensing authority who suspends a hgv driver's licence shall endorse particulars of the suspension on the hgv driver's licence and shall return it to the holder at the end of the period of suspension on a demand in writing being made by that person.

(3) The holder of a Northern Ireland hgv driver's licence which has been suspended or revoked by a licensing authority shall, on receipt of notice delivered or sent to the holder as mentioned in paragraph (1) above of the decision of the licensing authority to suspend or revoke the licence, forthwith deliver the licence to the licensing authority who shall send it to the authority in Northern Ireland by whom it was issued together with particulars of the suspension or, as the case may be, of the revocation.

Removal of disqualification

11.—(1) A licensing authority may remove a disqualification under paragraph (*a*) of section 116(1) of the Act of 1972 if the application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods from the commencement of the disqualification, that is to say—

(*a*) two years, if the disqualification is for less than four years;

(*b*) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;

(*c*) five years in any other case, including disqualification for an indefinite period.

(2) Where an application under paragraph (1) above for the removal, under section 116(2) of the Act of 1972, of a disqualification is refused, a further such application in respect of the same person shall not be entertained if made within three months after the date of refusal.

Withdrawal of ordinary driving licence or of Northern Ireland (ordinary) driving licence

12.—(1) If the holder of a hgv driver's licence is disqualified for holding or obtaining an ordinary driving licence or if such a licence is refused or revoked under section 87 of the Act of 1972 or if he is disqualified under the law for the

time being in force in Northern Ireland for holding or obtaining a Northern Ireland (ordinary) driving licence or if such a licence is refused or revoked under any provision of that law that corresponds to the said section 87, he shall forthwith—

(*a*) notify the licensing authority in whose area he resides of the particulars of the disqualification, refusal or revocation; and

(*b*) deliver his hgv driver's licence to that licensing authority.

(2) Where a person who has delivered his hgv driver's licence to a licensing authority in accordance with paragraph (1) above ceases to be disqualified, unless the hgv driver's licence has been revoked or a period of suspension is still current, the licensing authority on production of that person's ordinary driving licence or, as the case may be, of his Northern Ireland (ordinary) driving licence, shall return the hgv driver's licence to him if it has not expired.

Lost, defaced and exchanged licences

13.—(1) If the holder of a hgv driver's licence satisfies the licensing authority by whom it was granted that the hgv driver's licence has been lost or defaced the licensing authority shall, on payment of a fee of 75p and in the case of a defaced hgv driver's licence on surrender to the licensing authority of the licence, issue to him a duplicate hgv driver's licence and shall endorse thereon particulars of any suspension endorsed upon the original hgv driver's licence, and the duplicate so issued shall have the same effect as the original.

(2) If at any time while a duplicate hgv driver's licence (being a licence issued in the place of a lost hgv driver's licence) is in force the original licence is found and the person to whom the original licence was issued becomes aware of that fact he shall forthwith inform the licensing authority and, if the original licence is not in his possession, he shall forthwith take all reasonable steps to obtain possession of it, and if it is in his possession or if he obtains possession of it, he shall forthwith return it as soon as may be to the licensing authority by whom it was issued.

(3) If the holder of a hgv driver's licence surrenders it and applies for a new hgv driver's licence he shall, if he so requires and on payment of a fee of 75p, be granted a hgv driver's licence to continue in force only for the period for which the surrendered licence would have continued if it had not been surrendered.

Production of licences

14.—(1) Subject to paragraph (6) below, any such person as follows, that is to say,—

(*a*) the driver of a heavy goods vehicle on a road; or

(*b*) a person who supervises the holder of a provisional licence (including a full licence which is treated as a provisional licence under Regulation 9(1)) while the holder is driving a heavy goods vehicle on a road,

shall, on being so required by a constable or an examiner, produce his hgv driver's licence or, as the case may be, his Northern Ireland hgv driver's licence for examination so as to enable the constable or examiner to ascertain the name and address of the holder of the licence, the date of its issue, and the authority by whom it was issued, and shall, on being so required by an examiner as aforesaid, give his name and address and acknowledge that such information as may be recorded by the examiner on the examiner's record sheet is correct by signing the said record sheet.

(2) Subject to paragraph (6) below, any such person as follows, that is to say,—

(*a*) a person whom a constable has reasonable cause to believe to have been the driver of a heavy goods vehicle at a time when an accident occurred owing to its presence on a road; or

(*b*) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use of a heavy goods vehicle on a road; or

(*c*) a person whom a constable has reasonable cause to believe was supervising the holder of a provisional licence (including a full licence which is treated as a provisional licence under Regulation 9(1)) while driving a heavy goods vehicle at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road,

shall, on being so required by a constable, produce his hgv driver's licence or, as the case may be, his Northern Ireland hgv driver's licence for examination so as to enable the constable to ascertain the name and address of the holder of the licence, the date of its issue, and the authority by whom it was issued.

(3) Subject to paragraph (6) below, where a hgv driver's licence has been suspended or revoked by a licensing authority, then if the holder of the licence fails to deliver it to that authority for endorsement or cancellation as required by Regulation 10(1), a constable or an examiner may require him to produce it, and upon its being produced may seize it and deliver it for endorsement or cancellation to that authority.

(4) Subject to paragraph (6) below, where a Northern Ireland hgv driver's licence has been suspended or revoked by a licensing authority, then if the holder of the licence fails to deliver it to that authority as required by Regulation 10(3), a constable or an examiner may require him to produce it and, upon its being produced may seize it and deliver it to that authority.

(5) Subject to paragraph (6) below, where a constable or an examiner has reasonable cause to believe that the person to whom a licence has been granted, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the hgv driver's licence, the constable or examiner may require the holder of the hgv driver's licence to produce it to him.

(6) If any person is unable to produce his hgv driver's licence or, as the case may be, his Northern Ireland hgv driver's licence when required to do so in accordance with any of the foregoing paragraphs of this Regulation, it shall be a sufficient compliance with that paragraph if—

(*a*) in a case where the licence was required by a constable to be produced, within five days after the production of the licence was so required he produces it in person for examination for the same purposes at such police station as may have been specified by him at the time its production was required; or

(*b*) in a case where the licence was required by an examiner to be produced, within ten days after the production of the licence was so required it is produced for examination for the same purposes at the office of such examiner or such licensing authority as may have been specified by him at the time its production was required.

(7) The holder of a hgv driver's licence or of a Northern Ireland hgv driver's licence shall, upon being required to do so by a licensing authority, cause the

licence or his ordinary driving licence or, as the case may be, his Northern Ireland (ordinary) driving licence to be produced to that authority within ten days after the day on which the requirement was made.

(8) In this Regulation, "examiner" means an examiner appointed under section 56 of the Act of 1972.

PART III—TESTS OF COMPETENCE

Applications for tests

15.—(1) A person who desires to take a test to be conducted by an examiner appointed under Regulation 17(1)(*a*) shall apply for an appointment for a test to the clerk to the traffic commissioners for the traffic area in which the driving test centre at which the applicant wishes to be tested is situated.

(2) An applicant for such an appointment shall, when making the application specify the class of goods vehicles in respect of which he desires to take the test and pay to the said clerk the fee for the test prescribed by Regulation 22.

(3) Upon receipt of an application and fee for a test in accordance with this Regulation from a person qualified in accordance with Regulation 16 to take the test for which the application is made the said clerk shall make arrangements for the taking of the test and offer the applicant an appointment therefor.

Qualifications of applicants for tests

16. An applicant for a test shall be a person who is—

(*a*) entitled to drive a vehicle or vehicles in the class of heavy goods vehicles in respect of which he desires to take the test by holding an ordinary driving licence or a Northern Ireland (ordinary) driving licence and a hgv driver's licence or a Northern Ireland hgv driver's licence, or

(*b*) entitled to drive such a vehicle or vehicles by virtue of section 84(4) of the Act of 1972 and by holding a hgv driver's licence or a Northern Ireland hgv driver's licence.

Persons who may conduct tests

17.—(1) Tests may be conducted—

(*a*) by examiners appointed for that purpose by the Secretary of State;

(*b*) by examiners appointed for that purpose by the Secretary of State, in so far as concerns the testing of persons subject to the Naval Discipline Act 1957**(a)**, to military law or to air force law, or of persons employed in the driving of motor vehicles for the purposes of the naval, military or air forces of Her Majesty raised in the United Kingdom;

(*c*) in England and Wales, by the chief officer of any fire brigade maintained in pursuance of the Fire Services Act 1947**(b)** or, in Scotland by the fire-master of such a brigade, in so far as concerns the testing of members of any such brigade or of persons employed in the driving of motor vehicles for the purposes of any such brigade;

(*d*) by any chief officer of police in so far as concerns the testing—

(i) of members of a police force, or

(ii) of persons employed in the driving of motor vehicles for police purposes by a police authority, or by the Receiver for the Metro-

(a) 1957 c. 53. **(b)** 1947 c. 41.

politan Police District or by the Commissioner of Police for the Metropolis.

(2) Any person authorised by virtue of paragraph (1)(*c*) or (*d*) above to conduct tests may, subject to the approval of the Secretary of State, authorise suitable persons to act as examiners of those who submit themselves for a test.

Nature of tests

18. The test which a person is required to pass before a full licence can be granted to him authorising him to drive a heavy goods vehicle of a particular class shall be a test carried out on a vehicle of that class, being a test which satisfies the examiner—

(*a*) that the candidate is fully conversant with the contents of the Highway Code;

(*b*) that he has sufficient knowledge of the mechanical operation of the vehicle on which he is tested, including at the discretion of the examiner the effect of distribution of load on the performance of the vehicle, to enable him to drive it safely;

(*c*) that he is competent to drive without danger to, and with due consideration for, other users of the road, the vehicle on which he is tested; and

(*d*) that he is able to perform safely and competently the operations specified in Schedule 5.

Additional classes of vehicles covered by tests

19. A person who has passed a test to drive heavy goods vehicles of a particular class shall be deemed for the purposes of Part IV of the Act of 1972 also to have passed the test to drive heavy goods vehicles of any additional class.

Evidence of results of tests

20.—(1) A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 6.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 6.

Production of vehicle for test, etc.

21.—(1) A person submitting himself for a test shall—

(*a*) provide for the purpose of the test a vehicle which—

(i) is suitable for the purpose of the test and, in the case of a test in respect of a vehicle of class 2, 2A, 3 or 3A, is not an articulated vehicle or the tractive unit thereof,

(ii) is not carrying goods or burden of any description,

(iii) is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner is able properly to conduct the test from it and is afforded adequate protection from bad weather when conducting the test,

(iv) is not a vehicle in respect of which any person is required to be employed as a driver or attendant in addition to the applicant by virtue of section 34 of the Act of 1972, and

(v) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed; and

(*b*) produce to the examiner who is to conduct the test—

(i) his ordinary driving licence or Northern Ireland (ordinary) driving licence or, if he has applied for but not received his ordinary driving licence, a statement issued by or on behalf of the Secretary of State that he has applied for such licence, and

(ii) his hgv driver's licence or his Northern Ireland hgv driver's licence; and

(*c*) sign the examiner's attendance record.

(2) Where a person submitting himself for a test provides a vehicle which does not comply with paragraph (1) above or fails to produce his licences or statement and licence as aforesaid or fails to sign the examiner's attendance record the examiner may refuse to conduct the test.

Fees for tests

22. The fee payable in respect of a test to be conducted by an examiner appointed under Regulation 17(1)(*a*) shall be £8.

Refund of fees

23. The fee paid in pursuance of Regulations 15 and 22 on application for an appointment for a test may be repaid in the following cases and not otherwise, that is to say—

(*a*) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Secretary of State,

(*b*) if the person for whom the appointment is made gives notice cancelling the appointment to the clerk to the traffic commissioners by whom the appointment was made of not less than three clear days (excluding Saturdays, Sundays, any bank holiday, Christmas Day or Good Friday) before the date of the appointment;

(*c*) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or

(*d*) if an order for repayment of the fee is made by a court or sheriff under section 117 of the Act of 1972 pursuant to a finding that the test was not properly conducted in accordance with these Regulations.

For the purposes of this Regulation "bank holiday" means a day which is a bank holiday by or under the Banking and Financial Dealings Act 1971**(a)** either generally or in the locality in which is situated the office of the clerk to the traffic commissioners to whom notice cancelling an appointment for a test falls to be given.

(a) 1971 c. 80.

Additional qualification

24.—(1) A person who passes a test prescribed by these Regulations shall be treated as having passed the test of competence to drive prescribed under section 85(2) of the Act of 1972—

(*a*) if he is under the age of 21 years—

(i) for motor cars, if the vehicle on which he passes the test is not a vehicle with automatic transmission, or

(ii) for motor cars with automatic transmission, if the vehicle on which he passes the test is a vehicle with automatic transmission; or

(*d*) if he is 21 years of age or over—

(i) for vehicles comprised in group A of the groups set out in Schedule 3 to the Motor Vehicles (Driving Licences) Regulations 1971(**a**) if the vehicle on which he passes the test is not a vehicle with automatic transmission, or

(ii) for vehicles comprised in group B of the groups set out in the said Schedule 3, if the vehicle on which he passes the test is a vehicle with automatic transmission,

if at the time he takes the test he is the holder of an ordinary driving licence (being a provisional licence within the meaning of Part III of the Act of 1972) or of a Northern Ireland (ordinary) driving licence (being a licence corresponding to such a provisional licence), or is entitled to drive by virtue of section 84(4) of the Act of 1972, and at that time he does not hold and is not entitled to be granted an ordinary driving licence (other than such a provisional licence) or a Northern Ireland (ordinary) driving licence (other than a licence corresponding to such a provisional licence) authorising him to drive any such vehicle:

Provided that if the test prescribed by these Regulations proves his competence to drive vehicles of a particular construction or design only he shall be treated for the purposes of this Regulation as having passed the test of competence to drive prescribed under the said section 85(2) only so far as relates to vehicles of that construction or design.

(2) A person who is treated as having passed the test of competence prescribed under the said section 85(2) by virtue of paragraph (1) above shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part III of Schedule 6.

PART IV—SUPPLEMENTARY

Service personnel

25. The licensing authority for the South Eastern Traffic Area is hereby prescribed for the purposes of section 188(7) of the Act of 1972 (issuing, suspension and revocation of hgv drivers' licences for service personnel).

Northern Ireland licences

26.—(1) The licensing authority for the North Western Traffic Area is hereby prescribed for the purposes of section 125(3) and (4) of the Act of 1972 (suspension, revocation and disqualification in respect of Northern Ireland licences as respects Great Britain).

(**a**) S.I. 1971/451 (1971 I, p. 1338).

(2) The magistrates' court or sheriff to whom an appeal shall lie by the holder of a Northern Ireland licence, being a person who is not resident in Great Britain and who is aggrieved by the suspension or revocation of the licence or by the ordering of disqualification for holding or obtaining a hgv driver's licence, shall be—

(i) such a magistrates' court or sheriff as he may nominate at the time he puts down his appeal, or

(ii) in the absence of a nomination of a particular court under sub-paragraph (i) above, the magistrates' court in whose area the office of the licensing authority for the North Western Traffic Area is situated.

Offences

27. It is hereby declared that a contravention of or failure to comply with any provision of Regulation 3(3), 7, 10(1), 12(1), 13(2) or 14 is an offence.

Exemptions

28.—(1) Part IV of the Act of 1972 shall not apply to heavy goods vehicles of the following classes, that is to say—

(*a*) track laying vehicles;

(*b*) vehicles propelled by steam;

(*c*) road rollers;

(*d*) road construction vehicles used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);

(*e*) engineering plant;

(*f*) works trucks;

(*g*) an industrial tractor, that is to say a tractor, not being a land tractor, which has an unladen weight not exceeding $3\frac{1}{2}$ tons, is designed and used primarily for work off roads, or for work on roads in connection only with road construction or maintenance (including any such tractor when fitted with an implement or implements designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load) and is so constructed as to be incapable of exceeding a speed of 20 miles per hour on the level under its own power;

(*h*) land locomotives and land tractors;

(*i*) digging machines;

(*j*) vehicles exempted from excise duty by virtue of section 7(1) of the Vehicles (Excise) Act 1971**(a)** (vehicles used less than a certain distance on public roads);

(*k*) any motor car as defined in section 190(2) of the Act of 1972 which is so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby, but which has no trailer attached;

(*l*) vehicles used as public service vehicles as defined in sections 117 and 118 of the Road Traffic Act 1960;

(*m*) vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;

(*n*) vehicles manufactured before 1st January 1940 used unladen and not drawing a laden trailer;

(a) 1971 c. 10.

(*o*) vehicles in the service of a visiting force or headquarters;

(*p*) wheeled armoured vehicles being the property of, or for the time being under the control of, the Secretary of State for Defence;

(*q*) a vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or danger to other road users or members of the public, for the purpose of safe-guarding property (including the heavy goods vehicle and its load) or for other similar purposes;

(*r*) any articulated vehicle, the tractive unit of which does not exceed 15 cwt unladen weight;

(*s*) a vehicle (other than an articulated vehicle) having an unladen weight not exceeding 10 tons, being a vehicle which belongs to the holder of public service vehicle licence granted under section 127 of the Road Traffic Act 1960 or is in his possession under an agreement for hire purchase, hire or loan, when driven on his behalf by a person who holds a licence to drive public service vehicles granted under section 144 of that Act for the purpose of—

(i) proceeding to or returning from a place where assistance is to be, or has been, rendered to a disabled vehicle, being a vehicle in respect of which, at the time when it became disabled, a public service vehicle licence granted under the said section 127 was in force, or

(ii) moving such a disabled vehicle so as to prevent its causing an obstruction or towing it from the place where it has become disabled to a place where it is to be repaired, stored or broken up;

(*t*) a vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which—

(i) is used solely for dealing with disabled vehicles,

(ii) is not used for the conveyance of any load other than a disabled vehicle when so raised, water, fuel and accumulators and articles required for the operation of, or in connection with, such apparatus as aforesaid or otherwise for dealing with disabled vehicles, and

(iii) has an unladen weight not exceeding 3 tons; and

(*u*) play-buses.

(2) Paragraph 1 of Schedule 5 to the Act of 1972 shall not apply—

(*a*) to heavy goods vehicles of any of the classes specified in paragraph (1) above other than the class specified in sub-paragraph (*o*) of that paragraph;

(*b*) in a case to which section 112(3) of the Act of 1972 applies; or

(*c*) to heavy goods vehicles to which section 112(4) of the Act of 1972 applies.

(3) In this Regulation—

"digging machine" has the meaning given thereto in Schedule 3 to the Vehicles (Excise) Act 1971;

"engineering plant", "land locomotive" and "land tractor" have the meanings given thereto in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1973**(a)**;

"play-bus" means a vehicle—

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

(a) S.I. 1973/24 (1973 I p. 93).

(*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, and of articles required in connection with the use of such 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 the vehicle is not chargeable with duty in respect of its use on public roads;

"road construction vehicle" and "road construction machinery" have the meanings given thereto by section 4(2) of the Vehicles (Excise) Act 1971;

"track laying", in relation to a vehicle, means that the vehicle is so designed and constructed that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle;

"works truck" has the meaning given thereto in Schedule 2 to the Goods Vehicles (Plating and Testing) Regulations 1971**(a)**; and

expressions used in sub-paragraph (*o*) of paragraph (1) above have the same meaning as in the Visiting Forces and International Headquarters (Application of Law) Order 1965**(b)**.

Licences granted under Schedule 5

29.—(1) Any hgv driver's licence granted under paragraph 1 of Schedule 5 to the Act of 1972 to an applicant who has been in the habit of driving, during any period or periods referred to in the said paragraph 1, a heavy goods vehicle or vehicles of any class shall be granted in respect of each class of heavy goods vehicle which he has been in the habit of driving during the said period or periods and in respect of any additional class.

(2) Any hgv driver's licence granted under paragraph 1 of the said Schedule 5 to an applicant who is unable to satisfy the licensing authority that the provisions of paragraph (1) above apply in relation to him but who can satisfy the licensing authority that during periods referred to in paragraph 1 of the said Schedule 5 and amounting in aggregate to six months he has been in the habit of driving heavy goods vehicles of a combination of classes, shall be restricted to the lowest class of heavy goods vehicles comprised in that combination and any additional class.

In construing for the purposes of this paragraph the reference to the lowest class of heavy goods vehicle, class 1 in column 1 of Schedule 2 shall be treated as the highest class and each succeeding class in that column shall be treated as lower than any preceding class.

(a) S.I. 1971/352 (1971 I, p 1098). **(b)** S.I. 1965/1536 (1965 II, p. 4462).

Fred Mulley,
Minister for Transport,
Department of the Environment.

Signed by authority of the
Secretary of State
29th April 1975.

SCHEDULE 1

REGULATIONS REVOKED BY REGULATION 1(2)

Title	*Year and Number*
The Heavy Goods Vehicles (Drivers' Licences) Regulations 1969	S.I. 1969/903 (1969 II, p. 2582).
The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1971	S.I. 1971/736 (1971 II, p. 2049).
The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1972	S.I. 1972/1956 (1972 III, p. 5831).
The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1973	S.I. 1973/1212 (1973 II, p. 3646).
The Heavy Goods Vehicles (Drivers' Licences) (Amendment) (No. 2) Regulations 1973	S.I. 1973/1685 (1973 III, p. 5162).
The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1974	S.I. 1974/1492 (1974 III, p. 5732).

(See Regulations 2, 3, 4, 9, 16, 18, 19, 21 and 29)

SCHEDULE 2

Classes of heavy goods vehicles

1 Class	2 Definition	3 Additional Classes
Class 1	an articulated vehicle not with automatic transmission, other than a vehicle coming within class 4.	Classes 1A, 2, 2A, 3, 3A, 4 and 4A
Class 1A	an articulated vehicle with automatic transmission, other than a vehicle coming within class 4A.	Classes 2A, 3A and 4A
Class 2	a heavy goods vehicle not with automatic tranmission, other than an articulated vehicle, designed and constructed to have more than four wheels in contact with the road surface.	Classes 2A, 3 and 3A
Class 2A	a heavy goods vehicle with automatic transmission, other than an articulated vehicle, designed and constructed to have more than four wheels in contact with the road surface.	Class 3A
Class 3	a heavy goods vehicle not with automatic transmission, other than an articulated vehicle, designed and constructed to have not more than four wheels in contact with the road surface.	Class 3A
Class 3A	a heavy goods vehicle with automatic transmission, other than an articulated vehicle, designed and constructed to have not more than four wheels in contact with the road surface.	
Class 4	an articulated vehicle not with automatic transmission, the tractive unit of which does not exceed 2 tons unladen weight.	Class 4A
Class 4A	an articulated vehicle with automatic transmission, the tractive unit of which does not exceed 2 tons unladen weight.	

For the purposes of the above definitions where a vehicle is fitted with two wheels in line transversely and the distance between the centres of their respective areas of contact with the road is less than 18 inches they shall be regarded as only one wheel.

(See Regulation 6)

SCHEDULE 3

PART I

Form of heavy goods vehicle full drivers' licence

Road Traffic Act 1972
HEAVY GOODS VEHICLE
DRIVER'S LICENCE
Issued by the Licensing Authority for
[

Space for name and address
of holder

is hereby authorised to drive heavy goods vehicles of Classes
1, 1A, 2, 2A, 3, 3A, 4, 4A
.....
.....
.....
from .....until .....inclusive.

PROVISIONAL LICENCE

This licence has effect as a provisional licence in respect of the classes of heavy goods vehicles for which it is not a full licence. Such heavy goods vehicles may be driven subject to the conditions applying to provisional licence holders and the minimum age requirements being satisfied.
Usual signature of licensee.....

PART II

Form of heavy goods vehicle provisional driver's licence.

Road Traffic Act 1972
HEAVY GOODS VEHICLE
PROVISIONAL DRIVER'S LICENCE
Issued by the Licensing Authority for

Space for name and address
of holder

]

is hereby authorised to drive heavy goods vehicles of [all Classes] [Classes 4 and 4A] subject to the conditions prescribed in Regulation 9 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1975,

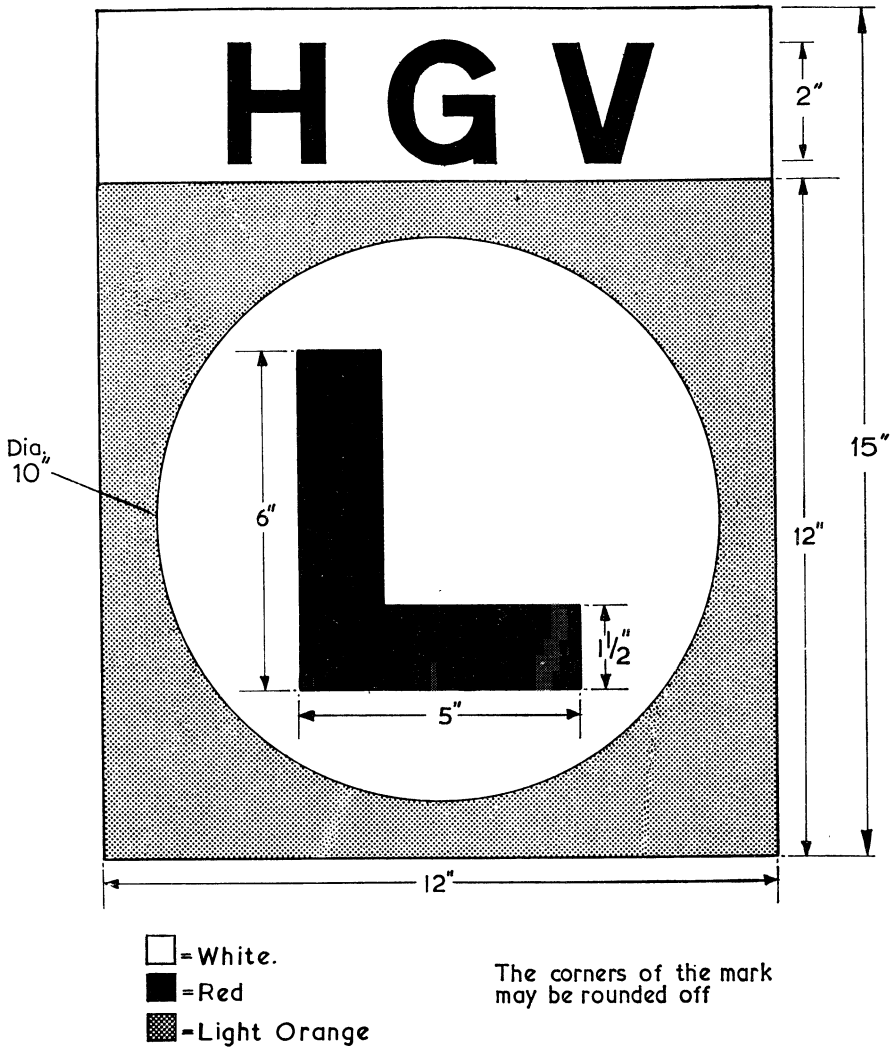
from .....until .....inclusive.

Usual signature of licensee.....

(See Regulation 9)

SCHEDULE 4

Diagram of distinguishing mark to be displayed on a vehicle driven under a provisional licence



(See Regulation 18)

SCHEDULE 5

Nature of tests—operations

A. Start the engine of the vehicle.

B. Move off straight ahead and at an angle.

C. Maintain a proper position in relation to a vehicle immediately in front.

D. Overtake and take an appropriate course in relation to other vehicles.

E. Turn right and left

F. Make an emergency stop.

G. Manoeuvre the vehicle both forwards and backwards, including steering the vehicle along a predetermined course; make it enter a narrow opening and bring it to rest at a predetermined position.

H. Indicate his intended actions by appropriate signals at appropriate times in a clear and unmistakeable manner.

I. Act correctly and promptly in response to all signals given by traffic signs and persons regulating road traffic and take appropriate action on signs given by other road users.

(See Regulations 20 and 24)

SCHEDULE 6

PART I

Form of certificate of passing a test of competence to drive a heavy goods vehicle

Road Traffic Act 1972
HEAVY GOODS VEHICLE DRIVING TEST
Pass Certificate

I certify that.....
.....
.....
has been examined and has passed the test of competence to drive a heavy goods vehicle of class
as prescribed for the purposes of section 114(1) of the Road Traffic Act 1972.
.....
.....
.....

PART II

Form of statement of failure to pass a test of competence to drive a heavy goods vehicle.

Road Traffic Act 1972
HEAVY GOODS VEHICLE DRIVING TEST
Statement of Failure

Name .....
Address .....
.....

has this day been examined on a heavy goods vehicle of Class.....and has failed to pass the test of competence to drive prescribed for the purposes of section 114 of the Road Traffic Act 1972.

PART III

Form of certificate of being treated as having passed an ordinary driving test

Road Traffic Act 1972
HEAVY GOODS VEHICLE DRIVING TEST
Pass certificate for ordinary driving test

.....
has been examined and has passed a test of competence prescribed for the purposes of section 114(1) of the Road Traffic Act 1972, and shall be treated under Regulation 24 of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1975 as having passed the test of competence prescribed under section 85(2) of that Act to drive.....
.....
.....
.....
prescribed for the purposes of the said section 85(2).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the Heavy Goods Vehicles (Drivers' Licences) Regulations 1969 with the amending Regulations specified in Schedule 1 to these Regulations. At the same time, amendments are made:—

(i) in Regulations 16 and 21 to provide that a person entitled under Part III of the Road Traffic Act 1972 to drive a heavy goods vehicle may produce, instead of his driving licence issued thereunder, evidence that he has applied to the Secretary of State for such a licence;

(ii) in Schedule 5 to remove the specific requirements that candidates be tested in the giving of arm signals;

(iii) in Regulations 8, 13 and 22 to increase the fees charged for licences and test appointments.

SI 1975/739
ISBN 0-11-050739-8

