STATUTORY INSTRUMENTS

2004 No. 3159

ROAD TRAFFIC

The Motor Cars (Driving Instruction) (Amendment) (No.2) Regulations 2004

Made - - - -	*29th November 2004*
Laid before Parliament	*10th December 2004*
Coming into force	
for all Regulations other than Regulation 5	*1st January 2005*
for Regulation 5	*1st January 2007*

The Secretary of State for Transport, in exercise of the powers conferred upon him by sections 125(5), 132 and 134(a) of the Road Traffic Act 1988(**a**), and after consulting with representative organisations in accordance with section 195(2) of that Act, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Motor Cars (Driving Instruction) (Amendment) (No.2) Regulations 2004.

(2) Regulation 5 of these Regulations shall come into force on 1st January 2007 and all other regulations thereof shall come into force on 1st January 2005.

Amendment of the Motor Cars (Driving Instruction) Regulations 1989

2. The Motor Cars (Driving Instruction) Regulations 1989(**b**) are amended in accordance with regulations 3 to 6 below.

3.—(1) Regulation 8 (nature of test and provision of a motor car) is amended as follows.

(2) After paragraph (1) insert—

"(1A) The test shall, at the discretion of the Registrar, consist of either—

(a) at the discretion of the examiner, either the test described in—

(i) paragraph (2) below, or

(ii) paragraph (4) below; or

(b) where a person has not satisfied any of the requirements specified in paragraphs (a) to (c) of regulation 8B(2), the test described in paragraphs (8) and (9)."

(**a**) 1988 c.52; sections 125(5) and 132 were amended by the Transport Act 2000, section 260 and Schedule 29. See section 141 for the definition of "regulations".

(**b**) S.I. 1989/2057, the relevant amended instrument is S.I. 1998/2247.

(3) For paragraph (2) substitute—

"(2) The form of test referred to in paragraph (1A)(a)(i) above is a test in which the person undergoing the test ("the candidate") is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were—

(a) a novice or partly-trained pupil,

(b) a pupil who is at about driving test standard, or

(c) a full driving licence holder with at least a year's experience since passing the driving test.**"**

(4) In paragraph (3)—

(a) for "paragraph (2)(a)" substitute "paragraph (2)"; and

(b) for "paragraph (2)(a)(iii)" substitute "paragraph (2)(c)".

(5) In paragraph (4) for "paragraph (2)(b)" substitute "paragraph (1A)(a)(ii)".

(6) In paragraph (6)—

(a) for "paragraph (2)(a)" substitute "paragraph (2)"; and

(b) for "paragraph (2)(a)(iii)" substitute "paragraph (2)(c)".

(7) After paragraph 7, add—

"(8) The form of test referred to in paragraph (1A)(b) is a test which shall—

(a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and

(b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.

And for the purposes of this paragraph "film clip" means a sequence of visual images displayed electronically.

(9) A candidate taking the test referred to in paragraph (1A)(b) must satisfy the examiner that his performance in the test demonstrates an ability to perceive hazards on the road.

(10) Before undergoing the continued ability and fitness test a person must produce to the person conducting the test the certificate issued to him under regulation 14.**"**

4. After regulation 8 insert—

"PART IIIA

Additional Conditions for Retention or Removal of Names on or from the Register

Additional condition for removal of names from the register

8A.—(1) To the conditions, specified in sections 128(2) and 128(2A) of the Act, that the Registrar must be satisfied are fulfilled before removing the name of a person from the register under section 128(1) of the Act there is added the condition in paragraph (2) below.

(2) The condition is that the applicant has, before 1st January 2007, failed—

(a) to pass the test specified in regulation 5(2)(a) as part of the driving ability and fitness test;

(b) to pass the test of continued ability and fitness specified in regulation 8(1A)(b); or

(c) to satisfy the Registrar, whether by virtue of his performance in a test equivalent to those tests or other form of assessment, that he has the necessary ability to perceive hazards on the road.”

5.—(1) After regulation 8A, insert—

“Additional condition for retention of names on the register

8B.—(1) To the relevant conditions, specified in sections 127(3) and 127(3A) of the Act, as to which the Registrar must be satisfied before retaining the name of a person in the register under section 127(2) of the Act there is added the relevant condition in paragraph (2) below.

(2) The relevant condition is that the applicant has—

(a) passed the test specified in regulation 5(2)(a) as part of the driving ability and fitness test;

(b) passed the test of continued ability and fitness specified in regulation 8(1A)(b); or

(c) satisfied the Registrar, whether by virtue of his performance in a test equivalent to those tests or other form of assessment, that he has the necessary ability to perceive hazards on the road.”

6.—(1) Regulation 13 (fees) is amended as follows.

(2) The current regulation is renumbered as paragraph (1).

(3) At the end, add—

“(2) The fee payable by a person required to undergo the continued ability and fitness test specified in regulation 8(1A)(b) is—

(a) nil for the first time that the person takes the test; and

(b) £20.50 in all other cases.

(3) The fee specified in paragraph (2) is payable at the time that the person makes an appointment to undergo the test.”

Signed by authority of the Secretary of State

David Jamieson
Parliamentary Under Secretary of State
Department for Transport

29th November 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Cars (Driving Instruction) Regulations 1989 ("the principal Regulations") to introduce a new test of continued ability and fitness. Regulation 3 provides that, where a person has not previously passed the hazard perception test or satisfied the Registrar (by means of a test or otherwise) of his ability to perceive hazards on the road, the person may be required undertake the hazard perception test as a test of continued ability and fitness. Regulation 3 also requires a a candidate for a continued ability and fitness test to produce to the person conducting the test the certificate issued to that candidate under regulation 14 of the principal Regulations.

Regulation 4 introduces a new condition which the Registrar must be satisfied is fulfilled in order to remove a name from the register of approved driving instructors. The condition, set out in regulation 4, is that the person has failed to satisfy the Registrar (by means of a test or otherwise) of his ability to perceive hazards on the road by 1 January 2007. Regulation 5 provides that, from 1st January 2007, the Registrar must be satisfied that a person has successfully undertaken a test or assessment of his ability to perceive such hazards before that person's name may be retained on the register of approved driving instructors.

Regulation 6 provides that a fee is payable for the hazard perception test when undertaken as part of the test of continued ability and fitness. The fee is £20.50 and is payable at the time that the appointment for the test is made, however, the fee is not payable in respect of the first time that a person takes the test.

A full regulatory impact assessment of the effect that these amendments will have on the costs of business is available from the Driving Standards Agency, Stanley House, Talbot Street, Nottingham NG1 5GU.

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