STATUTORY INSTRUMENTS

1978 No. 697

ROAD TRAFFIC

The Motor Vehicles (Driving Licences) (Amendment) Regulations 1978

Made - - - -	10*th May* 1978
Laid before Parliament	11*th May* 1978
Coming into Operation	1*st June* 1978

The Secretary of State for Transport, in exercise of the powers conferred by sections 85(2), 88(2) and 107 of the Road Traffic Act 1972(**a**), and of all other enabling powers, and 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 1st June 1978, and may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations 1978.

2. The Motor Vehicles (Driving Licences) Regulations 1976(**b**), as amended(**c**), shall be further amended in accordance with the following provisions of these Regulations.

3. In Regulation 8 (Conditions attached to provisional licences)—

(1) in paragraph (2), at the end the following shall be inserted—

"or

(*f*) is driving a motor vehicle on a road in an exempted island.";

(2) for paragraph (5) the following paragraph shall be substituted—

"(5) In this Regulation—

'exempted island' means any island outside the mainland of Great Britain from which motor vehicles, unless constructed for special purposes, can at no time be conveniently driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or other way suitable for the passage of such motor vehicles but this expression 'exempted island' does not include any of the following islands, namely, the Isle of Wight, St. Mary's (Isles of Scilly), the islands of Arran, Bute, Great Cumbrae, Islay, the island which comprises Lewis and Harris, Mainland (Orkney), Mainland (Shetland), Mull, the island which comprises North Uist, Benbecula and South Uist, Skye and Tiree;

(**a**) 1972 c. 20. (**b**) S.I. 1976/1076. (**c**) S.I. 1976/1764.

'leg disability' means a disability which consists solely of any one or more of the following: —

(*a*) the absence of a leg or legs,

(*b*) the deformity of a leg or legs,

(*c*) the loss of use of a leg or legs,

reference to a leg including reference to a foot or part of a leg or foot, and reference to loss of use, in relation to a leg or foot, including reference to a deficiency of movement or power in the leg or foot;

'qualified driver' means a person who holds—

(i) in the case of the supervision of the driver of any vehicle including a motor car, a full licence authorising him to drive as a full licence holder the motor vehicle being driven by the holder of the provisional licence, or

(ii) in the case only of the supervision of the driver of a motor car by a person whose licence is limited under section 87(4)(ii) of the Act of 1972 solely on account of a leg disability to motor cars of a particular construction or design, a full licence authorising him so to drive motor cars of a class falling within the same group as the motor car being driven by the holder of the provisional licence.".

4. For Regulation 17 (Fees in respect of tests) there shall be substituted the following Regulation—

"*Fees in respect of tests*

17.—(1) The following provisions of this Regulation shall apply in the case of a person who submits himself for a test or applies for an appointment for a test.

(2) No fee shall be payable in respect of a test conducted by a person authorised by virtue of paragraph (*b*), (*c*), (*d*) or (*f*) of Regulation 13 of these Regulations.

(3) The fee payable in respect of a test to be conducted by an examiner appointed under—

(*a*) paragraph (*a*) of the said Regulation 13 shall, except in the case of a test to be taken on a vehicle of a class in group J, in respect of which no fee is payable, be £6.75 if an application for an appointment for a test was made before 1st June 1978 or £7.30 in any other case;

(*b*) paragraph (*e*) of that Regulation shall, except as aforesaid, be £7.30.

(4) The fee payable in respect of a test to be conducted by a person authorised by virtue of paragraph (*e*) of the said Regulation 13 shall be paid to that person to be retained by him as remuneration.".

William Rodgers,

10th May 1978. Secretary of State for Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations 1976 as follows.

(1) Regulation 8 (Conditions attached to provisional licences) is amended so that—

(*a*) the holder of a provisional driving licence is exempt from the requirement that he shall only drive a motor vehicle under the supervision of a qualified driver who is present with him in or on the vehicle, in a case where he is driving the vehicle on a road in an island from which ordinary vehicles cannot conveniently be driven to a road in any other part of Great Britain by reason of the absence of any bridge, tunnel, ford or way suitable for the passage of such vehicles. The exemption does not apply to the islands specifically named in the amendment.

(*b*) the definition of 'qualified driver' in paragraph (5) is extended to enable the holder of a full licence authorising him to drive motor cars as a full licence holder with a disability affecting only his legs or feet to act as the supervisor of a provisional licence holder driving any motor car of the same group (as defined in Regulation 3(1) of the 1976 Regulations), although the disabled driver's full licence authorises him to drive motor cars of a particular construction or design only.

(2) Regulation 17 (Fees in respect of tests) is amended so that the fee payable by a person who submits himself for a driving test or applies for an appointment for a driving test is increased from £6.75 to £7.30.

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