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 STATUTORY INSTRUMENTS
 

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**1985 No. 214****PUBLIC PASSENGER VEHICLES****The Public Service Vehicles (Drivers' Licences) Regulations 1985**

<i>Made - - - -</i>	18th February 1985
<i>Laid before Parliament</i>	1st March 1985
<i>Coming into Operation</i>	25th March 1985

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## SCHEDULE 1

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## SCHEDULE 2

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The Secretary of State for Transport, in exercise of the powers conferred by sections 22(3), 52(1)(b), 59 and 60(1) of the Public Passenger Vehicles Act 1981 (a), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of the said Act, hereby makes the following Regulations:—

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 (a) 1981 c.14.

*Commencement and citation*

1. These Regulations shall come into operation on 25th March 1985 and may be cited as the Public Service Vehicles (Drivers' Licences) Regulations 1985.

*Revocation*

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

*Interpretation*

3.—(1) In these Regulations, unless the context otherwise requires, a reference to a Regulation or Schedule followed by a number is a reference to the Regulation or Schedule bearing that number in these Regulations, and a reference to a paragraph followed by a number is a reference to the paragraph bearing that number in the Regulation in which it appears.

(2) No period of days specified in these Regulations includes a day which is Saturday, Sunday, Christmas Day, New Year's Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971 (a).

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

“applicant” means a person who applies for a licence in accordance with Regulation 4;

“commissioners” means the traffic commissioners for a traffic area constituted for the purposes of the Public Passenger Vehicles Act 1981;

“double-decked vehicle”, “half-decked vehicle” and “single-decked vehicle” have the meanings respectively given to those expressions in Regulation 3(1) of the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (b);

“driving examiner” means a person authorised to conduct a test as provided in Regulation 9;

“holder”, in relation to a licence, means the person to whom the licence was issued;

“licence” means a licence for the purpose of section 22 of the Public Passenger Vehicles Act 1981;

“overall length” has the same meaning as in Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978 (c);

“Northern Ireland (ordinary) driving licence” and “ordinary driving licence” have the meanings respectively given to those expressions in Regulation 2(1) of the Heavy Goods Vehicles (Drivers' Licences) Regulations 1977 (d);

“public service vehicle examiner” means a person appointed as such in accordance with section 7(2) of the Public Passenger Vehicles Act 1981;

“the Council Directive” means Council Directive 76/914/EEC of 16th December 1976 on the minimum level of training for some road transport drivers (e);

“test” means a test conducted in accordance with the provisions of Regulations 7, 8 and 9;

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(a) 1971 c.80.

(b) S.I. 1981/257, to which there are amendments not relevant to these Regulations.

(c) S.I. 1978/1017.

(d) S.I. 1977/1309, to which there are amendments not relevant to these Regulations.

(e) OJ No. L. 357, 29.12.76, page 36.

“vehicle with automatic transmission” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations 1981 (a) .

(4) In these Regulations any reference to a class of vehicle is a reference to a class specified in column 2 of Schedule 2.

*Application for a licence*

4. An application for a licence shall be made to the commissioners for the area in which the applicant resides, and in such form as the commissioners may require, and an applicant shall, at his own expense, give the commissioners such information as they may reasonably require for disposing of the application including the class or classes of vehicle to which the application relates.

*Conditions for the issue of a licence*

5. Every applicant shall satisfy the commissioners to whom his application was made that the applicant—

- (a) has not at any time since he attained the age of 5 years had an epileptic attack;
- (b) is fit to hold the licence applied for having regard to his conduct, his health and any disability which he may suffer; and
- (c) holds an ordinary driving licence or a Northern Ireland (ordinary) driving licence in either case by virtue of which he is entitled to drive a vehicle, or vehicles in the class in respect of which his application is made, or is so entitled by virtue of section 84(4) of the Road Traffic Act 1972 (b) or any corresponding Northern Ireland provisions.

6. Every applicant shall be required to pass a test unless—

- (a) he satisfies the commissioners to whom his application is made that he has at some time during the period of 5 years immediately preceding the date from which the licence applied for would commence held a licence entitling him under the law of Great Britain or of Northern Ireland to drive public service vehicles of the same class as those in respect of which his application is made; or
- (b) he has not passed a test by reason of the provisions of Regulation 6 of the Driving Licences (Community Driving Licence) Regulations 1982 (c) ; or
- (c) in a case where the application is restricted to the driving of vehicles none of which is adapted to carry more than 8 passengers, the commissioners to whom his application was made are satisfied that he is adequately competent.

7.—(1) Every applicant who is required to pass a test before a licence is granted to him shall, before the test starts—

- (a) sign the driving examiner’s attendance record;
- (b) provide for the purpose of the test a vehicle which is suitable for the test and which, in particular,

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(a) S.I. 1981/952, to which there are amendments not relevant to these regulations.  
(b) S.I. 1972 c.20; section 84(4) has been amended by the Road Traffic (Drivers’ Ages and Hours of Work) Act 1976 (c.3) and by the Driving Licences (Community Driving Licence) Regulations 1982 (S.I. 1982/1555).  
(c) S.I. 1982/1555.

- (i) is fitted with a seat which is firmly secured to the vehicle and in such a position that the driving examiner is able properly to conduct all or part of the test from it;
  - (ii) save as provided in paragraph (2), is so constructed that the driving examiner can, from the same deck of the vehicle on which the driver is seated, get a clear view of the road to the rear of the vehicle without the use of any optical device, and
  - (iii) 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 has been removed.
- (2) The requirement specified in paragraph (1)(b)(ii) above does not apply in a case where—
- (a) the construction of the vehicle makes fulfilment of that requirement impracticable, and
  - (b) the commissioners to whom the application for the test was made consent to that requirement not being complied with in consequence of arrangements to conduct part or all of the test not on a road.
- (3) Where a person submitting himself for a test provides a vehicle as mentioned in paragraph (1)(b) he shall allow to travel in the vehicle—
- (a) the driving examiner, and
  - (b) any person authorised by the Secretary of State to attend the test for the purpose of supervising it or otherwise.
- 8.** No applicant who is required to pass a test as provided in Regulation 6 shall be granted a licence unless during the test he satisfies the driving examiner that the applicant—
- (a) knows the Highway Code,
  - (b) has the knowledge of the construction and main component parts specified in paragraph 1 of the Annex to the Council Directive in relation to the vehicle in which the test is being conducted and of the transport and administrative procedures specified in paragraph 2.1 to 2.4, 2.9 and 2.10 of that Annex,
  - (c) is competent to drive the vehicle in which the test is being conducted without danger to, and with due consideration for, other persons using the road,
  - (d) is competent to drive the vehicle, in which the test is being conducted and in particular can—
    - (i) start its engine,
    - (ii) move it off straight ahead and at an angle,
    - (iii) maintain it in a proper position in relation to a vehicle immediately in front,
    - (iv) cause it to overtake and take an appropriate course in relation to other vehicles,
    - (v) turn it right and left,
    - (vi) stop it in an emergency,
    - (vii) stop it normally and bring it to rest in an appropriate part of the road,

- (viii) drive it backwards and whilst so doing cause it to enter a limited opening to the right and to the left,
- (ix) indicate his intended actions by appropriate signals at appropriate times, and
- (x) act correctly and promptly in response to all signals given by any traffic sign, and by any person lawfully directing traffic and any other person using the road.

9.—(1) No test shall be conducted by a person unless—

- (a) he is authorised to do so by the Secretary of State, or
- (b) he is certified by the Secretary of State to be qualified to conduct the test and is authorised to do so by the commissioners and is, or is employed by, the holder of a PSV Operator's licence.

(2) No test shall be conducted by a person referred to in paragraph (1)(b)—

- (a) in a case where the examiner is authorised by virtue of his holding a PSV Operator's licence, if the person being tested is not employed or, as the case may be, proposed to be employed by the examiner in the course of the business which he conducts by virtue of that licence;
- (b) in a case where the examiner is authorised by virtue of his employment by the holder of a PSV Operator's licence, if the person being tested is not employed, or, as the case may be, proposed to be employed by that holder in the course of the business conducted by that holder by virtue of that licence.

(3) In the event of a person mentioned in paragraph (1) conducting a test and being satisfied that the applicant who has been subject to the test is sufficiently competent to hold a licence that person shall issue to that applicant a certificate in the form (adapted as the case may require) set out in Schedule 3 and duly completed.

*Fees for tests and the provision of facilities*

10.—(1) This Regulation applies only in a case where an applicant is required to pass a test before he is issued with a licence and the test is to be conducted by a person referred to in Regulation 9(1)(a).

(2) The fee of £36 is hereby prescribed as the fee for the provision by the commissioners of facilities for an applicant for a licence to drive a vehicle to undergo a test.

(3) That fee shall be paid when the application for the licence is made, and it shall be repaid if—

- (a) the commissioners do not arrange to provide facilities for the test;
- (b) the commissioners arrange to provide facilities for the test but cancel the arrangement before the test starts;
- (c) the commissioners receive notice of the withdrawal of an application at least three clear days before the day on which the commissioners have arranged to provide facilities for the test; or
- (d) the applicant presents himself for the test in accordance with arrangements made by the commissioners, but the test is not started or is not completed for a reason which is not attributable to the applicant or to any vehicle provided by him for the purposes of the test.

*Fees for licences and duplicates*

11.—(1) The fee for a licence is—

(a) if the applicant for the licence is the holder of a licence which he surrenders on making the application and the licence granted on the application has the same expiry date as the expiry date shown on the surrendered licence, £2;

(b) in any other case, £5.

(2) The fee for a duplicate licence issued as provided in Regulation 15 is £2.

(3) The fee prescribed in paragraph (1) shall be paid before the licence is issued, and the fee prescribed in paragraph (2) shall be paid before the duplicate licence is issued.

*Specification on licences of classes of vehicles*

12.—(1) The commissioners who grant a licence shall specify the class or classes of vehicle the driving of which is thereby authorised.

(2) A licence which is specified to authorise the driving of a vehicle in a class specified in an item in column 2 of the Table below shall also authorise the driving of vehicles in the class or classes (if any) specified in that item in column 3 of that Table.

TABLE

1	2	3
Item No	Class of vehicle specified in licence	Other vehicles the driving of which is authorised by the licence
1.	1	1A, 2, 2A, 3, 3A, 4 and 4A
2.	1A	2A, 3A and 4A
3.	2	2A, 3, 3A, 4 and 4A
4.	2A	3A and 4A
5.	3	3A, 4 and 4A
6.	3A	4A
7.	4	4A
8.	4A	None
9.	4B	None

*Signature of licences and notifications of change of address*

13.—(1) Upon the issue of a licence to him the holder shall sign it with his ordinary signature.

(2) If, during the currency of a licence, the holder changes his address he shall, within 7 days of the change, notify the commissioners who granted the licence of the new address.

*Yielding of licences and their return*

**14.**—(1) If the holder of a licence is, pursuant to Part III of the Road Traffic Act 1972, disqualified from driving by virtue of a licence granted under that Part he shall, within 7 days of the date of that disqualification, send the first-mentioned licence to the commissioners who granted it and that first-mentioned licence shall be retained by those commissioners during such time as that disqualification lasts.

(2) In the event of the suspension or revocation of a licence the holder shall, within 14 days after a notice of the suspension or revocation has been issued, send or deliver such licence to the commissioners by whom it was issued for retention during the period of the suspension, or for cancellation, as the case may require.

(3) On the removal of a disqualification referred to in paragraph (1) the commissioners shall, on being asked to do so by the person to whom it was issued, return any licence the time of which has not expired.

(4) In a case where the holder of a licence to drive vehicles of a particular class or particular classes becomes entitled to a licence to drive vehicles of another class or other classes also, he shall send the first-mentioned licence to the commissioners by whom it was issued before the second-mentioned licence is issued.

*Duplicate licences*

**15.**—(1) If a licence has been lost or destroyed, the holder shall forthwith notify the commissioners by whom the licence was granted and those commissioners, if satisfied that the licence has been lost or destroyed, shall issue a copy of it marked as a duplicate.

(2) If a licence referred to in paragraph (1) is subsequently recovered by the holder he shall forthwith return it to the said commissioners.

(3) If a licence becomes defaced or illegible the holder shall forthwith return it to the commissioners by whom it was issued and on such return those commissioners shall issue a copy of the licence marked as a duplicate.

(4) A copy of a licence issued and marked as a duplicate in accordance with paragraph (1) or (3) shall have the same effect as the licence which it duplicates.

*Production of licences*

**16.**—(1) Save as provided in paragraph (2), on being required to do so by any certifying officer, public service vehicle examiner or person authorised by any commissioners on production, in any such case, if so required, of his authority, or by any police constable, the holder of a licence shall forthwith produce his licence for examination by such officer, examiner, person or constable, as the case may be.

(2) If any person is unable to produce his licence when required to do so in accordance with paragraph (1) 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 5 days after the production of the licence was so required it is produced in person by the driver for examination at such police station as may have been specified by him at the time its production was required; or

- (b) in any other case within 10 days after the production of the licence was so required it is made available for examination at such office of as the person requiring its production may have specified at the time its production was required.

*Issue of badges*

**17.**—(1) Upon the issue of a licence the commissioners shall issue to the holder a badge bearing a distinguishing letter and number.

(2) The holder shall at all times when driving a vehicle by virtue of a licence issued to him wear the badge in a conspicuous position so that the distinguishing letter and number are easily legible except when the badge has been lost, destroyed or defaced and the holder has applied to the commissioners for a new badge.

*Return of badges*

**18.**—(1) In the event of the suspension or revocation of a licence, or on the expiry of a licence unless a new licence has been applied for and not refused, the holder shall, within 14 days after a notice of the suspension or revocation has been given to him, or the expiry of the licence, as the case may be, send or deliver his badge to the commissioners by whom it was issued for retention during the time of the suspension or permanently, as the case may require.

(2) On the removal of a suspension referred to in paragraph (1) the said commissioners shall, if the time of the licence has not expired, return the badge to the holder of the licence.

*Issue of duplicate badges*

**19.**—(1) If a badge has been lost or destroyed the person to whom it was issued shall forthwith notify the commissioners by whom it was issued and those commissioners, if satisfied that the badge has been lost or destroyed, shall issue another badge.

(2) If a badge which has been lost and for which another badge has been issued is subsequently recovered by the person to whom it was issued he shall forthwith return it to the said commissioners.

(3) If a badge becomes defaced or illegible the person to whom it was issued shall forthwith return it to the commissioners by whom it was issued and on return those commissioners shall issue another badge.

(4) A badge issued under paragraph (1) or (3) shall have the same effect as the badge which it replaces.

*Custody and use of badges*

**20.** The holder of a licence to whom a badge has been issued—

- (a) shall at all times keep the badge in his possession until he is required by these Regulations to return it to the commissioners;
- (b) shall not cause or permit the badge to be worn by any other person.

*Nicholas Ridley,*  
Secretary of State for Transport.

18th February 1985.



## SCHEDULE 1

(Regulations revoked by Regulation 2)

TITLE	YEAR AND NUMBER
The Public Service Vehicles (Drivers' and Conductors' Licences) Regulations 1934	S.R. & O. 1934/1321
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1962	S.I. 1962/920
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1972	S.I. 1972/1061
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1976	S.I. 1976/1114
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1980	S.I. 1980/634
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) (No. 2) Regulations 1980	S.I. 1980/914
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1981	S.I. 1981/265
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1982	S.I. 1982/999
The Public Service Vehicles (Drivers' and Conductors' Licences) (Amendment) Regulations 1983	S.I. 1983/916

## SCHEDULE 2 (see Regulation 3(4))

*Classes of vehicle*

1	2
Item No.	Class of vehicle to which application relates
1.	A double-decked vehicle without automatic transmission.
1A.	A double-decked vehicle with automatic transmission.
2.	A single-decked vehicle without automatic transmission or a half-decked vehicle without automatic transmission being in either case a vehicle the overall length of which exceeds 8.5 metres.
2A.	A single-decked vehicle with automatic transmission or a half-decked vehicle with automatic transmission being in either case a vehicle the overall length of which exceeds 8.5 metres.
3.	A single-decked vehicle without automatic transmission or a half-decked vehicle without automatic transmission being in either case a vehicle the overall length of which does not exceed 8.5 metres but which does exceed 5.5 metres.

SCHEDULE 2 (see Regulation 3(4))

Classes of vehicle

1	2
Item No.	Class of vehicle to which application relates
3A.	A single-decked vehicle with automatic transmission or a half-decked vehicle with automatic transmission being in either case a vehicle the overall length of which does not exceed 8.5 metres but which does exceed 5.5 metres.
4.	A single-decked vehicle without automatic transmission or a half-decked vehicle without automatic transmission being in either case a vehicle the overall length of which does not exceed 5.5 metres.
4A.	A single-decked vehicle with automatic transmission or a half-decked vehicle with automatic transmission being in either case a vehicle the overall length of which does not exceed 5.5 metres.
4B.	A vehicle specified in item 4 and 4A above but restricted to uses specified in the licence.

SCHEDULE 3 (see Regulation 9(3))

Form of certificate to be issued to an applicant prior to the issue of a licence to him.

PUBLIC PASSENGER VEHICLES ACT 1981

The Public Service Vehicles (Drivers' Licences) Regulations 1984

..... of ..... (1) [who is employed or proposed to be employed by .....(2), (3)] has today been examined by me and has passed the test required and prescribed under the Public Service Vehicles (Drivers' Licences) Regulations 1984.

Signed .....  
 authorized by the [Secretary of State]  
 [Commissioners for the .....  
 .....(4) Traffic Area] (5) to  
 conduct the test

Signed .....(6)  
 applicant

Date .....

(1) Insert name and address of applicant for driver's licence

(2) Delete words in square brackets if certificate is signed by an examiner authorized by the Secretary of State.

(3) Insert name of the holder of a PSV operator's licence by whom the applicant is employed or proposed to be employed.

(4) Insert name of the Traffic Area in which the examiner is authorized.

(5) Delete one or other of the descriptions in square brackets as the case may require.

(6) The applicant is to sign here immediately after the examiner has signed and in his presence.

## EXPLANATORY NOTE

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

1. These Regulations revoke the Public Service Vehicles (Drivers' and Conductors' Licences) Regulations 1934 and the other Regulations specified in Schedule 2 (Regulation 2). And they prescribe new requirements relating to licences for the driving of public service vehicles.

2. Regulation 3 deals with interpretation. In so far as it is expedient to achieve consistency and avoid excessive repetition terms are defined by reference to other enactments.

3. By virtue of section 22(3) of the Public Passenger Vehicles Act 1981 conditions for the issue of a licence are imposed by Regulations 5 to 9. Under Regulation 5 an applicant shall satisfy the traffic commissioners as regards matters relating to his health and conduct. It also requires him to satisfy them that he holds an ordinary driving licence, it being the case that section 84(1) of the Road Traffic Act 1972 (c.20) provides that it shall be an offence for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence (as defined in section 110 of that Act) authorising him to drive a motor vehicle of that class. Regulation 6 provides that every applicant shall be required to pass a test unless one of the circumstances there specified obtains. Regulation 7 provides that every applicant who is required to pass a test before a licence is granted to him shall, before the test starts, sign an attendance record and provide a suitable vehicle for the purposes of the test. Regulation 8 provides that no applicant who is required to pass a test shall be granted a licence unless he satisfies the driving examiner as mentioned in that Regulation. No test shall be conducted by a person save as mentioned in Regulation 9.

4. By virtue of section 52 of the 1981 Act fees are prescribed for tests and the provision of facilities (Regulation 10) and for licences and duplicates (Regulation 11).

5. By virtue of sections 59 and 60(1) of the 1981 Act Regulation 4 makes provisions about applications, Regulation 12 makes provisions about the specification on licences of classes of vehicles, Regulation 13 makes the provision about signature of licences and notifications of changes of address, Regulation 14 makes provisions about yielding up licences, and their return in the event of the removal of a disqualification. Regulation 15 makes provision about duplicate licences and Regulation 16 makes provisions about the production of licences.

6. Regulations 17 to 20 contain provisions about badges of drivers of public service vehicles—their issue, return, custody, and duplicate badges.

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