

GUERNSEY STATUTORY INSTRUMENT

2003 NO. 19

**The Driving Licences (Guernsey) Theory Test Regulations
2003**

<i>Made</i>	<i>30th June, 2003</i>
<i>Coming into operation</i>	<i>1st July, 2003</i>
<i>Laid before the States</i>	<i>24th September, 2003</i>

THE STATES TRAFFIC COMMITTEE, in exercise of the powers conferred on it by section 4A, of the Driving Licences (Guernsey) Ordinance, 1995¹, as amended, hereby makes the following regulations:-

PART 1

APPLICATIONS FOR THEORY TESTS

Applications

1. A person wishing to undertake a theory test shall apply to a person appointed by the Committee, in such form as may be required.
2. Applications to undertake a theory test shall be accompanied by the documents specified in regulation 5 and any other information which the Committee may, from time to time, require.

¹ Recueil d'Ordonnances Tome XXVI, p. 374; section 4A was inserted by No. XXX of 2002.

Persons by whom theory tests may be conducted

3. (1) A theory test may be conducted by a person appointed by the Committee, for the purpose of testing eligible candidates in the relevant category of theory test.

(2) The President of the States Traffic Committee may revoke such an appointment by giving notice in writing to that person, whereupon their authority to conduct theory tests shall cease upon the date specified in the notice.

PART 2

FEES FOR THEORY TESTS

Fees for theory test

4. (1) The fee payable for a theory test in respect of any category of motor vehicle is £23.50. The fee is payable to the person appointed by the Committee.

(2) The fee payable for a theory test may be repaid by the Committee upon application to it in the following circumstances:

- (a) if the appointment for the test is subsequently cancelled by or on behalf of the Committee;
- (b) if the person for whom the appointment was made keeps the appointment but the test does not take place or is not completed, for unforeseeable reasons not attributable to him;

- (c) if the person for whom the appointment is made fails to keep the appointment due to ill-health, subject to the provision of a certificate from a recognised medical practitioner; or
- (d) if the person for whom the appointment is made gives notice of cancellation not less than seven days before the day of the appointment.

PART 3

ELIGIBILITY FOR AND EXEMPTIONS FROM THEORY TESTS

Eligibility for theory tests

5. (1) A person submitting himself for a theory test shall, on attending for the test appointment and before the test commences, produce to the person conducting the test, a valid provisional driving licence and a counterpart thereof, authorising him to drive a motor vehicle in Guernsey, of a class included in the category in respect of which the test is to be taken, as set out in the table below.

Category of Test	Category of Provisional Licence Required
Motorcycle	P, A1 or A
Motor Car	B1, B, BE, F, L or G
Goods Vehicles	C1, C1E, C or CE
Passenger Vehicles	D, D1E, D or DE

(2) A person submitting himself for a theory test may be exempted from the above requirement, provided that he can satisfy the person conducting the test as to his identity and provisional driving licence entitlement.

(3) The Committee may give directions regarding the circumstances in which such exemptions may be granted.

(4) A person appointed by the Committee may refuse to conduct a theory test where he is not satisfied as to the identity of the person submitting himself for that theory test or the validity of their provisional driving licence.

Exemptions from theory test

6. (1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence:

- (a) in category **P** if he has already passed a theory test required for the purpose of obtaining a licence in either categories A1 or A;
- (b) in category **A1** if he has already passed a theory test required for the purpose of obtaining a licence in either categories P or A;
- (c) in category **A** if he has already passed a theory test required for the purpose of obtaining a licence in either categories P or A1;
- (d) in category **B1** if he has already passed a theory test required for the purpose of obtaining a licence in either categories B, B+E, F, L or G;

- (e) in category **B** if he has already passed a theory test required for the purpose of obtaining a licence in either categories B1, F, L or G;
- (f) in category **B+E** if he has already passed a theory test required for the purpose of obtaining a licence in either categories B1, B, F, L or G;
- (g) in category **F** if he has already passed a theory test required for the purpose of obtaining a licence in either categories B1, B, B+E, L or G;
- (h) in category **L** if he has already passed a theory test required for the purpose of obtaining a licence in either categories B1, B, B+E, F or G;
- (i) in category **G** if he has already passed a theory test required for the purpose of obtaining a licence in either categories B1, B, B+E, F or L;
- (j) in category **C1** if he has already passed a theory test required for the purpose of obtaining a licence in either categories C or C+E;
- (k) in category **C1+E** if he has already passed a theory test required for the purpose of obtaining a licence in either categories C1, C or C+E;

- (l) in category **C** if he has already passed a theory test required for the purpose of obtaining a licence in either categories **C1** or **C1+E**;
- (m) in category **C+E** if he has already passed a theory test required for the purpose of obtaining a licence in either categories **C1**, **C1+E** or **C**;
- (n) in category **D1** if he has already passed a theory test required for the purpose of obtaining a licence in either categories **D** or **D+E**;
- (o) in category **D1+E** if he has already passed a theory test required for the purpose of obtaining a licence in either categories **D1**, **D** or **D+E**;
- (p) in category **D** if he has already passed a theory test required for the purpose of obtaining a licence in either categories **D1** or **D1+E**;
- (q) in category **D+E** if he has already passed a theory test required for the purpose of obtaining a licence in either categories **D1**, **D1+E** or **D**.

(2) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence in any category if he holds a valid pass certificate for a theory test of the same category issued by a competent authority:

- (a) of such country with which the United Kingdom may from time to time have a reciprocal arrangement; or

- (b) in Great Britain, Northern Ireland, the Isle of Man or Jersey; or,
- (c) of a Member State of the European Community.

PART 4

NATURE OF THEORY TEST AND PASS REQUIREMENTS

Pass Certificates

8 (1) Where a person has passed a theory test, he shall be issued with a theory test pass certificate on behalf of the Committee, by the person appointed by the Committee.

(2) A theory test pass certificate shall remain valid until the expiration of the period of two years commencing with the date of its issue.

(3) The Committee may, at its discretion, treat a pass certificate as valid notwithstanding that the period which has elapsed since the date of its issue exceeds two years.

Nature of theory tests

9. (1) The theory test will consist of 35 multiple choice questions designed to test whether a person has sufficient theoretical knowledge and understanding of such matters relevant to the safe, competent and careful driving of motor vehicles, as the Committee may deem appropriate.

(2) The theory test may include, without limitation, questions on the topics noted in the table below:

driver alertness and attitude;
safety and the vehicle;
safety margins;
hazard awareness;
vulnerable road users;
vehicle handling;
motorway rules;
rules of the road;
road and traffic signs;
driver and vehicle documentation;
accidents;
vehicle loading.

(3) A person will be deemed to have passed the theory test if he has answered thirty or more questions correctly. If a person answers less than thirty questions correctly, then he will be deemed to have failed.

PART 5 GENERAL PROVISIONS

Transitional Provisions

7. A person is exempt from the requirement to pass a theory test in any category if, before the commencement date of this Regulation, he has already made an appointment to submit himself for a test of competence in the same category under section 4 of the Driving Licences (Guernsey) Ordinance, 1995, as amended.

Interpretation.

8. In these regulations, unless the context requires otherwise -
- (a) "a person appointed by the Committee" means person, company or organisation appointed in writing by the President of the States Traffic Committee, in accordance with regulation 2, and
 - (b) "a competent authority" means an authority with statutory functions conferred or imposed by an enactment, and
 - (c) other expressions have the same meanings as in the Driving Licences (Guernsey) Ordinance, 1995, as amended.

Citation.

9. These Regulations may be cited as the Driving Licences (Guernsey) Theory Test Regulations, 2003.

Commencement.

10. These Regulations shall come into force as follows -
- (a) in relation to motorcycles (categories P, A1 or A) and motor cars (categories B1, B, BE, F, L and G), on the 1st day of July, 2003; and
 - (b) in relation to goods vehicles (categories C, C1E, C or CE) and passenger vehicles (categories D, D1E, D or

DE), on a date to be determined by the Committee by regulation.

Dated this thirtieth day of June, 2003.

A handwritten signature in black ink, appearing to read 'P. Mellor', written over a dotted line.

P. MELLOR

President of the States Traffic Committee

For and on behalf of the Committee.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe the procedures and formalities for completing a theory test under the Driving Licences (Guernsey) Ordinance, 1995, as amended.