

The Driving Licences (Guernsey) Theory Test Regulations 2005

<i>Made</i>	<i>31st August, 2005</i>
<i>Coming into operation</i>	<i>1st September, 2005</i>
<i>Laid before the States</i>	<i>2005</i>

THE ENVIRONMENT DEPARTMENT, 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

Application

1. A person wishing to undertake a theory test may apply in writing or by telephone to a person appointed by the Department, in such form or manner as may be required.
2. Applications to undertake a theory test shall be supported by such evidence or further evidence as the Department may require.

Persons by whom theory tests may be conducted

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

(2) The Minister of the Environment Department 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 Department.

(2) The fee payable may be increased on the 1st January in each year by a percentage equal to the annual percentage increase in the Guernsey Retail Prices Index, as last published before that date.

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

(a) if the appointment for the test is subsequently cancelled by or on behalf of the Department;

(b) if the person for whom the appointment was made keeps the appointment but the test does not take place

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

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: or
- (e) if the Department otherwise considers that it is reasonable to do so.

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)	P, A1 or A

Motor Car (B1, B, B+E, F, L or G)	B1, B, B+E, F, L or G
Goods Vehicles (C1, C1+E, C or C+E)	C1, C1+E, C or C+E
Passenger Vehicles (D1, D1+E, D or D+E)	D1, D1+E, D or D+E

(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 Department may give directions regarding the circumstances in which such exemptions may be granted.

(4) A person appointed by the Department 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 in the categories set out in column 2 of the table below, if he has a valid theory test pass certificate in any of the corresponding categories set out in column 1 of the table below:

1	2
Valid theory test pass certificate in any of the following categories;	Exemption from passing theory test in any of the following categories;
P, A, A1	P, A, A1
B, B1, B+E, F, L, G	B, B1, B+E, F, L, G
C, C1, C1+E, C+E	C, C1, C1+E, C+E
D, D1, D1+E, D+E	D, D1, D1+E, D+E

(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

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

(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 Department 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

8. (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 Department 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

Interpretation.

9. (1) The Interpretation (Guernsey) Law 1948 applies to the interpretation of these regulations.

(2) In these regulations, unless the context requires otherwise -

- (a) **"a person appointed by the Department"** means person, company or organisation appointed in writing by the Minister of the Environment Department, and
- (b) **"a competent authority"** means an authority with statutory functions conferred or imposed by an enactment, and
- (c) **"valid theory test pass certificate"** means a certificate that is valid in accordance with the provisions of regulation 7(2) or 7(3) and related expressions shall be construed accordingly, and
- (d) other expressions have the same meanings as in the Driving Licences (Guernsey) Ordinance, 1995, as amended.

Repeal of previous regulations and savings.

10. (1) The Driving Licences (Guernsey) Theory Test Regulations, 2003 are hereby repealed.

(2) Any thing made or done under the Driving Licences (Guernsey) Theory Test Regulations, 2003, which could have been made or done under these regulations, shall have effect, after the date of commencement of these regulations, as if made or done under these regulations.

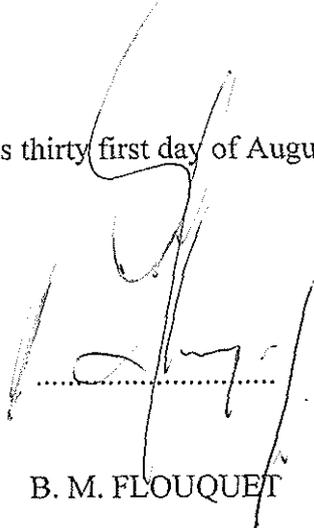
Citation.

11. These regulations may be cited as the Driving Licences (Guernsey) Theory Test Regulations, 2005.

Commencement.

12. These regulations shall come into force on the 1st day of September, 2005.

Dated this thirty first day of August, 2005.

A handwritten signature in black ink, appearing to read 'B. M. FLOUQUET', is written over a horizontal dotted line. The signature is stylized and somewhat cursive.

B. M. FLOUQUET
Minister of the Environment Department
For and on behalf of the Department.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations replace the Driving Licences (Guernsey) Theory Test Regulations, 2003 and prescribe the procedures and formalities for completing a theory test under the Driving Licences (Guernsey) Ordinance, 1995, as amended.