

GUERNSEY STATUTORY INSTRUMENT

2011 No. 35

**The Driving Licences (Guernsey) Theory Test (Amendment)
Regulations, 2011**

Made 16th September, 2011
Coming into operation 24th October, 2011
Laid before the States, 2011

THE ENVIRONMENT DEPARTMENT, in exercise of the powers conferred on it by section 4A of the Driving Licences (Guernsey) Ordinance, 1995^a, as amended and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Amendments to the 2005 Regulations.

1. The Driving Licences (Guernsey) Theory Test Regulations, 2005, as amended are amended as follows.

2. In Regulation 1 of the 2005 Regulations, -

- (a) after "in writing" insert ", by electronic means (including via the internet)", and

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

(b) for "a person appointed by the Department" substitute "the Examiner".

3. In Regulation 3 of the 2005 Regulations for "a person appointed by the Department" substitute "an Examiner".

4. In Regulations 4(1) and 7(1) of the 2005 Regulations for "person appointed by the Department" substitute "Examiner".

5. In Regulation 5(4) of the 2005 Regulations for "A person appointed by the Department" substitute "The Examiner".

6. For Regulation 8(1) of the 2005 Regulations, substitute –

"8. (1) The theory test will consist of 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.

(1A) The number of multiple choice questions posed will be dependent upon the category of licence that a person has applied for, as set out in the table below –

Category of Test	Number of Multiple Choice Questions
Motorcycle (P, A1 or A)	50
Motor Car (B1, B, B+E, F, L or G)	50
Goods Vehicles (C1, C1+E, C or C+E)	100

Passenger Vehicles (D1, D1+E, D or D+E)	100
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7. For Regulation 8(3) of the 2005 Regulations, substitute –

"8. (3) A person shall pass the theory test if that person correctly answers the number of questions required in relation to the category of test that that person has taken, as set out in the table below –

Category of Test	Number of correctly answered questions required in order to achieve a Pass
Motorcycle (P, A1 or A)	43 or more
Motor Car (B1, B, B+E, F, L or G)	43 or more
Goods Vehicles (C1, C1+E, C or C+E)	85 or more
Passenger Vehicles (D1, D1+E, D or D+E)	85 or more

(4) In the event that a person does not correctly answer the number of questions required by paragraph (3), that person will be deemed to have failed the theory test."

8. In Regulation 9(2) of the 2005 Regulations –

(a) after paragraph 2(b) (the definition of "a competent authority") insert the following definition –

"(c) **"Examiner"** means an employee of the Department or a person appointed by the Department, and", and

- (b) paragraphs (2)(c) and (2)(d) shall be re-numbered paragraphs 2(d) and 2(e) respectively.

Interpretation.

9. (1) In these Regulations, unless the context requires otherwise -

"**enactment**" means any Law, Ordinance or subordinate legislation,

"**2005 Regulations**" means the Driving Licences (Guernsey) Theory Test Regulations, 2005, as amended^b, and

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any enactment and having legislative effect.

- (2) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

- (3) Any reference in these Regulations to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

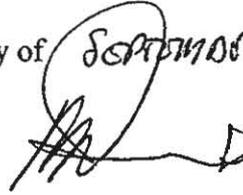
Citation and commencement.

10. These Regulations may be cited as the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011 and shall come into force on the 24th October, 2011

^b GSI no. 35 of 2005 as amended by GSI no. 13 of 2006, GSI no. 22 of 2008 and GSI no. 92 of 2010.

^c Ordres en Conseil Vol. XIII, p. 355.

Dated this 16 day of *SEPTEMBER*, 2011



P. SIRETT

Minister of the Environment Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Driving Licences (Guernsey) Theory Test Regulations, 2005.

Currently the theory test comprises of 35 questions for all categories. These Amendment Regulations will extend the number of questions posed to 50 (for applicants taking a car or motorcycle test) or 100 (for applicants taking a goods or passenger vehicle test). The increase in the number of questions will help to ensure that candidates have a greater theoretical knowledge and understanding of safe driving before they are permitted to take their practical test.

In addition, these Amendment Regulations will accommodate online applications for theory tests and simplify the procedures required for employees of the Department who wish to become theory test examiners.

These Regulations come into force on the 24th day of October, 2011.