



GUERNSEY STATUTORY INSTRUMENT
2016 No. 47

**The Driving Licences (Theory Test) (Guernsey)
Regulations, 2016**

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2016 No.

**The Driving Licences (Theory Test) (Guernsey)
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<i>Made</i>	4 th October, 2016
<i>Coming into operation</i>	1st November, 2016
<i>Laid before the States</i>	, 2016

**THE COMMITTEE FOR THE ENVIRONMENT AND
INFRASTRUCTURE**, in exercise of the powers conferred on it by sections 2A(b) and 2B of the Motor Taxation and Licensing (Guernsey) Law, 1987^a and section 4A of the Driving Licences (Guernsey) Ordinance, 1995^b, as amended, hereby makes the following regulations: –

PART I

APPLICATIONS FOR THEORY TESTS

Application.

1. A person wishing to undertake a theory test may make an application for it in such manner and including such particulars as the Committee may specify.

^a Ordres en Conseil Vol. XXX, p. 341; as amended by Vol. XXXI, p. 278; Vol. XXXIII, p. 127; Vol. XXXVI, p. 256; Vol. XL, p. 298; Order in Council No. XIX of 2007; Recueil d'Ordonnances Tome XXVI, p. 90; Ordinance No. XXXIII of 2003. See also Ordres en Conseil Vol. XXIX, p. 207; Vol. XXXI, p. 512; Recueil d'Ordonnances Tome XXVI, p. 374. This Law is prospectively amended by the Motor Taxation (First Registration Duty) (Guernsey) Ordinance, 2016.

^b Recueil d'Ordonnances Tome XXVI, p. 374; as amended by Tome XXVII, p. 62; Tome XXVII, p. 138; Tome XXVII, p. 149; Tome XXVIII, p. 55; Ordinance No. III of 2000; No. XXX of 2002; No. XII of 2007; No. V of 2010; No. V of 2015; there are other amendments not relevant to this Ordinance.

Evidence.

2. Applications to undertake a theory test must be supported by such evidence or further evidence as the Committee may require.

Persons by whom theory tests may be conducted.

3. A theory test may be conducted by an Examiner, for the purpose of testing eligible candidates in the relevant category of theory test.

**PART II
FEES FOR THEORY TESTS**

Fees for theory test.

4. (1) The fee payable for any category of theory test is specified in Column 2 of Schedule 1.

(2) The fee is payable to the Committee.

(3) The fee payable for a theory test may be refunded 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 that person,
- (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 Committee otherwise considers that it is reasonable to do so.

PART III

ELIGIBILITY FOR AND EXEMPTIONS FROM THEORY TESTS

Eligibility for theory tests.

5. (1) A person wishing to sit a theory test must, on attending the test appointment and before the test commences, produce to the Examiner conducting the test a valid provisional driving licence and a counterpart thereof, authorising the person intending to sit the test to drive in Guernsey the class of motor vehicle in Column 3 of Schedule 1 corresponding to the relevant category of theory test.

(2) A person wishing to sit a theory test may be exempted from the requirement in paragraph (1), provided that the person can satisfy the Examiner conducting the test as to the person's identity and entitlement to a provisional driving licence.

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

(4) The Examiner may refuse to conduct a theory test where the Examiner is not satisfied as to the identity of the person wishing to sit the theory test or the validity of that person's provisional driving licence.

Exemptions from theory test.

6. (1) In accordance with section 4A(1) of the Ordinance, a person submitting himself or herself for a test of competence under section 4 of the Ordinance for any category of driving licence must satisfy the Committee that the person has, at some time during the period of two years ending on the date of the test, passed a theory test of the same category as the category of driving licence concerned.

(2) A person is exempt from the requirement of section 4A(1) of the Ordinance in respect of any category of driving licence, if the person –

- (a) holds a valid theory test pass certificate for a theory test of the same category as the category of driving licence concerned, or
- (b) holds a valid pass certificate for a category of theory test (corresponding to the category of driving licence) issued by a competent authority –
 - (i) in Great Britain, Northern Ireland, the Isle of Man or Jersey,
 - (ii) of a Member State of the European Union, or
 - (iii) of a country with which the United Kingdom has a reciprocal arrangement.

PART IV

NATURE OF THEORY TEST AND PASS REQUIREMENTS

Pass certificates.

7. (1) Where a person has passed a theory test, the Examiner must issue the person with a theory test pass certificate on behalf of the Committee.

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

(3) The Committee may, at its discretion –

- (a) treat a theory test pass certificate as valid for the purposes of regulation 6(2)(a), notwithstanding that the period which has elapsed since the date of its issue exceeds two years, or

- (b) treat a pass certificate for a category of theory test (corresponding to a category of driving licence) issued by a competent authority referred to in regulation 6(2)(b) as valid for the purposes of that regulation, notwithstanding that the period of validity of the certificate has expired.

Nature of theory tests.

8. (1) The theory test consists of two parts: one part consists of multiple choice questions and the other part consists of hazard perception film clips.

(2) The multiple choice part of the theory test may include, without limitation, questions on the following topics: 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; and vehicle loading.

(3) The number of questions in the multiple choice part of each category of theory test is set out in Column 4 of Schedule 1.

(4) The hazard perception part of the theory test consists of the exhibition of film clips (visual images displayed electronically) that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more developing hazards to traffic occurring on or near the road; it requires the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment the candidate observes a developing hazard relating to traffic on the road. A candidate can score between 0 and 5 marks on each hazard and the earlier the candidate identifies and indicates the developing hazard the higher the candidate would score.

(5) The number of hazard perception film clips exhibited, the number of scorable hazards and the total number of marks available for each category of theory test are as respectively set out in Columns 2, 3 and 4 of Schedule 2.

(6) A person passes a theory test of any category only if the person sits both parts of the theory test of that category and, at the same test sitting, both –

(a) correctly answers the number of multiple choice questions set out in Column 5 of Schedule 1 corresponding to the category of theory test concerned, and

(b) achieves the score for the hazard perception part set out in Column 5 of Schedule 2 corresponding to the category of theory test concerned.

(7) Both the multiple choice part and the hazard perception part form a single test. If a candidate fails to satisfy the requirement in paragraph (6)(a) or (b), the candidate must be regarded as having failed the theory test. The theory test (both parts) must be retaken if a candidate achieves a pass in one part but fails in the other part.

PART V GENERAL PROVISIONS

Interpretation.

9. (1) In these regulations, unless the context requires otherwise –

"**category**", in relation to any theory test or driving licence, means the category of theory test or driving licence set out in Column 1 of Schedule 1 or Column 1 of Schedule 2,

"**competent authority**" means an authority with functions conferred or imposed by any legislation,

"**enactment**" includes a Law, an Ordinance and any subordinate legislation and includes any provision or portion of a

Law, an Ordinance or any subordinate legislation,

"Examiner" means –

- (a) an officer of the Committee assigned to conduct theory tests, or
- (b) a person, company or organisation appointed in writing by the President of the Committee to conduct theory tests,

"the Ordinance" means the Driving Licences (Guernsey) Ordinance, 1995,

"subordinate legislation" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any statutory, customary or inherent power and having legislative effect, but does not include an Ordinance,

"valid pass certificate" includes a pass certificate that is valid in accordance with regulation 7(3)(b),

"valid theory test pass certificate" means a theory test pass certificate that is valid in accordance with regulation 7(2) or (3)(a),

and related expressions are to be construed accordingly.

(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.

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

Revocations.

10. The following regulations are revoked –

- (a) the Driving Licences (Guernsey) Theory Test Regulations, 2005^d,
- (b) the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2006^e,
- (c) the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2008^f,
- (d) the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2010^g,
- (e) the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011^h,
- (f) the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2012ⁱ, and
- (g) the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2015^j.

d G.S.I. No. 35 of 2005.
e G.S.I. No. 13 of 2006.
f G.S.I. No. 22 of 2008.
g G.S.I. No. 92 of 2010.
h G.S.I. No. 35 of 2011.
i G.S.I. No. 22 of 2012.
j G.S.I. No. 91 of 2015.

Savings.

11. Upon the commencement of these regulations, any thing made or done under the Driving Licences (Guernsey) Theory Test Regulations, 2005, which could have been made or done under these regulations, has effect as if made or done under these regulations.

Citation.

12. These regulations may be cited as the Driving Licences (Theory Test) (Guernsey) Regulations, 2016.

Commencement.

13. These regulations come into force on the 1st ~~November~~, 2016.

Dated this 4th day of October, 2016



Barry Brehaut

President of the Committee *for the* Environment & Infrastructure
For and on behalf of the Committee

SCHEDULE 1

FEES, REQUIREMENTS AND MULTIPLE CHOICE PART

Regulations 4(1), 5(1), and 8(3) and (6)(a)

Column 1: Category of theory test (or driving licence)	Column 2: Fee payable	Column 3: Class of provisional driving licence required	Column 4: Number of multiple choice questions	Column 5: Number of correctly answered questions required in order to achieve a Pass
Motorcycle (P, A1 or A)	£38	P, A1 or A	50	43 or more
Motor Car (B1, B, B+E, F, L or G)	£38	B1, B, B+E, F, L or G	50	43 or more
Goods Vehicles (C1, C1+E, C or C+E)	£54	C1, C1+E, C or C+E	100	85 or more
Passenger Vehicles (D1, D1+E, D or D+E)	£54	D1, D1+E, D or D+E	100	85 or more

SCHEDULE 2

HAZARD PERCEPTION PART

Regulation 8(5) and (6)(b)

Column 1: Category of theory test (or driving licence)	Column 2: Number of hazard perception film clips	Column 3: Scorable Hazards	Column 4: Total number of marks available	Column 5: Score required in order to achieve a Pass
Motorcycle (P, A1 or A)	14	15	75	44 or more
Motor Car (B1, B, B+E, F, L or G)	14	15	75	44 or more
Goods Vehicles (C1, C1+E, C or C+E)	19	20	100	67 or more
Passenger Vehicles (D1, D1+E, D or D+E)	19	20	100	67 or more

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations replace the Driving Licences (Guernsey) Theory Test Regulations, 2005, and subsequent regulations amending those regulations.

These regulations prescribe the procedures and formalities for completing a theory test under the Driving Licences (Guernsey) Ordinance, 1995, as amended. In particular, these regulations add a hazard perception part to the existing theory test. This new hazard perception part must be successfully completed by a candidate at the same sitting as the multiple choice part of the theory test, in order to pass the theory test.

These Regulations will come into force on ~~1st November~~, 2016.

