

GUERNSEY STATUTORY INSTRUMENT

ENTITLED

The Driving Licences (Guernsey) Theory Test Regulations, 2005 *

[CONSOLIDATED TEXT]

NOTE

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* G.S.I. No. 35 of 2005; as amended by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016); the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2006 (G.S.I. No. 13 of 2006); the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2008 (G.S.I. No. 22 of 2008); the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2010 (G.S.I. No. 92 of 2010); the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011 (G.S.I. No. 35 of 2011); the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2012 (G.S.I. No. 22 of 2012); the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2015 (G.S.I. No. 91 of 2015). These Regulations have been repealed by the Driving Licences (Theory Test) (Guernsey) Regulations, 2016 (G.S.I. No. 47 of 2016).

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The Driving Licences (Guernsey) Theory Test Regulations, 2005

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Explanatory Note.

(Made on 31st August, 2005.)

The Driving Licences (Guernsey) Theory Test Regulations, 2005

THE ENVIRONMENT DEPARTMENT, in exercise of the powers conferred on it by section 4A of the Driving Licences (Guernsey) Ordinance, 1995^a, 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[, by electronic means (including via the internet)] or by telephone to [the Examiner], in such form or manner as may be required.

NOTE

In regulation 1, the words in the first and second pairs of square brackets were, respectively, inserted and substituted by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011, regulation 2(a) and regulation 2(b), with effect from 24th October, 2011.

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

NOTE

In regulation 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

Persons by whom theory tests may be conducted.

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

3. (1) A theory test may be conducted by [the Examiner], for the purpose of testing eligible candidates in the relevant category of theory test.

(2) [The President] of the [Committee for the Environment & Infrastructure] 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.

NOTES

In regulation 3,

the words in square brackets in paragraph (1) were substituted by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011, regulation 3, with effect from 24th October, 2011;

the words in the first and second pairs of square brackets in paragraph (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a) and section 4, with effect from 1st May, 2016.

The functions, rights and liabilities of the Environment Department and of its Minister or Deputy Minister arising under or by virtue of these Regulations were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 4(a) and section 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.

PART 2

FEEES FOR THEORY TESTS

Fees for theory test.

[4. (1) The fee payable for a theory test is dependent upon the category of licence that a person has applied for, as set out in the table below –

Category of Test	Fee Payable
Motorcycle (P, A1 or A)	£38

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Motor Car (B1, B, B+ E, F, L or G)	£38	
Goods Vehicles (C1, C1+ E, C or C+ E)	£54	
Passenger Vehicles (D1, D1+ E, D or D+ E)	£54]

(1A) The fee is payable to the Examiner.]

(2) The fee payable may be increased on the [1st April] 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 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, or
- (e) if [the Committee] otherwise considers that it is reasonable to do so.

NOTES

In regulation 4,

paragraph 1 was substituted, and paragraph (1A) inserted, by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2012, regulation 2, with effect from 1st July, 2012;¹

the Table in paragraph (1) was substituted by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2015, regulation 1(2), with effect from 1st January, 2016;

the figure and word in square brackets in paragraph (2) were substituted by the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2006, regulation 1(b), with effect from 1st April, 2006;

the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

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 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 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.

NOTES

In regulation 5,

the words in square brackets in paragraph (3) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016;

the words in square brackets in paragraph (4) were substituted by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011, regulation 5, with effect from 24th October, 2011.

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, A1 or A	P, A1 or A
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 Committee], by the [Examiner].

(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.

NOTES

In regulation 7,

the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016;

the word in the second pair of square brackets in paragraph (1) was substituted by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011, regulation 4, with effect from 24th October, 2011.

Nature of theory tests.

[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 Committee] 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

(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 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.]

NOTES

In regulation 8,

first, paragraph (1) was substituted and paragraph (1A) inserted and, second, paragraph (3) was substituted and paragraph (4) inserted by the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011, respectively regulation 6 and regulation 7, with effect from 24th October, 2011;

the words in square brackets within paragraph (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

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 Committee]"** means person, company or organisation appointed in writing by [the President] of the [Committee for the Environment & Infrastructure], and

(b) **"a competent authority"** means an authority with statutory functions conferred or imposed by an enactment, and

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

(d) **"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

(e) other expressions have the same meanings as in the Driving Licences (Guernsey) Ordinance, 1995, as amended.

NOTES

In regulation 9,

first, the words "the Committee" in square brackets, wherever occurring and, second, the words in the second and third pairs of square brackets in paragraph (2)(a) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5, and section 2, Schedule 1, paragraph 4(a) and section 4, with effect from 1st May, 2016;

first, sub-paragraph (c) of paragraph (2) was inserted and, second, sub-paragraphs (c) and (d) were re-lettered as, respectively, "(d)" and "(e)" by the Driving Licences (Guernsey) Theory Test (Amendment)

Regulations, 2011, respectively regulation 8(a) and regulation 8(b), with effect from 24th October, 2011.

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.

REPEALED

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.

¹ Prior to its substitution, paragraph (1) was amended by the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2006, regulation 1(a), with effect from 1st April, 2006; the Driving Licences (Guernsey) Theory Test Regulations, (Amendment) Regulations, 2008, regulation 1(a), with effect from 1st April, 2008; the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2010, regulation 1(a), with effect from 1st January, 2011; the Driving Licences (Guernsey) Theory Test (Amendment) Regulations, 2011, regulation 4, with effect from 24th October, 2011.

^{**} The text of this Explanatory Note is as it was when the Statutory Instrument was first made – that is to say that the Explanatory Note has not been updated to take account of any changes made by subsequent amending Statutory Instruments with their own Explanatory Notes.