

**SECOND SUPPLEMENT TO THE GIBRALTAR
GAZETTE**

No. 3919 of 19 March, 2012

LEGAL NOTICE NO. 34 OF 2012.

TRAFFIC ACT 2005

INTERPRETATION AND GENERAL CLAUSES ACT

**TRAFFIC (THIRD DRIVING LICENCE DIRECTIVE)
REGULATIONS 2012**

In exercise of the powers conferred on the Government by sections 57, 61, 80, 89 and 101 of the Traffic Act 2005 and section 23(g) of the Interpretation and General Clauses Act, and in order to transpose into the law of Gibraltar Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences as amended by Commission Directive 2009/113/EC of 25 August 2009 amending Directive 2006/126/EC of the European Parliament and of the Council on driving licences, the Government has made the following Regulations—

**Part I
General**

Title and commencement.

1.(1) These Regulations may be cited as the Traffic (Third Driving Licence Directive) Regulations 2012.

(2) Regulations 1, 2, 7, 12, 13, 14, 15, 17, 29 and 24 come into operation on the day of publication.

(3) Regulations 3, 4, 5, 6, 8, 9, 10, 11, 16, 20, 21, 22, 23, 25, 26, 27 and 28 come into operation on 19 January 2013.

**Part II
Amendment to Traffic Act 2005**

Amendment of the Traffic Act 2005.

2. The Traffic Act 2005 is amended in accordance with the provisions of regulations 3 to 17.

Amendment of section 2.

3. In section 2, after the definition “contravention” insert the following definition-

““Directive” means the Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences, as the same may be amended from time to time;”.

Amendment and repeal of section 27.

4. Section 27-

(a) is amended in subsection (1) by substituting the following paragraph for paragraph (a)-

“(a) he has passed a test of skills and behaviour and a theoretical test and meets medical standards, in accordance with the provisions of Schedules 4A and 4B of the Traffic (Licensing and Registration) Regulations;” and

(b) is repealed with effect from 19 January 2013.

Amendment of section 29.

5. For section 29(1) substitute the following subsection-

“(1) The following provisions apply-

- (a) no person may hold more than one driving licence;
- (b) no driving licence shall be issued where it is established the applicant already holds a driving licence.

(1A) The licensing authority shall take measures to ensure the implementation of subsection (1)(b) and in the context of the issue, replacement, renewal or exchange of a driving licence, and where the licensing authority has reasonable grounds for believing that the applicant is already the holder of a driving

licence, the licensing authority shall verify whether this is so by consulting other EEA States.

- (1B) If the licensing authority establishes that a driving licence has been issued contrary to subsection (1)(a) the licensing authority must cancel or withdraw the driving licence and shall inform the person concerned.”.

Substitution of section 31.

6. For section 31 substitute the following section—

“Categories of licence and minimum ages.

31.(1) A driving licence issued under this Act shall authorise the driving of power-driven vehicles in the categories defined hereafter, and may be issued from the minimum age indicated for each category; and for these purposes, a “power-driven vehicle” means any self-propelled vehicle running on a road under its own power, other than a rail-borne vehicle-

Mopeds—

Category AM:

- (i) Two-wheel vehicles or three-wheel vehicles with a maximum design speed of not more than 45 km/h, as defined in Article 1(2)(a) of Directive 2002/24/EC of the European Parliament and of the Council of 18 March 2002 relating to the type-approval of two or three-wheel motor vehicles (excluding those with a maximum design speed under or equal to 25 km/h), and light quadricycles as defined in Article 1(3)(a) of Directive 2002/24/EC;
- (ii) the minimum age for category AM is 18 years;

Motorcycles with or without a sidecar and motor tricycles-

for these purposes “motorcycle” means two-wheel vehicles with or without a sidecar, as defined in Article 1(2)(b) of Directive 2002/24/EC, and

“motor tricycle” means vehicles with three symmetrically arranged wheels, as defined in Article 1(2)(c) of Directive 2002/24/EC.

Category A1–

- (i) motorcycles with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kW and with a power/weight ratio not exceeding 0,1 kW/kg,
- (ii) motor tricycles with a power not exceeding 15 kW,

and the minimum age for category A1 is 18 years;

Category A2–

- (i) motorcycles of a power not exceeding 35 kW and with a power/weight ratio not exceeding 0,2 kW/kg and not derived from a vehicle of more than double its power,
- (ii) the minimum age for category A2 is 18 years;

Category A–

- (i) motorcycles. The minimum age for category A is 20 years. However, access to the driving of motorcycles of this category shall be subject to a minimum of two years’ experience on motorcycles under an A2 licence. This requirement as to previous experience shall be waived if the candidate is at least 24 years old.
- (ii) motor tricycles with a power exceeding 15 kW. The minimum age for motor tricycles exceeding 15 kW is 21 years.

Motor vehicles as follows–

Category B–

motor vehicles with a maximum authorised mass not exceeding 3,500 kg and designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg, as follows—

- (i) vehicles in this category may be combined with a trailer with a maximum authorised mass exceeding 750 kg, provided that the maximum authorised mass of this combination does not exceed 4,250 kg. In case such a combination exceeds 3,500 kg, the Government shall require in accordance with the provisions of Schedule 9 of the Traffic (Licensing and Registration) Regulations, that this combination is only driven after training has been completed, or a test of skills and behaviour has been passed or both.
- (ii) EEA States shall indicate the entitlement to drive such a combination on the driving licence by means of the relevant Community code. The minimum age for category B is 18 years;

Category BE—

- (i) combination of vehicles consisting of a tractor vehicle in category B and a trailer or semi-trailer where the maximum authorised mass of the trailer or semi-trailer does not exceed 3,500 kg.
- (ii) The minimum age for category BE is 18 years;

Category C1—

motor vehicles other than those in categories D1 or D, the maximum authorised mass of which exceeds 3,500 kg, but does not exceed 7,500 kg, and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass not exceeding 750 kg;

Category C1E—

- (i) combinations of vehicles where the tractor vehicle is in category C1 and its trailer or semi-trailer has a maximum authorised mass of over 750 kg provided that the authorised mass of the combination does not exceed 12,000 kg,
- (ii) combinations of vehicles where the tractor vehicle is in category B and its trailer or semi-trailer has an authorised mass of over 3,500 kg, provided that the authorised mass of the combination does not exceed 12,000 kg,

and without prejudice to the provisions of the Traffic (Drivers' Qualifications and Training) Regulations 2008, the minimum age for categories C1 and C1E is 18 years;

Category C–

motor vehicles other than those in categories D1 or D, whose maximum authorised mass is over 3,500 kg and which are designed and constructed for the carriage of no more than eight passengers in addition to the driver; motor vehicles in this category may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

Category CE–

combinations of vehicles where the tractor vehicle is in category C and its trailer or semi-trailer has a maximum authorised mass of over 750kg;

and without prejudice to the provisions of the Traffic (Drivers' Qualifications and Training) Regulations 2008, the minimum age for categories C and CE is 21 years;

Category D1–

motor vehicles designed and constructed for the carriage of no more than 16 passengers in addition to the driver and with a maximum length not exceeding 8 m; motor vehicles in this category may be combined with a trailer having a maximum authorised mass not exceeding 750 kg;

Category D1E–

combinations of vehicles where the tractor vehicle is in category D1 and its trailer has a maximum authorised mass of over 750 kg,

and without prejudice to the provisions of the Traffic (Drivers' Qualifications and Training) Regulations 2008, the minimum age for categories D1 and D1E is 21 years;

Category D–

motor vehicles designed and constructed for the carriage of more than eight passengers in addition to the driver; motor vehicles which may be driven with a category D licence may be combined with a trailer having a maximum authorised mass which does not exceed 750 kg;

Category DE–

combinations of vehicles where the tractor vehicle is in category D and its trailer has a maximum authorised mass of over 750 kg,

and without prejudice to the provisions of the Traffic (Drivers' Qualifications and Training) Regulations 2008, the minimum age for categories D and DE is 24 years.

Category F–

motor vehicles designed, constructed and used for the purpose of trench digging or any kind of excavating or shovelling work;

Category G–

motor vehicles designed and constructed as mobile cranes;

Category H–

road rollers;

Category I–

motor vehicles of any description not included in categories A to D and F to H;

Category J—

motor vehicles categories F weight exceeding 750 kg.

- (2) Subject to the agreement of the European Commission, the Government may make regulations excluding from the application of this section certain specific types of power-driven vehicle such as special vehicles for disabled persons.
- (3) The Government may by regulations exclude from the application of this section vehicles used by, or under the control of, the armed forces and civil defence.
- (4) Notwithstanding subsection (1), in the case of—
 - (a) vehicles used by the fire service and vehicles used for maintaining public order; and
 - (b) vehicles undergoing road tests for repair or maintenance purposes,

the minimum age for category C shall be 18 years and for category D 21 years.

- (5) References in this Act to categories of driving licence shall be construed as a reference to the driving licence categories set out in this section.
- (6) For the purpose of this section, “motor vehicle” means any power-driven vehicle, which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods. This term includes trolleybuses, that is to say, vehicles connected to an electric conductor and not rail-borne, but not agricultural or forestry tractors, that is to say, any power-driven vehicle running on wheels or tracks, having at least two axles, the principal function of which lies in its tractive power, which is specially designed to pull, push, carry or operate certain tools, machines or trailers used in connection with agricultural or forestry operations, and the use of which for carrying persons or goods

by road or drawing, on the road, vehicles used for the carriage of persons or goods is only a secondary function.”.

New section 31A.

7. After section 31 insert the following section—

“Conditions and restrictions.

- 31A.(1) Driving licences issued under this Act shall state the conditions under which the driver is authorised to drive.
- (2) If, because of a physical disability, driving is authorised only for certain types of vehicle or for adapted vehicles, the test of skills and behaviour required under this Act shall be taken in such a vehicle.”.

New section 31B.

8. After section 31A insert the following section—

“Staging and equivalences between categories.

- 31B.(1) The issue of driving licences is subject to the following conditions—
- (a) licences for categories C1, C, D1 and D shall be issued only to drivers already entitled to drive vehicles in category B;
- (b) licences for categories BE, C1E, CE, D1E and DE shall be issued only to drivers already entitled to drive vehicles in categories B, C1, C, D1 and D respectively.
- (2) The validity of driving licences shall be determined as follows—
- (a) licences granted for categories C1E, CE, D1E or DE shall be valid for combinations of vehicles in category BE;

- (b) licences granted for category CE shall be valid for category DE as long as their holders are entitled to drive vehicles in category D;
 - (c) licences granted for category CE and DE shall be valid for combinations of vehicles in categories C1E and D1E respectively;
 - (d) licences granted for any category shall be valid for vehicles in category AM, but if there is a practical test as a condition for obtaining category AM the equivalences shall be limited to categories A1, A2 and A;
 - (e) licences issued for category A2 shall also be valid for category A1;
 - (f) licences granted for categories A, B, C or D shall be valid for categories A1, A2, B1, C1, or D1 respectively.
- (3) Subject to prior consultation with the European Commission, the Government may make regulations authorising the driving in Gibraltar of—
- (a) vehicles of category D1 (with a maximum authorised mass of 3,500 kg, excluding any specialised equipment intended for the carriage of disabled passengers) by holders over 21 years old of a driving licence for category B which was obtained at least two years earlier provided that the vehicles are being used by non-commercial bodies for social purposes and that the driver provides his services on a voluntary basis;
 - (b) vehicles of a maximum authorised mass exceeding 3,500 kg by holders over 21 years old of a driving licence for category B which was obtained at least two years before, provided that the main purpose of the vehicles is to be used only when stationary as an instructional or recreational area, and that they are being used by non-commercial bodies for social purposes and that vehicles have been modified so that

they may not be used either for the transport of more than nine persons or for the transport of any goods other than those strictly necessary for their purposes.”.

Substitution of section 32.

9. Section 32 is substituted by the following section—

“Issue, validity and renewal of driving licences.

32.(1) Driving licences shall be issued only to those applicants—

- (a) who have passed a test of skills and behaviour and a theoretical test and who meet medical standards, in accordance with the provisions of Schedules 4A and 4B of the Traffic (Licensing and Registration) Regulations;
- (b) who have passed a theory test only as regards category AM, unless the Government has made regulations that—
 - (i) require applicants to pass a test of skills and behaviour and a medical examination for this category; or
 - (ii) impose a distinctive test of skills and behaviour for tricycles and quadricycles within this category,

and any regulations made may provide for the insertion in the driving licence of a national code for the differentiation of vehicles in category AM;

- (c) who have, as regards category A2 or category A, on the condition of having acquired a minimum of 2 years’ experience on a motorcycle in category A1 or in category A2 respectively, passed a test of skills and behaviour only, or completed a training pursuant to Schedule 9 of the Traffic (Licensing and Registration) Regulations;

- (d) who have completed a training or passed a test of skills and behaviour, or completed a training and passed a test of skills and behaviour pursuant to Schedule 8 of the Traffic (Licensing and Registration) Regulations as regards category B for driving a vehicle combination as defined in section 31(4)(b);
 - (e) who have their normal residence in Gibraltar, or can produce evidence that they have been studying in Gibraltar for at least six months.
- (2) The following provisions apply—
- (a) licences issued for categories AM, A1, A2, A, B, B1 and BE shall have an administrative validity of 15 years;
 - (b) licences issued for categories C, CE, C1, C1E, D, DE, D1, D1E shall have an administrative validity of 5 years;
 - (c) The Government may by regulations provide for the renewal of a driving licence to trigger a new administrative validity period for another category or categories the licence holder is entitled to drive, and any such regulations shall be in conformity with the conditions laid down in this Act and the Directive;
 - (d) The presence of a microchip pursuant to regulation 80A of the Traffic (Licensing and Registration) Regulations shall not be a prerequisite for the validity of a driving licence and where a driving licence contains a microchip, the loss or unreadability of the microchip, or any other damage thereto, shall not affect the validity of the driving licence.
- (3) By regulations, and after the European Commission has been consulted, the Government may apply to the issuing of driving licences such national rules relating to conditions other than those referred to in the Directive as it deems appropriate.”.

New section 32A.

10. After section 32 insert the following section—

“32A. Where the licensing authority establishes that a driving licence has been issued but that the requirements set out in section 32 have not been met, it shall cancel or withdraw the right to drive and shall notify the person concerned.”.

Substitution of section 37.

11. Section 37 is substituted by the following section—

“Renewal of licences.

- (1) The renewal of driving licences on expiry shall be subject to the following provisions—
 - (a) continuing compliance with the minimum standards of physical and mental fitness for driving set out in Annex III for driving licences in categories C, CE, C1, C1E, D, DE, D1, D1E; and
 - (b) normal residence in Gibraltar, or evidence that applicants have been studying in Gibraltar for at least six months.
- (2) When renewing driving licences in categories AM, A, A1, A2, B, B1 and BE, the licensing authority may require an examination applying the minimum standards of physical and mental fitness for driving set out in Schedule 4A of the Traffic (Licensing and Registration) Regulations.
- (3) The Government may, by regulations, limit the period of administrative validity set out in section 32(2) of driving licences issued to novice drivers for any category in order to apply specific measures to such drivers, aiming at improving road safety.
- (4) The Government may, by regulations, limit the period of administrative validity of the first licence issued to novice drivers for categories C and D to 3 years in order to be able to

apply specific measures to such drivers, so as to improve their road safety.

- (5) The Government may, by regulations, limit the period of administrative validity set out in section 32(2) of individual driving licences for any category in case it is found necessary to apply an increased frequency of medical checks or other specific measures such as restrictions for traffic offenders.
- (6) The Government may, by regulations, reduce the period of administrative validity set out in section 32(2) of driving licences of holders residing on their territory having reached the age of 50 years in order to apply an increased frequency of medical checks or other specific measures such as refresher courses, but such reduced period of administrative validity can only be applied upon renewing the driving licence.”.

Substitution of section 59.

12 For section 59 substitute the following section—

“Recognition and exchange of EEA State driving licences.

- 59.(1) Subject to section 59A, where the holder of a valid national driving licence of an EEA State authorising the driving on any public roads in that State takes up normal residence in Gibraltar that licence shall for as long as the licence continues to be valid in the EEA State in which it was issued and as long as the holder continues to normally reside in Gibraltar have the same validity and effect as if it were a licence issued under this Act.
- (2) Where the holder of a valid national driving licence issued by an EEA State has taken up residence in Gibraltar, he may request that his driving licence be exchanged for an equivalent licence under this Act.
- (3) Before issuing a licence pursuant to a request made to it under subsection (2) the licensing authority may make such investigations as it may consider necessary to find out if the driving licence to be exchanged is at the relevant time valid, and if so in respect of which categories, and such a request may be refused where any of the following apply-

- (a) the driving licence is restricted, suspended or withdrawn in an EEA State;
 - (b) although the driving licence is issued in an EEA State it has been restricted, suspended or withdrawn in Gibraltar;
 - (c) the driving licence has been cancelled in an EEA State.
- (4) Upon the issue of a driving licence under this section the licensing authority shall return the surrendered licence to the EEA State which issued the licence and shall give that State reasons why it is doing so.
- (5) The licensing authority may renew an expired EEA licence through the issue of a Gibraltar driving licence as from 2 years after the date on which the holder took up normal residency in Gibraltar.
- (6) The licensing authority may issue a replacement driving licence to an person from an EEA State who is resident in Gibraltar upon application to it (for example if it been lost or stolen) and in considering such a request the licensing authority shall have regard to any information in its possession or, where appropriate to such proof as may be obtained from the competent authorities of the issuing EEA State.
- (7) For the purpose of this Part, “normal residence” means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.
- (8) Without prejudice to subsection (10), the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more EEA States shall be regarded as being the place of his personal ties, provided that such person returns there regularly, this subsection does not apply where the person is living in an EEA State in order to

carry out a task of a definite duration, and attendance at a university or school shall not imply transfer of normal residence.

- (9) The Government may make regulations-
- (a) to apply national provisions on the restriction, suspension, withdrawal or cancellation of the right to drive to the holder of a driving licence issued by an EEA State and, if necessary, exchange the licence for that purpose, and where it does so such regulations shall be subject to observance of the principle of territoriality of criminal and police laws.
 - (b) prescribing the fees for and form of requests under this section.”.

New section 59A.

13. After section 59 insert the following section-

“Recognition of EEA licences: minimum ages.

59A. For the purposes of section 59, a licence shall only be deemed to be valid if the holder has attained the minimum age limit for the category of vehicle set out in Article 4(2) to (4) of the Directive.”.

Amendment of section 60.

14. After section 60(2) insert the following subsection-

- “(3) Regulations made under this section shall be subject to the following provisions-
- (a) where a driving licence issued by a third country is exchanged for a Community model driving licence-
 - (i) such exchange shall be recorded on the Community model driving licence as shall any subsequent renewal or replacement; and

- (ii) such an exchange may occur only if the licence issued by the third country has been surrendered to the licensing authority.”.

New section 60A.

15. The following section is inserted after section 60–

“Anti-forgery measures.

60A. The Government shall take such measures as are necessary to prevent the risk of forgery of driving licences issued pursuant to this Act (irrespective of the date of issue of such licences) and any measures so taken shall be communicated to the European Commission.”.

New sections 60B to 60D.

16. The following sections are inserted after section 60A–

“Additional security features.

60B The material used for the manufacture of driving licences issued in accordance with Schedule 4C of the Traffic (Licensing and Registration) Regulations shall be made secure against forgery and the Government may by regulations prescribe additional security features.

Mutual assistance.

60C. The licensing authority shall assist the authorities in other EEA States and, if available, through the EU driving licence network referred to in the Directive, shall exchange information on the licences it has issued, exchanged, replaced, renewed or revoked.

Surrender of licences.

60.D (1) The Government shall ensure that by 19 January 2033 all driving licences issued by the licensing authority are conformity with the Community Model Driving Licence set out in Schedule 4C of the Traffic (Licensing and Registration) Regulations.

- (2) For the purpose of compliance with subsection (1) the Government may by regulations provide for the compulsory surrender and replacement of any valid driving licence and for any matter connected thereto.”.

New section 61A.

17. After section 61 insert the following section—

“Entitlements not affected by Third Driving Licence Directive.

- 61A. The operation of the Traffic (Third Driving Licence Directive) Regulations 2012 shall not be construed as removing or qualifying an entitlement to drive a particular category of motor vehicle obtained before 19 January 2013.”.

Part III

Amendment to the Traffic (Licensing and Registration) Regulations

Amendment to the Traffic (Licensing and Registration) Regulations.

18. The Traffic (Licensing and Registration) Regulations are amended in accordance with regulations 18 to 28.

Amendment of regulation 2.

19. In regulation 2, after the definition “dependents” insert the following definition—

““Directive” means the Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences, as the same may be amended from time to time;”.

Amendment of regulation 70A.

20. Regulation 70A is amended by inserting after “Schedule 4B”, “and Schedules 8 and 9, where applicable”.

Substitution of regulation 80.

21. For regulation 80 substitute the following regulation—

- “(1) A driving licence issued under these Regulations shall be in conformity with the requirements as to the form and content set out in Annex I of the Directive.
- (2) Subject to the prior approval by European Commission, a driving licence may differ from that set out in Annex I where such adjustments are necessary for the computer processing of the licence.

New regulation 80A.

22. After regulation 80 insert the following regulation—

“Driving licence may include a storage medium.

- 80A.(1) A driving licence issued under regulation 80 may contain a storage medium (microchip) if the European Commission has laid down the requirements referred to in Article 1(2) of the Directive.
- (2) A microchip shall incorporate the harmonised driving licence data specified in Annex I to the Directive.
- (3) Where European Commission has been consulted additional data may be stored if that additional data does not in any way interfere with the implementation of the Directive’s requirements.”.

New Part XI.

23. The following Part is inserted after Part X—

**“PART XI
STANDARDS FOR EXAMINERS**

Examiners.

- 103.(1) Subject to subregulation (2) driving examiners shall meet the minimum standards set out Annex IV to the Directive (which is reproduced for information purposes in Schedule 10).

- (2) Driving examiners who are already working in that capacity before 19 January 2013 shall be subject only to the requirements concerning quality assurance and regular periodic training measures set out in Annex IV to the Directive.”.

Amendment of Schedule 1.

24. In Form 20 of Schedule 1 delete the words—

“NOTES.

You may only apply if you hold a valid licence issued by a Member State of the EEC and your application is made within one year of becoming resident of Gibraltar.”.

Substitution of Schedule 4A.

25. For Schedule 4A substitute the following schedule—

“SCHEDULE 4A

**MINIMUM STANDARDS OF PHYSICAL AND MENTAL FITNESS
FOR DRIVING A POWER-DRIVEN VEHICLE**

(This Schedule reproduces Annex III to the Directive)

DEFINITIONS

1. For the purpose of this Schedule, drivers are classified in two groups:

1.1. Group 1: drivers of vehicles of categories A, A1, A2, AM, B, B1 and BE.

1.2. Group 2: drivers of vehicles of categories C, CE, C1, C1E, D, DE, D1 and D1E.

1.3. National legislation may provide for the provisions set out in this Schedule for Group 2 drivers to apply to drivers of Category B vehicles using their driving licence for professional purposes (taxis, ambulances, etc.).

2. Similarly, applicants for a first driving licence or for the renewal of a driving licence are classified in the group to which they will belong once the licence has been issued or renewed.

MEDICAL EXAMINATIONS

3. Group 1:

Applicants shall be required to undergo a medical examination if it becomes apparent, when the necessary formalities are being completed or during the tests which they have to undergo prior to obtaining a driving licence, that they have one or more of the medical disabilities mentioned in this Schedule.

4. Group 2:

Applicants shall undergo medical examinations before a driving licence is first issued to them and thereafter drivers shall be checked in accordance with the national system in place in the EEA State of normal residence whenever their driving licence is renewed

5. The standards set by EEA States for the issue or any subsequent renewal of driving licences may be stricter than those set out in this Schedule.

EYESIGHT

6. All applicants for a driving licence shall undergo an appropriate investigation to ensure that they have adequate visual acuity for driving power driven vehicles. Where there is reason to doubt that the applicant's vision is adequate, he/she shall be examined by a competent medical authority.

At this examination attention shall be paid, in particular, to the following: visual acuity, field of vision, twilight vision, glare and contrast sensitivity, diplopia and other visual functions that can compromise safe driving.

For group 1 drivers, licensing may be considered in 'exceptional cases' where the visual field standard or visual acuity standard cannot be met; in such cases the driver should undergo examination by a competent medical authority to demonstrate that there is no other impairment of visual function, including glare, contrast

sensitivity and twilight vision. The driver or applicant should also be subject to a positive practical test conducted by a competent authority.

Group 1:

6.1. Applicants for a driving licence or for the renewal of such a licence shall have a binocular visual acuity, with corrective lenses if necessary, of at least 0,5 when using both eyes together.

Moreover, the horizontal visual field should be at least 120 degrees, the extension should be at least 50 degrees left and right and 20 degrees up and down. No defects should be present within a radius of the central 20 degrees.

When a progressive eye disease is detected or declared, driving licences may be issued or renewed subject to the applicant undergoing regular examination by a competent medical authority.

6.2. Applicants for a driving licence, or for the renewal of such a licence, who have total functional loss of vision in one eye or who use only one eye (e.g. in the case of diplopia) must have a visual acuity of at least 0,5, with corrective lenses if necessary. The competent medical authority must certify that this condition of monocular vision has existed for a sufficiently long time to allow adaptation and that the field of vision in this eye meets the requirement laid down in paragraph 6.1.

6.3. After any recently developed diplopia or after the loss of vision in one eye, there should be an appropriate adaptation period (for example, six months), during which driving is not allowed. After this period, driving is only allowed following a favourable opinion from vision and driving experts.

Group 2:

6.4. Applicants for a driving licence or for the renewal of such a licence shall have a visual acuity, with corrective lenses if necessary, of at least 0,8 in the better eye and at least 0,1 in the worse eye. If corrective lenses are used to attain the values of 0,8 and 0,1, the minimum acuity (0,8 and 0,1) must be achieved either by correction by means of glasses with a power not exceeding plus eight dioptries, or with the aid of contact lenses.

The correction must be well tolerated.

Moreover, the horizontal visual field with both eyes should be at least 160 degrees, the extension should be at least 70 degrees left and right and 30 degrees up and down. No defects should be present within a radius of the central 30 degrees. Driving licences shall not be issued to or renewed for applicants or drivers suffering from impaired contrast sensitivity or from diplopia. After a substantial loss of vision in one eye, there should be an appropriate adaptation period (for example six months) during which the subject is not allowed to drive. After this period, driving is only allowed after a favourable opinion from vision and driving experts.

HEARING

7. Driving licences may be issued to or renewed for applicants or drivers in Group 2 subject to the opinion of the competent medical authorities; particular account will be taken in medical examinations of the scope for compensation.

PERSONS WITH A LOCOMOTOR DISABILITY

8. Driving licences shall not be issued to or renewed for applicants or drivers suffering from complaints or abnormalities of the locomotor system which make it dangerous to drive a power-driven vehicle.

Group 1:

8.1. Driving licences subject to certain restrictions, if necessary, may be issued to physically disabled applicants or drivers following the issuing of an opinion by a competent medical authority. This opinion must be based on a medical assessment of the complaint or abnormality in question and, where necessary, on a practical test. It must also indicate what type of modification to the vehicle is required and whether the driver needs to be fitted with an orthopaedic device, insofar as the test of skills and behaviour demonstrates that with such a device driving would not be dangerous.

8.2. Driving licences may be issued to or renewed for any applicant suffering from a progressive complaint on condition that the

disabled person is regularly examined to check that the person is still capable of driving the vehicle completely safely.

Where the disability is static, driving licences may be issued or renewed without the applicant being subject to regular medical examination.

Group 2:

8.3. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

CARDIOVASCULAR DISEASES

9. Any disease capable of exposing an applicant for a first licence or a driver applying for renewal to a sudden failure of the cardiovascular system such that there is a sudden impairment of the cerebral functions constitutes a danger to road safety.

Group 1:

9.1. Driving licences will not to be issued to, or renewed for, applicants or drivers with serious arrhythmia.

9.2. Driving licences may be issued to, or renewed for, applicants or drivers wearing a pacemaker subject to authorised medical opinion and regular medical check-ups.

9.3. The question of whether to issue or renew a licence for applicants or drivers suffering from abnormal arterial blood pressure shall be assessed with reference to the other results of the examination, any associated complications and the danger they might constitute for road safety.

9.4. Generally speaking, a driving licence shall not be issued to or renewed for applicants or drivers suffering from angina during rest or emotion. The issuing or renewal of a driving licence to any applicant or driver having suffered myocardial infarction shall be subject to authorised medical opinion and, if necessary, regular medical check-ups.

Group 2:

9.5. The competent medical authority shall give due consideration to the Additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

DIABETES MELLITUS

10. In the following paragraphs, a severe hypoglycaemia means that the assistance of another person is needed and a recurrent hypoglycaemia is defined as a second severe hypoglycaemia during a period of 12 months.

Group 1:

10.1. Driving licences may be issued to, or renewed for, applicants or drivers who have diabetes mellitus. When treated with medication, they should be subject to authorised medical opinion and regular medical review, appropriate to each case, but the interval should not exceed five years.

10.2. Driving licences shall not be issued to, nor renewed for, applicants or drivers who have recurrent severe hypoglycaemia or/and impaired awareness of hypoglycaemia. A driver with diabetes should demonstrate an understanding of the risk of hypoglycaemia and adequate control of the condition.

Group 2:

10.3. Consideration may be given to the issuing/renewal of group 2 licences to drivers with diabetes mellitus. When treated with medication which carries a risk of inducing hypoglycaemia (that is, with insulin, and some tablets), the following criteria should apply:

- no severe hypoglycaemic events have occurred in the previous 12 months,
- the driver has full hypoglycaemic awareness,
- the driver must show adequate control of the condition by regular blood glucose monitoring, at least twice daily and at times relevant to driving,

— the driver must demonstrate an understanding of the risks of hypoglycaemia,

— there are no other debarring complications of diabetes.

Moreover, in these cases, such licences should be issued subject to the opinion of a competent medical authority and to regular medical review, undertaken at intervals of not more than three years.

10.4. A severe hypoglycaemic event during waking hours, even unrelated to driving, should be reported and should give rise to a reassessment of the licensing status.

NEUROLOGICAL DISEASES

11. Driving licences shall not be issued to, or renewed for, applicants or drivers suffering from a serious neurological disease, unless the application is supported by authorised medical opinion.

Neurological disturbances associated with diseases or surgical intervention affecting the central or peripheral nervous system, which lead to sensory or motor deficiencies and affect balance and coordination, must accordingly be taken into account in relation to their functional effects and the risks of progression. In such cases, the issue or renewal of the licence may be subject to periodic assessment in the event of risk of deterioration.

EPILEPSY

12. Epileptic seizures or other sudden disturbances of the state of consciousness constitute a serious danger to road safety if they occur in a person driving a power-driven vehicle.

Epilepsy is defined as having had two or more epileptic seizures, less than five years apart. A provoked epileptic seizure is defined as a seizure which has a recognisable causative factor that is avoidable.

A person who has an initial or isolated seizure or loss of consciousness should be advised not to drive. A specialist report is required, stating the period of driving prohibition and the requested follow-up.

It is extremely important that the person's specific epilepsy syndrome and seizure type are identified so that a proper evaluation of the person's driving safety can be undertaken (including the risk of further seizures) and the appropriate therapy instituted. This should be done by a neurologist.

Group 1:

12.1. Drivers assessed under group 1 with epilepsy should be under Licence review until they have been seizure-free for at least five years.

If the person has epilepsy, the criteria for an unconditional licence are not met. Notification should be given to the licensing authority.

12.2. Provoked epileptic seizure: the applicant who has had a provoked epileptic seizure because of a recognisable provoking factor that is unlikely to recur at the wheel can be declared able to drive on an individual basis, subject to neurological opinion (the assessment should be, if appropriate, in accordance with other relevant sections of Annex III (e.g. in the case of alcohol or other co-morbidity)).

12.3. First or single unprovoked seizure: the applicant who has had a first unprovoked epileptic seizure can be declared able to drive after a period of six months without seizures, if there has been an appropriate medical assessment. National authorities may allow drivers with recognised good prognostic indicators to drive sooner.

12.4. Other loss of consciousness: the loss of consciousness should be assessed according to the risk of recurrence while driving.

12.5. Epilepsy: drivers or applicants can be declared fit to drive after a one-year period free of further seizures.

12.6. Seizures exclusively in sleep: the applicant or driver who has never had any seizures other than seizures during sleep can be declared fit to drive so long as this pattern has been established for a period which must not be less than the seizure-free period required for epilepsy. If there is an occurrence of attacks/seizure arising while awake, a one-year period free of further event before licensing is required (see 'Epilepsy').

12.7. Seizures without influence on consciousness or the ability to act: the applicant or driver who has never had any seizures other than seizures which have been demonstrated exclusively to affect neither consciousness nor cause any functional impairment can be declared fit to drive so long as this pattern has been established for a period which must not be less than the seizure-free period required for epilepsy. If there is an occurrence of any other kind of attacks/seizures a one-year period free of further event before licensing is required (see 'Epilepsy').

12.8. Seizures because of a physician-directed change or reduction of Antiepileptic therapy: the patient may be advised not to drive from the commencement of the period of withdrawal and thereafter for a period of six months after cessation of treatment. Seizures occurring during physician-advised change or withdrawal of medication require three months off driving if the previously effective treatment is reinstated.

12.9. After curative epilepsy surgery: see 'Epilepsy'.

Group 2:

12.10. The applicant should be without anti-epileptic medication for the required period of seizure freedom. An appropriate medical follow-up has been done. On extensive neurological investigation, no relevant cerebral pathology was established and there is no epileptiform activity on the electroencephalogram (EEG). An EEG and an appropriate neurological assessment should be performed after the acute episode.

12.11. Provoked epileptic seizure: the applicant who has had a provoked epileptic seizure because of a recognisable provoking factor that is unlikely to recur at the wheel can be declared able to drive on an individual basis, subject to neurological opinion. An EEG and an appropriate neurological assessment should be performed after the acute episode.

A person with a structural intra-cerebral lesion who has increased risk of seizures should not be able to drive vehicles of group 2 until the epilepsy risk has fallen to at least 2 % per annum. The assessment should be, if appropriate, in accordance with other relevant sections of Schedule 4A (e.g. in the case of alcohol).

12.12. First or single unprovoked seizure: the applicant who has had a first unprovoked epileptic seizure can be declared able to drive once five years' freedom from further seizures has been achieved without the aid of anti-epileptic drugs, if there has been an appropriate neurological assessment. National authorities may allow drivers with recognised good prognostic indicators to drive sooner.

12.13. Other loss of consciousness: the loss of consciousness should be Assessed according to the risk of recurrence while driving. The risk of recurrence should be 2 % per annum or less.

12.14. Epilepsy: 10 years freedom from further seizures shall have been achieved without the aid of anti-epileptic drugs. National authorities may allow drivers with recognised good prognostic indicators to drive sooner. This also applies in case of 'juvenile epilepsy'.

Certain disorders (e.g. arterio-venous malformation or intra-cerebral haemorrhage) entail an increased risk of seizures, even if seizures have not yet occurred. In such a situation an assessment should be carried out by a competent medical authority; the risk of having a seizure should be 2 % per annum or less to allow licensing.

MENTAL DISORDERS

Group 1:

13.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who suffer from:

— severe mental disturbance, whether congenital or due to disease, trauma or neurosurgical operations,

— severe mental retardation,

— severe behavioural problems due to ageing; or personality defects leading to seriously impaired judgment, behaviour or adaptability, unless their application is supported by authorised medical opinion and, if necessary, subject to regular medical check-ups.

Group 2:

13.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

ALCOHOL

14. Alcohol consumption constitutes a major danger to road safety. In view of the scale of the problem, the medical profession must be very vigilant.

Group 1:

14.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who are dependent on alcohol or unable to refrain from drinking and driving.

After a proven period of abstinence and subject to authorised medical opinion and regular medical check-ups, driving licences may be issued to, or renewed for, applicant or drivers who have in the past been dependent on alcohol.

Group 2:

14.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

DRUGS AND MEDICINAL PRODUCTS

15. Abuse:

Driving licences shall not be issued to or renewed for applicants or drivers who are dependent on psychotropic substances or who are not dependent on such substances but regularly abuse them, whatever category of licence is requested.

Regular use:

Group 1:

15.1. Driving licences shall not be issued to, or renewed for, applicants or drivers who regularly use psychotropic substances, in whatever form, which can hamper the ability to drive safely where the quantities absorbed are such as to have an adverse effect on

driving. This shall apply to all other medicinal products or combinations of medicinal products which affect the ability to drive.

Group 2:

15.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definitions of this group.

RENAL DISORDERS

Group 1:

16.1. Driving licences may be issued or renewed for applicants and drivers suffering from serious renal insufficiency subject to authorised medical opinion and regular medical check-ups.

Group 2:

16.2. Save in exceptional cases duly justified by authorised medical opinion, and subject to regular medical check-ups, driving licences shall not be issued to or renewed for applicants or drivers suffering from serious and irreversible renal deficiency.

MISCELLANEOUS PROVISIONS

Group 1:

17.1. Subject to authorised medical opinion and, if necessary, regular medical check-ups, driving licences may be issued to or renewed for applications or drivers who have had an organ transplant or an artificial implant which affects the ability to drive.

Group 2:

17.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

18. As a general rule, where applicants or drivers suffer from any disorder which is not mentioned in the preceding paragraph but is liable to be, or to result in, a functional incapacity affecting safety at

the wheel, driving licences shall not be issued or renewed unless the application is supported by authorised medical opinion and, if necessary, subject to regular medical check-ups.”.

Substitution of Schedule 4B.

26. For Schedule 4B substitute the following schedule—

“SCHEDULE 4B

(This Schedule reproduces Annex II to the Directive)

I. MINIMUM REQUIREMENTS FOR DRIVING TESTS

Applicants for driving licences possess the knowledge and skills and exhibit the behaviour required for driving a motor vehicle. The tests introduced to this effect must consist of:

- a theory test, and then;
- a test of skills and behaviour.

The conditions under which these tests shall be conducted are set out below.

A. THEORY TEST

1. Form

The form chosen shall be such as to make sure that the applicant has the required knowledge of the subjects listed on points 2, 3 and 4.

Any applicant for a licence in one category who has passed a theory test for a licence in a different category may be exempt from the common provisions of points 2, 3 and 4.

2. Content of the theory test concerning all vehicle categories.

2.1. Questions must be asked on each of the points listed below, the content and form of the questions being left to the discretion of the Government.

2.1.1. Road traffic regulations:

- in particular as regards road signs, markings and signals, rights of way and speed limits;

2.1.2. The driver:

- importance of alertness and of attitude to other road users,

- perception, judgement and decision-taking, especially reaction time, as well as changes in driving behaviour due to the influence of alcohol, drugs and medicinal products, state of mind and fatigue;

2.1.3. The road:

- the most important principles concerning the observance of a safe distance between vehicles, braking distances and road holding under various weather and road conditions,

- driving risk factors related to various road conditions, in particular as they change with the weather and the time of day or night,

- characteristics of various types of road and the related statutory requirements;

2.1.4. Other road users:

- specific risk factors related to the lack of experience of other road users and the most vulnerable categories of users such as children, pedestrians, cyclists and people whose mobility is reduced,

- risks involved in the movement and driving of various types of vehicles and of the different fields of view of their drivers;

2.1.5. General rules and regulations and other matters:

- rules concerning the administrative documents required for the use of vehicles,

- general rules specifying how the driver must behave in the event of an accident (setting warning devices and raising the alarm) and the measures which he can take to assist road accident victims where necessary,

- safety factors relating to the vehicle, the load and persons carried;

2.1.6. Precautions necessary when alighting from the vehicle;

2.1.7. Mechanical aspects with a bearing on road safety; applicants must be able to detect the most common faults, in particular in the steering, suspension and braking systems, tyres, lights and direction indicators, reflectors, rear-view mirrors, windscreen and wipers, the exhaust system, seat-belts and the audible warning device;

2.1.8. Vehicle safety equipment and, in particular, the use of seat-belts, head restraints and child safety equipment;

2.1.9. Rules regarding vehicle use in relation to the environment (appropriate use of audible warning devices, moderate fuel consumption, limitation of pollutant emissions, etc.).

3. Specific provisions concerning categories A1, A2 and A

3.1. Compulsory check of general knowledge on:

3.1.1. Use of protective outfit such as gloves, boots, clothes and safety helmet;

3.1.2. Visibility of motorcycle riders for other road users;

3.1.3. Risk factors related to various road conditions as laid down above with additional attention to slippery parts such as drain covers, road markings such as lines and arrows, tram rails;

3.1.4. Mechanical aspects with a bearing on road safety as laid down above with additional attention to the emergency stop switch, the oil levels and the chain.

4. Specific provisions concerning categories C, CE, C1, C1E, D, DE, D1 and D1E

4.1. Compulsory check of general knowledge on:

4.1.1. Rules on driving hours and rest periods as defined by Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport

use of the recording equipment as defined by Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport,

4.1.2. Rules concerning the type of transport concerned: goods or passengers;

4.1.3. Vehicle and transport documents required for the national and international carriage of goods and passengers;

4.1.4. How to behave in the event of an accident; knowledge of measures to be taken after an accident or similar occurrence, including emergency action such as evacuation of passengers and basic knowledge of first aid;

4.1.5. The precautions to be taken during the removal and replacement of wheels;

4.1.6. Rules on vehicle weights and dimensions; rules on speed limiters;

4.1.7. Obstruction of the field of view caused by the characteristics of their vehicles;

4.1.8. Reading a road map, route planning, including the use of electronic navigation systems (optional);

4.1.9. Safety factors relating to vehicle loading: controlling the load (stowing and fastening), difficulties with different kinds of load (e.g. liquids, hanging loads, ...), loading and unloading goods and the use of loading equipment (categories C, CE, C1, C1E only);

4.1.10. The driver's responsibility in respect to the carriage of passengers; comfort and safety of passengers; transport of children; necessary checks before driving away; all sorts of buses should be part of the theory test (public service buses and coaches, buses with special dimensions, ...) (categories D, DE, D1, D1E only).

4.2. Compulsory check of general knowledge on the following additional provisions concerning categories C, CE, D and DE:

4.2.1. The principles of the construction and functioning of: internal combustion engines, fluids (e.g. engine oil, coolant, washer fluid),

the fuel system, the electrical system, the ignition system, the transmission system (clutch, gearbox, etc.);

4.2.2. Lubrication and antifreeze protection;

4.2.3. The principles of the construction, the fitting, correct use and care of tyres;

4.2.4. The principles of the types, operation, main parts, connection, use and day-to-day maintenance of brake fittings and speed governors, and use of anti-lock brakes;

4.2.5. The principles of the types, operation, main parts, connection, use and day-to-day maintenance of coupling systems (categories CE, DE only);

4.2.6. Methods of locating causes of breakdowns;

4.2.7. Preventive maintenance of vehicles and necessary running repairs;

4.2.8. The driver's responsibility in respect of the receipt, carriage and delivery of goods in accordance with the agreed conditions (categories C, CE only).

B. TEST OF SKILLS AND BEHAVIOUR

5. The vehicle and its equipment

5.1. The driving of a vehicle with manual transmission shall be subject to the passing of a skills and behaviour test taken on a vehicle with manual transmission.

If an applicant takes the test of skills and behaviour on a vehicle with automatic transmission this shall be recorded on any licence issued on the basis of such a test. Licences with this indication shall be used only for driving vehicles with automatic transmission.

“Vehicle with automatic transmission” means a vehicle in which the gear ratio between the engine and the wheels can be varied by use only of the accelerator or the brakes

5.2. The vehicles used in tests of skills and behaviour shall comply with the minimum criteria given below. EEA States may make provisions for more stringent criteria or add others.

Category A1:

Category A1 motorcycle without sidecar, with a cubic capacity of at least 120 cm³, and capable of a speed of at least 90 km/h

Category A2:

Motorcycle without sidecar, with a cylinder capacity of at least 400 cm³, and an engine power of at least 25 kW

Category A

Motorcycle without sidecar, with a cylinder capacity of at least 600 cm³, and an engine power of at least 40 kW

Category B:

A four-wheeled category B vehicle capable of a speed of at least 100 km/h;

Category BE:

A combination, made up of a category B test vehicle and a trailer with a maximum authorised mass of at least 1000 kg, capable of a speed of at least 100 km/h, which does not fall within category B; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the motor vehicle; the closed box body may also be slightly less wide than the motor vehicle provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category B1:

A motor-powered quadricycle capable of a speed of at least 60 km/h;

Category C:

A category C vehicle with a maximum authorised mass of at least 12000 kg, a length of at least 8 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes, equipped with a gearbox having at least eight forward ratios and recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; the vehicle shall be presented with a minimum of 10000 kg real total mass;

Category CE:

Either an articulated vehicle or a combination of a category C test vehicle and a trailer of at least 7,5 m in length; both the articulated vehicle and the combination shall have a maximum authorised mass of at least 20000 kg, a length of at least 14 m and a width of at least 2,40 m, shall be capable of a speed of at least 80 km/h, fitted with anti-lock brakes, equipped with a gearbox having at least eight forward ratios and with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab; both the articulated vehicle and the combination shall be presented with a minimum of 15000 kg real total mass;

Category C1:

A subcategory C1 vehicle with a maximum authorised mass of at least 4000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85; the cargo compartment shall consist of a closed box body which is at least as wide and as high as the cab;

Category C1E:

A combination made up of a subcategory C1 test vehicle and a trailer with a maximum authorised mass of at least 1250 kg; this combination shall be at least 8 m in length and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least as wide and as high as the cab; the closed box body may also be slightly less wide than the cab provided that the view to the rear is only possible by use of the external rear-view mirrors of the motor vehicle; the trailer shall be presented with a minimum of 800 kg real total mass;

Category D:

A category D vehicle with a length of at least 10 m, a width of at least 2,40 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

Category DE:

A combination made up of a category D test vehicle and a trailer with a maximum authorised mass of at least 1250 kg, a width of at least 2,40 m and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Category D1:

A subcategory D1 vehicle with a maximum authorised mass of at least 4000 kg, with a length of at least 5 m and capable of a speed of at least 80 km/h; fitted with anti-lock brakes and equipped with recording equipment as defined by Regulation (EEC) No 3821/85;

Category D1E:

A combination made up of a subcategory D1 test vehicle and a trailer with a maximum authorised mass of at least 1250 kg and capable of a speed of at least 80 km/h; the cargo compartment of the trailer shall consist of a closed box body which is at least 2 m wide and 2 m high; the trailer shall be presented with a minimum of 800 kg real total mass;

Testing vehicles for categories BE, C, CE, C1, C1E, D, DE, D1 and D1E which are not in conformity with the minimum criteria given above but which were in use on or before the moment of entry into force of these Regulations, may still be used for a period not exceeding ten years after that date. The requirements related to the load to be carried by these vehicles, may be implemented by EEA States up to ten years from the moment of entry into force of Commission Directive 2000/56/EC.

6. Skills and behaviour to be tested concerning categories A1, A2 and A

6.1. Preparation and technical check of the vehicle with a bearing on road safety

Applicants must demonstrate that they are capable of preparing to ride safely by satisfying the following requirements:

6.1.1. Adjust the protective outfit, such as gloves, boots, clothes and safety helmet;

6.1.2. Perform a random check on the condition of the tyres, brakes, steering, emergency stop switch (if applicable), chain, oil levels, lights, reflectors, direction indicators and audible warning device.

6.2. Special manoeuvres to be tested with a bearing on road safety

6.2.1. Putting the motorcycle on and off its stand and moving it, without the aid of the engine, by walking alongside the vehicle;

6.2.2. Parking the motorcycle on its stand;

6.2.3. At least two manoeuvres to be executed at slow speed, including a slalom; this should allow competence to be assessed in handling of the clutch in combination with the brake, balance, vision direction and position on the motorcycle and the position of the feet on the foot rests;

6.2.4. At least two manoeuvres to be executed at higher speed, of which one manoeuvre in second or third gear, at least 30 km/h and one manoeuvre avoiding an obstacle at a minimum speed of 50 km/h; this should allow competence to be assessed in the position on the motorcycle, vision direction, balance, steering technique and technique of changing gears;

6.2.5. Braking: at least two braking exercises shall be executed, including an emergency brake at a minimum speed of 50 km/h; this should allow competence to be assessed in handling of the front and rear brake, vision direction and the position on the motorcycle.

The special manoeuvres mentioned under points 6.2.3 to 6.2.5 have to be implemented at the latest five years after entry into force of Directive 2000/56/EC.

6.3. Behaviour in traffic

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

6.3.1. Riding away: after parking, after a stop in traffic; exiting a driveway;

6.3.2. Riding on straight roads; passing oncoming vehicles, including in confined spaces;

6.3.3. Riding round bends;

6.3.4. Crossroads: approaching and crossing of intersections and junctions;

6.3.5. Changing direction: left and right turns; changing lanes;

6.3.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;

6.3.7. Overtaking/passing: overtaking other traffic (if possible); riding alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);

6.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; riding up/downhill on long slopes;

6.3.9. Taking the necessary precautions when getting off the vehicle.

7. Skills and behaviour to be tested concerning categories B, B1 and BE

7.1. Preparation and technical check of the vehicle with a bearing on road safety

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements:

7.1.1. Adjusting the seat as necessary to obtain a correct seated position;

7.1.2. Adjusting rear-view mirrors, seat belts and head restraints if available;

7.1.3. Checking that the doors are closed;

7.1.4. Performing a random check on the condition of the tyres, steering, brakes, fluids (e.g. engine oil, coolant, washer fluid), lights, reflectors, direction indicators and audible warning device;

7.1.5. Checking the safety factors relating to vehicle loading: body, sheets, cargo doors, cabin locking, way of loading, securing load (category BE only);

7.1.6. Checking the coupling mechanism and the brake and electrical connections (category BE only).

7.2. Categories B and B1: special manoeuvres to be tested with a bearing on road safety

A selection of the following manoeuvres shall be tested (at least two manoeuvres for the four points, including one in reverse gear):

7.2.1. Reversing in a straight line or reversing right or left round a corner while keeping within the correct traffic lane;

7.2.2. Turning the vehicle to face the opposite way, using forward and reverse gears;

7.2.3. Parking the vehicle and leaving a parking space (parallel, oblique or right-angle, forwards or in reverse, on the flat, uphill or downhill);

7.2.4. Braking accurately to a stop; however, performing an emergency stop is optional.

7.3. Category BE: special manoeuvres to be tested with a bearing on road safety

7.3.1. Coupling and uncoupling, or uncoupling and re-coupling a trailer from its motor vehicle; the manoeuvre must involve the

towing vehicle being parked alongside the trailer (i.e. not in one line);

7.3.2. Reversing along a curve, the line of which shall be left to the discretion of the EEA States;

7.3.3. Parking safely for loading/unloading.

7.4. Behaviour in traffic

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

7.4.1. Driving away: after parking, after a stop in traffic; exiting a driveway;

7.4.2. Driving on straight roads; passing oncoming vehicles, including in confined spaces;

7.4.3. Driving round bends;

7.4.4. Crossroads: approaching and crossing of intersections and junctions;

7.4.5. Changing direction: left and right turns; changing lanes;

7.4.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;

7.4.7. Overtaking/passing: overtaking other traffic (if possible); driving alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);

7.4.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; driving up-/downhill on long slopes;

7.4.9. Taking the necessary precautions when alighting from the vehicle.

8. Skills and behaviour to be tested concerning categories C, CE, C1, C1E, D, DE, D1 and D1E

8.1. Preparation and technical check of the vehicle with a bearing on road safety

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements:

8.1.1. Adjusting the seat as necessary to obtain a correct seated position;

8.1.2. Adjusting rear-view mirrors, seat belts and head restraints if available;

8.1.3. Random checks on the condition of the tyres, steering, brakes, lights, reflectors, direction indicators and audible warning device;

8.1.4. Checking the power-assisted braking and steering systems; checking the condition of the wheels, wheelnuts, mudguards, windscreen, windows and wipers, fluids (e.g. engine oil, coolant, washer fluid); checking and using the instrument panel including the recording equipment as defined in Regulation (EEC) No 3821/85;

8.1.5. Checking the air pressure, air tanks and the suspension;

8.1.6. Checking the safety factors relating to vehicle loading: body, sheets, cargo doors, loading mechanism (if available), cabin locking (if available), way of loading, securing load (categories C, CE, C1, C1E only);

8.1.7. Checking the coupling mechanism and the brake and electrical connections (categories CE, C1E, DE, D1E only);

8.1.8. Being capable of taking special vehicle safety measures; controlling the body, service doors, emergency exits, first aid equipment, fire extinguishers and other safety equipment (categories D, DE, D1, D1E only);

8.1.9. Reading a road map, route planning, including the use of electronic navigation systems (optional).

8.2. Special manoeuvres to be tested with a bearing on road safety

8.2.1. Coupling and uncoupling, or uncoupling and re-coupling a trailer from its motor vehicle; the manoeuvre must involve the towing vehicle being parked alongside the trailer (i.e. not in one line) (categories CE, C1E, DE, D1E only);

8.2.2. Reversing along a curve, the line of which shall be left to the discretion of the EEA States;

8.2.3. Parking safely for loading/unloading at a loading ramp/platform or similar installation (categories C, CE, C1, C1E only);

8.2.4. Parking to let passengers on or off the bus safely (categories D, DE, D1, D1E only).

8.3. Behaviour in traffic

Applicants must perform all the following actions in normal traffic situations, in complete safety and taking all necessary precautions:

8.3.1. Driving away: after parking, after a stop in traffic; exiting a driveway;

8.3.2. Driving on straight roads; passing oncoming vehicles, including in confined spaces;

8.3.3. Driving round bends;

8.3.4. Crossroads: approaching and crossing of intersections and junctions;

8.3.5. Changing direction: left and right turns; changing lanes;

8.3.6. Approach/exit of motorways or similar (if available): joining from the acceleration lane; leaving on the deceleration lane;

8.3.7. Overtaking/passing: overtaking other traffic (if possible); driving alongside obstacles, e.g. parked cars; being overtaken by other traffic (if appropriate);

8.3.8. Special road features (if available): roundabouts; railway level crossings; tram/bus stops; pedestrian crossings; driving up-/downhill on long slopes;

8.3.9. Taking the necessary precautions when alighting from the vehicle.

9. Marking of the test of skills and behaviour

9.1. For each of the abovementioned driving situations, the assessment must reflect the degree of ease with which the applicant handles the vehicle controls and his demonstrated capacity to drive in traffic in complete safety. The examiner must feel safe throughout the test. Driving errors or dangerous conduct immediately endangering the safety of the test vehicle, its passengers or other road users shall be penalised by failing the test, whether or not the examiner or accompanying person has to intervene. Nonetheless, the examiner shall be free to decide whether or not the skills and behaviour test should be completed.

Driving examiners must be trained to assess correctly the applicants' ability to drive safely. The work of driving examiners must be monitored and supervised, by a body authorised by the EEA State, to ensure correct and consistent application of fault assessment in accordance with the standards laid down in this Schedule.

9.2. During their assessment, driving examiners shall pay special attention to whether an applicant is showing a defensive and social driving behaviour. This should reflect the overall style of driving and the driving examiner should take this into account in the overall picture of the applicant. It includes adapted and determined (safe) driving, taking into account road and weather conditions, taking into account other traffic, taking into account the interests of other road users (particularly the more vulnerable) and anticipation.

9.3. The driving examiner will furthermore assess whether the applicant is:

9.3.1. Controlling the vehicle; taking into account: proper use of safety belts, rear-view mirrors, head restraints; seat; proper use of lights and other equipment; proper use of clutch, gearbox, accelerator, braking systems (including third braking system, if available), steering; controlling the vehicle under different circumstances, at different speeds; steadiness on the road; the weight and dimensions and characteristics of the vehicle; the weight

and type of load (categories BE, C, CE, C1, C1E, DE, D1E only); the comfort of the passengers (categories D, DE, D1, D1E only) (no fast acceleration, smoothly driving and no hard braking);

9.3.2. Driving economically and in an environmentally friendly way, taking into account the revolutions per minute, changing gears, braking and accelerating (categories BE, C, CE, C1, C1E, D, DE, D1, D1E only);

9.3.3. Observation: all-round observation; proper use of mirrors; far, middle, near distance vision;

9.3.4. Priority/giving way: priority at crossroads, intersections and junctions; giving way at other occasions (e.g. changing direction, changing lanes, special manoeuvres);

9.3.5. Correct position on the road: proper position on the road, in lanes, on roundabouts, round bends, suitable for the type and the characteristics of the vehicle; pre-positioning;

9.3.6. Keeping distance: keeping adequate distance to the front and the side; keeping adequate distance from other road users;

9.3.7. Speed: not exceeding the maximum allowed speed; adapting speed to weather/traffic conditions and where appropriate up to national speed limits; driving at such a speed that stopping within distance of the visible and free road is possible; adapting speed to general speed of same kind of road users;

9.3.8. Traffic lights, road signs and other indications: acting correctly at traffic lights; obeying instructions from traffic controllers; acting correctly at road signs (prohibitions or commands); take appropriate action at road markings;

9.3.9. Signalling: give signals where necessary, correctly and properly timed; indicating directions correctly; taking appropriate action with regard to all signals made by other road users;

9.3.10. Braking and stopping: decelerating in time, braking or stopping according to circumstances; anticipation; using the various braking systems (only for categories C, CE, D, DE); using speed reduction systems other than the brakes (only for categories C, CE, D, DE).

10. Length of the test

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in paragraph B of this Schedule. In no circumstances should the time spent driving on the road be less than 25 minutes for categories A, A1, A2, B, B1 and BE and 45 minutes for the other categories. This does not include the reception of the applicant, the preparation of the vehicle, the technical check of the vehicle with a bearing on road safety, the special manoeuvres and the announcement of the outcome of the practical test.

11. Location of the test

The part of the test to assess the special manoeuvres may be conducted on a special testing ground. Wherever practicable, the part of the test to assess behaviour in traffic should be conducted on roads outside built-up areas, expressways and motorways (or similar), as well as on all kinds of urban streets (residential areas, 30 and 50 km/h areas, urban expressways) which should represent the various types of difficulty likely to be encountered by drivers. It is also desirable for the test to take place in various traffic density conditions. The time spent driving on the road should be used in an optimal way to assess the applicant in all the various traffic areas that can be encountered, with a special emphasis on changing between these areas.

II. KNOWLEDGE, SKILL AND BEHAVIOUR FOR DRIVING A POWER-DRIVEN VEHICLE

Drivers of all power-driven vehicles must at any moment have the knowledge, skills and behaviour described under points 1 to 9, with a view to be able to:

- Recognise traffic dangers and assess their seriousness,
- Have sufficient command of their vehicle not to create dangerous situations and to react appropriately should such situations occur,
- Comply with road traffic regulations, and in particular those intended to prevent road accidents and to maintain the flow of traffic,

- Detect any major technical faults in their vehicles, in particular those posing a safety hazard, and have them remedied in an appropriate fashion,

- Take account of all the factors affecting driving behaviour (e.g. alcohol, fatigue, poor eyesight, etc.) so as to retain full use of the faculties needed to drive safely,

- Help ensure the safety of all road users, and in particular of the weakest and most exposed by showing due respect for others.

The Government may implement the appropriate measures to ensure that drivers who have lost the knowledge, skills and behaviour as described under points 1 to 9 can recover this knowledge and these skills and will continue to exhibit such behaviour required for driving a motor vehicle.”.

Substitution of Schedule 4C.

27. For Schedule 4C substitute the following schedule–

“Schedule 4C

Provisions concerning the Community model driving licence

(This Schedule reproduces Annex I of the Directive)

1. The physical characteristics of the card of the Community model driving licence shall be in accordance with ISO 7810 and ISO 7816-1.

The card shall be made of polycarbonate.

Methods for testing the characteristics of driving licences for the purpose of confirming their compliance with the international standards shall be in accordance with ISO 10373.

2. Physical security of driving licences.

The threats to the physical security of driving licences are:

- production of false cards: creating a new object which bears great resemblance to the document, either by making it from scratch or by copying an original document,
- material alteration: changing a property of an original document, e.g. modifying some of the data printed on the document;

The overall security lies in the system in its entirety, consisting of the application process, the transmission of data, the card body material, the printing technique, a minimum set of different security features and the personalisation process.

- (a) The material used for driving licences shall be made secure against forgery by using the following techniques (mandatory security features):

- card bodies shall be UV dull,
- a security background pattern designed to be resistant to counterfeit by scanning, printing or copying, using rainbow printing with multicolour security inks and positive and negative guilloche printing. The pattern shall not be composed of the primary colours (CMYK), shall contain complex pattern designs in a minimum of two special colours and shall include micro lettering,
- optical variable elements providing adequate protection against copying and tampering of the photograph,
- laser engraving,
- in the area of the photograph the security design background and photograph should overlap on at least its border (weakening pattern).

- (b) In addition, the material used for driving licences shall be made secure against forgery by using at least three of the following techniques (additional security features):

- colour-shifting inks*,
- thermochromic ink*,
- custom holograms*,

- variable laser images*,
- ultraviolet fluorescent ink, visible and transparent,
- iridescent printing,
- digital watermark in the background,
- infrared or phosphorescent pigments,
- tactile characters, symbols or patterns*.

(c) EEA States are free to introduce additional security features. As a basis, the techniques indicated with an asterisk are to be preferred as they enable the law enforcement officers to check the validity of the card without any special means.

3. The licence shall have two sides.

Page 1 shall contain:

- (a) the words “Driving Licence” printed in large type in the language or languages of the EEA State issuing the licence;
- (b) the name of the EEA State issuing the licence (optional);
- (c) the distinguishing sign of the EEA State issuing the licence, printed in negative in a blue rectangle and encircled by twelve yellow stars; the distinguishing signs shall be as follows:

B : Belgium

CZ : Czech Republic

DK : Denmark

D : Germany

EST : Estonia

GR : Greece

E : Spain

F : France

IRL : Ireland

I : Italy

CY : Cyprus

LV : Latvia

LT : Lithuania

L : Luxembourg

H : Hungary

M : Malta

NL : The Netherlands

A : Austria

PL : Poland

P : Portugal

SLO : Slovenia

SK : Slovakia

FIN : Finland

S : Sweden

UK : The United Kingdom;

(d) information specific to the licence issued, numbered as follows:

1. surname of the holder;

2. other name(s) of the holder;

3. date and place of birth;
- 4.(a) date of issue of the licence;
- (b) date of expiry of the licence or a dash if the licence is valid indefinitely under the provision of Article 7(2)(c);
- (c) the name of the issuing authority (may be printed on page 2);
- (d) a different number from the one under heading 5, for administrative purposes (optional);
5. number of the licence;
6. photograph of the holder;
7. signature of the holder;
8. permanent place of residence, or postal address (optional);
9. category of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonised categories);
- (e) the words “European Communities model” in the language(s) of the EEA State issuing the licence and the words “Driving Licence” in the other languages of the Community, printed in pink to form the background of the licence:

Permiso de Conducción

Řidičský průkaz

Kørekort

Führerschein

Juhiluba

Άδεια Οδήγησης

Driving Licence

Permis de conduire

Ceadúas Tiomána

Patente di guida

Vadītāja apliecība

Vairuotojo pažymėjimas

Vezetői engedély

Ličenzja tas-Sewqan

Rijbewijs

Prawo Jazdy

Carta de Condução

Vodičský preukaz

Vozniško dovoljenje

Ajokortti

Körkort;

(f) Colour references:

- blue: Pantone Reflex Blue,

- yellow: Pantone Yellow.

Page 2 shall contain:

- (a) 9. category of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonised categories);

10. date of first issue of each category (this date must be repeated on the new licence in the event of subsequent replacement or exchange);

11. date of expiry of each category;

12. additional information/restriction(s), in code form, facing the (sub)category affected.

The codes shall be as follows:

- codes 01 to 99 : harmonised Community codes

DRIVER (Medical reasons)

01. Sight correction and/or protection

01.01 Glasses

01.02 Contact lense(s)

01.03 Protective glass

01.04 Opaque lense

01.05 Eye cover

01.06 Glasses or contact lenses

02. Hearing aid/communication aid

02.01 Hearing aid for one ear

02.02 Hearing aid for two ears

03. Prosthesis/orthosis for the limbs

03.01 Upper limb prosthesis/orthosis

03.02 Lower limb prosthesis/orthosis

05. Limited use (subcode use obligatory, driving subject to restrictions for medical reasons)

05.01 Limited to day time journeys (for example: one hour after sunrise and one hour before sunset)

05.02 Limited to journeys within a radius of ... km from holder's place of residence or only inside city/region

05.03 Driving without passengers

05.04 Limited to journeys with a speed not greater than ... km/h

05.05 Driving authorised solely when accompanied by a holder of a driving licence

05.06 Without trailer

05.07 No driving on motorways

05.08 No alcohol

VEHICLE ADAPTATIONS

10. Modified transmission

10.01 Manual transmission

10.02 Automatic transmission

10.03 Electronically operated transmission

10.04 Adjusted gear-shift lever

10.05 Without secondary gearbox

15. Modified clutch

15.01 Adjusted gear-shift lever

15.02 Manual clutch

15.03 Automatic clutch

15.04 Partitioning in front of/fold away/detached clutch pedal

20. Modified braking systems

20.01 Adjusted brake pedal

20.02 Enlarged brake pedal

20.03 Brake pedal suitable for use by left foot

20.04 Brake pedal by sole

20.05 Tilted brake pedal

20.06 Manual (adapted) service brake

20.07 Maximum use of reinforced service brake

20.08 Maximum use of emergency brake integrated in the service brake

20.09 Adjusted parking brake

20.10 Electrically operated parking brake

20.11 (Adjusted) foot operated parking brake

20.12 Partitioning in front of/fold away/detached brake pedal

20.13 Brake operated by knee

20.14 Electrically operated service brake

25. Modified accelerator systems

25.01 Adjusted accelerator pedal

25.02 Accelerator pedal by sole

25.03 Tilted accelerator pedal

25.04 Manual accelerator

25.05 Accelerator at knee

- 25.06 Servo accelerator (electronic, pneumatic, etc.)
- 25.07 Accelerator pedal on the left of brake pedal
- 25.08 Accelerator pedal on the left
- 25.09 Partitioning in front of/fold away/detached accelerator pedal
- 30. Modified combined braking and accelerator systems
 - 30.01 Parallel pedals
 - 30.02 Pedals at (or almost at) the same level
 - 30.03 Accelerator and brake with sliding
 - 30.04 Accelerator and brake with sliding and orthosis
 - 30.05 Fold away/detached accelerator and brake pedals
 - 30.06 Raised floor
 - 30.07 Partitioning on the side of the brake pedal
 - 30.08 Partitioning for prosthesis on the side of the brake pedal
 - 30.09 Partitioning in front of the accelerator and brake pedals
 - 30.10 Heel/leg support
 - 30.11 Electrically operated accelerator and brake
- 35. Modified control layouts (Lights switches, windscreen wiper/washer, horn, direction indicators, etc.)
Control devices operable without negative influence on the steering and handling
 - 35.02 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.)
 - 35.03 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) with the left hand

35.04 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) with the right hand

35.05 Control devices operable without releasing the steering wheel and accessories (knob, fork, etc.) and the combined accelerator and braking mechanismss

40. Modified steering

40.01 Standard assisted steering

40.02 Reinforced assisted steering

40.03 Steering with backup system

40.04 Lengthened steering column

40.05 Adjusted steering wheel (Larger and/or thicker steering wheel section, reduced diameter steering wheel, etc.)

40.06 Tilted steering wheel

40.07 Vertical steering wheel

40.08 Horizontal steering wheel

40.09 Foot operated driving

40.10 Alternative adjusted steering (joy-stick, etc.)

40.11 Knob on the steering wheel

40.12 Hand orthosis on the steering wheel

40.13 With orthosis tenodese

42. Modified rearview mirror(s)

42.01 External (left or) right-side rear-view mirror

42.02 External rear-view mirror set on the wing

- 42.03 Additional inside rear-view mirror permitting view of traffic
- 42.04 Panoramic inside rear-view mirror
- 42.05 Blind spot rear-view mirror
- 42.06 Electrically operated outside rear-view mirror(s)
- 43. Modified driver seat
 - 43.01 Driver seat at a good viewing height and in normal distance from the steering wheel and the pedal
 - 43.02 Driver seat adjusted to body shape
 - 43.03 Driver seat with lateral support for good sitting stability
 - 43.04 Driver seat with armrest
 - 43.05 Lengthening of sliding driver's seat
 - 43.06 Seat-belt adjustment
 - 43.07 Harness-type seat-belt
- 44. Modifications to motorcycles (subcode use obligatory)
 - 44.01 Single operated brake
 - 44.02 (Adjusted) hand operated brake (front wheel)
 - 44.03 (Adjusted) foot operated brake (back wheel)
 - 44.04 (Adjusted) accelerator handle
 - 44.05 (Adjusted) manual transmission and manual clutch
 - 44.06 (Adjusted) rear-view mirror(s)
 - 44.07 (Adjusted) commands (direction indicators, braking light, ...)
 - 44.08 Seat height allowing the driver, in sitting position, to have two feet on the road at the same time

45. Motorcycle with side-car only

50. Restricted to a specific vehicle/chassis number (vehicle identification number, VIN)

51. Restricted to a specific vehicle/registration plate (vehicle registration number, VRN)

ADMINISTRATIVE MATTERS

70. Exchange of licence No ... issued by ... (EU/UN distinguishing sign in the case of a third country; e.g: 70.0123456789.NL)

71. Duplicate of licence No ... (EU/UN distinguishing sign in the case of a third country; e.g: 71.987654321.HR)

72. Restricted to category A vehicles having a maximum cylinder capacity of 125 cc and maximum power of 11 KW (A1)

73. Restricted to category B vehicles of the motor tricycle or quadricycle type (B1)

74. Restricted to category C vehicles the maximum authorised mass of which does not exceed 7500 kg (C1)

75. Restricted to category D vehicles with not more than 16 seats, excluding the driver's seat (D1)

76. Restricted to category C vehicles the maximum authorised mass of which does not exceed 7500 kg (C1), attached to a trailer the maximum authorised mass of which exceeds 750 kg, provided that the maximum authorised mass of the vehicle train thus formed does not exceed 12000 kg, and that the maximum authorised mass of the trailer does not exceed the unladen mass of the drawing vehicle (C1E)

77. Restricted to category D vehicles with not more than 16 passenger seats, excluding the driver's seat (D1), attached to a trailer the maximum authorised mass of which exceeds 750 kg provided that (a) the maximum authorised mass of the vehicle train thus formed does not exceed 12000 kg and the maximum authorised

mass of the trailer does not exceed the unladen mass of the drawing vehicle and (b) the trailer is not used to carry passengers (D1E)

78. Restricted to vehicles with automatic transmission

79. (...) Restricted to vehicles which comply with the specifications indicated in brackets, in the context of the application of Article 10(1) of Directive 91/439/EEC

90.01 : to the left

90.02 : to the right

90.03 : left

90.04 : right

90.05 : hand

90.06 : foot

90.07 : usable

95. Driver holding CPC meeting the obligation of professional aptitude provided for by Directive 2003/59/EC until ... [e.g.: 95.01.01.2012]

96. Driver having completed training or having passed a test of skills and behaviour in accordance with the provisions of Annex V.

- codes 100 and above: : national codes valid only for driving in the territory of the EEA State which issued the licence.

Where a code applies to all categories for which the licence is issued, it may be printed under headings 9, 10 and 11;

13. in implementation of section 4(a) of this Schedule, a space reserved for the possible entry by the host EEA State of information essential for administering the licence;

14. a space reserved for the possible entry by the EEA State which issues the licence of information essential for administering the licence or related to road safety (optional). If the information relates to one of the headings defined in this Schedule, it should be preceded by the number of the heading in question.

With the specific written agreement of the holder, information which is not related to the administration of the driving licence or road safety may also be added in this space; such addition shall not alter in any way the use of the model as a driving licence;

- (b) an explanation of the numbered items which appear on pages 1 and 2 of the licence (at least items 1, 2, 3, 4 (a), 4 (b), 4 (c), 5, 10, 11 and 12).

If an EEA State wishes to make the entries in a national language other than one of the following languages: Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish or Swedish, it shall draw up a bilingual version of the licence using one of the aforementioned languages, without prejudice to the other provisions of this Schedule;

- (c) a space shall be reserved on the Community model licence to allow for the possible introduction of a microchip or similar computer device.



4. Special provisions

- (a) Where the holder of a driving licence issued by an EEA State in accordance with this Schedule has his normal place of residence in another EEA State, that EEA State may enter in the licence such information as is essential for administering it, provided that it also enters this type of information in the licences which it issues and provided that there remains enough space for the purpose.
- (b) After consulting the Commission, EEA States may add colours or markings, such as bar codes and national symbols, without prejudice to the other provisions of this Schedule.














In the context of mutual recognition of licences, the bar code may not contain information other than what can already be read on the driving licence or which is essential to the process of issuing the licence.

COMMUNITY MODEL DRIVING LICENCE

Page 1 DRIVING LICENCE [MEMBER STATE]

	PERMIS DE CONDUIRE		ÉTAT MEMBRE
	1.		
	2.		
	3.		
6 PHOTO 	4a.	4c.	
	4b.	(4d.)	
	5.		
	7.		
	(B.)		
9			

Page 2 1. Name 2. First name 3. Date and place of birth 4a. Date of issue of driving licence 4b. Official date of expiry 4c. Issued by 5. Serial number of licence 8. Place of residence 9. Category (1) 10. Date of issue, by category 11. Date of expiry, by category 12. Restrictions

13.	9.	10.	11.	12.
	A1 			
	A 			
	B* 			
	B 			
	C1 			
	C 			
	D1 			
	D 			
	BE 			
	C1E 			
	CE 			
	D1E 			
	DE 			

1. Nom 2. Prénom 3. Date et lieu de naissance 4a. Date de délivrance de la licence 4b. Date officielle d'expiration 4c. Délivré par 5. Numéro de licence 8. Lieu de résidence 9. Catégorie (1) 10. Date de délivrance, par catégorie 11. Date d'expiration, par catégorie 12. Restrictions

Insertion of Schedules 8 to 10.

28 The following schedules are inserted after Schedule 7–

“SCHEDULE 8

**MINIMUM REQUIREMENTS FOR DRIVER TRAINING
AND TESTING FOR COMBINATIONS AS DEFINED IN
SECTION 31(1) (HEADING CATEGORY B-
SUBPARAGRAPH (I)**

(This Schedule reproduces Annex V to the Directive)

1. The Government shall–

- (a) approve and supervise the training provided for in section 32(1)(d) of the Act; or
- (b) organise the test of skills and behaviour provided for in section 32(1)(d) of the Act.

2.1. Duration of driver training: at least 7 hours.

3. Content of driver training

The driver training shall cover the knowledge, skills and behaviour as described in points 2 and 7 of Schedule 4B. Particular attention shall be paid to–

- vehicle movement dynamics, safety criteria, tractor vehicle and trailer (coupling mechanism), correct loading and safety fittings;

A practical component shall include the following exercises: acceleration, deceleration, reversing, braking, stopping distance, lane-changing, braking/evasive action, trailer swing, uncoupling from and re-coupling a trailer to its motor vehicle, parking;

- Each training participant has to perform the practical component and shall demonstrate its skills and behaviour on public roads,

- Vehicle combinations used for the training shall fall within the category of driving licence participants have applied for.

4. Duration and contents of the test of skills and behaviour
The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in point 3.

SCHEDULE 9

MINIMUM REQUIREMENTS FOR DRIVER TRAINING AND TESTING FOR MOTORCYCLES WITHIN CATEGORY A (PROGRESSIVE ACCESS)

(This Schedule reproduces Annex VI to the Directive)

1. The Government shall—
 - (a) approve and supervise the training provided for in section 32(1)(c) of the Act; or
 - (b) organise the test of skills and behaviour provided for in section 32(1)(c) of the Act
2. Duration of driver training: at least 7 hours.
3. Content of driver training
 - The driver training shall contain all aspects covered in point 6 of Schedule 4B
 - Each participant has to perform the practical components of the training and shall demonstrate its skills and behaviour on public roads.
 - Motorcycles used for the training shall fall within the category of driving licence participants have applied for.
4. Duration and contents of the test of skills and behaviour
The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in point 3 of this Schedule.

SCHEDULE 10

Regulation 103

**MINIMUM STANDARDS FOR PERSONS WHO CONDUCT
PRACTICAL DRIVING TESTS**

(This Schedule reproduces Annex IV to the Directive)

1. Competences required by a driving examiner

1.1. A person authorised to conduct practical assessments in a motor vehicle of the driving performance of a candidate must have knowledge, skills and understanding related to the topics listed in points 1.2 to 1.6.

1.2. The competences of an examiner must be relevant to assessing the performance of a candidate seeking the category of driving licence entitlement for which the driving test is being undertaken.

1.3. Knowledge and understanding of driving and assessment:

- theory of driving behaviour,
- hazard perception and accident avoidance,
- the syllabus underpinning driving test standards,
- the requirements of the driving test,
- relevant road and traffic legislation, including relevant EU and national legislation and interpretative guidelines,
- assessment theory and techniques,
- defensive driving.

1.4. Assessment skills:

- ability to observe accurately, monitor, and evaluate overall candidate performance, in particular:
- correct and comprehensive recognition of dangerous situations,

- accurate determination of cause and likely effect of such situations,
- achievement of competence and recognition of errors,
- uniformity and consistency in assessment,
- assimilate information quickly and extract key points,
- look ahead, identify potential problems, and develop strategies to deal with them,
- provide timely and constructive feedback.

1.5. Personal driving skills:

- A person authorised to conduct a practical test for a category of driving licence must be able to drive to a consistently high standard that type of motor vehicle.

1.6. Quality of service:

- establish and communicate what the candidate can expect during the test,
- communicate clearly, choosing content, style and language to suit the audience and context and deal with enquiries from candidates,
- provide clear feedback about the test result,
- treat candidates with respect and indiscriminately.

1.7. Knowledge about vehicle technique and physics:

- knowledge about vehicle technique such as steering, tyres, brakes, lights, specially for motorcycles and heavy vehicles,
- loading safety,
- knowledge about vehicle physics such as speed, friction, dynamics, energy.

1.8. Driving in a fuel efficient and environmentally friendly way.

2. General conditions

2.1. A category B driving examiner:

- (a) must have held a category B licence for at least 3 years;
- (b) must be at least 23 years old;
- (c) must have successfully completed the initial qualification provided for in point 3 of this Schedule and subsequently followed the quality assurance and the periodic training arrangements as provided for in point 4 of this Schedule;
- (d) must have terminated a vocational education that leads at least to a completion of level 3 as defined by Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the EEA States of the European Community;
- (e) may not be active as a commercial driving instructor in a driving school simultaneously.

2.2. A driving examiner for the other categories:

- at least 5 years of driving in the category concerned, or,
- a theoretical and practical assessment of driving ability of a standard higher than that needed to obtain a driving licence thus making that requirement unnecessary,
- (d) must have completed a vocational education that leads at least to a termination of the level 3 as defined by Decision 85/368/EEC;
- (e) may not be active as a commercial driving instructor in a driving school simultaneously.

2.3. Equivalences

2.3.1. EEA States may authorise an examiner to conduct driving tests for categories AM, A1, A2 and A upon passing the initial qualification prescribed in point 3 for one of these categories.

2.3.2. EEA States may authorise an examiner to conduct driving tests for categories C1, C, D1 and D upon passing the initial qualification prescribed in point 3 for one of these categories.

2.3.3. EEA States may authorise an examiner to conduct driving tests for categories BE, C1E, CE, D1E and DE upon passing the initial qualification prescribed in point 3 for one of these categories.

3. Initial qualification

3.1. Initial training

3.1.1. Before a person may be authorised to conduct driving tests, that person must satisfactorily complete such training programme as an EEA State may specify in order to have the competences set out in point 1.

3.1.2. EEA States must determine whether the content of any particular training programme will relate to authorisation to conduct driving tests for one driving licence category, or more than one.

3.2. Examinations

3.2.1. Before a person may be authorised to conduct driving tests, that person must demonstrate a satisfactory standard of knowledge, understanding, skills and aptitude in respect of the subjects listed in point 1.

3.2.2. EEA States shall operate an examination process that assesses, in a pedagogically appropriate manner, the competences of the person as defined under point 1, in particular point 1.4. The examination process must include both a theoretical element and a practical element. Computer-based assessment may be used where appropriate. The details concerning the nature and duration of any tests and assessments within the examination shall be at the discretion of the individual EEA States.

3.2.3. EEA States must determine whether the content of any particular examination will relate to authorisation to conduct driving tests for one driving licence category, or more than one.

4. Quality assurance and periodic training

4.1. Quality assurance

4.1.1. EEA States shall have in place quality assurance arrangements to provide for the maintenance of standards of driving examiners.

4.1.2. Quality assurance arrangements should involve the supervision of examiners at work, their further training and re-accreditation, their continuing professional development, and by periodic review of the outcomes of the driving tests that they have conducted.

4.1.3. EEA States must provide that each examiner is subject to yearly supervision making use of quality assurance arrangements listed in point

4.1.2. Moreover, the EEA States must provide that each examiner is observed conducting tests once every 5 years, for a minimum period cumulatively of at least half a day, allowing the observation of several tests. When issues are identified corrective action should be put in place. The person undertaking the supervision must be a person authorised by the EEA State for that purpose.

4.1.4 EEA States may provide that where an examiner is authorised to conduct driving tests in more than one category, satisfying the supervision requirement in relation to tests for one category satisfies the requirement for more than one category.

4.1.5 The work of driving examination must be monitored and supervised by a body authorised by the EEA State, to ensure correct and consistent application of assessment.

4.2. Periodic training

4.2.1. EEA States shall provide that, in order to remain authorised, driving examiners, irrespective of the number of categories for which they are accredited, undertake:

- a minimum regular periodic training of four days in total per period of two years in order to:
 - maintain and refresh the necessary knowledge and examining skills,
 - to develop new competences that have become essential for the exercise of their profession,
 - ensure that an examiner continues to conduct tests to a fair and uniform standard,
- a minimum periodic training of at least five days in total per period of five years,
- in order to develop and maintain the necessary practical driving skills.

4.2.2. EEA States shall take the appropriate measures for ensuring that specific training is given promptly to those examiners that have found to be seriously malfunctioning by the quality assurance system in place.

4.2.3. The nature of periodic training may take the form of briefing, classroom training, conventional or electronic-based learning, and it may be undertaken on an individual or group basis. It may include such re-accreditation of standards as EEA States consider appropriate.

4.2.4. EEA States may provide that where an examiner is authorised to conduct driving tests in more than one category, satisfying the periodic training requirement in relation to tests for one category satisfies the requirement for more than one category, provided the condition set out in point 4.2.5 is satisfied.

4.2.5. Where an examiner has not conducted tests for a category within a 24-month period, the examiner shall undertake a suitable reassessment before being allowed to carry out driving tests relating to that category. That re-assessment may be undertaken as part of the requirement set out in point 4.2.1.

5. Acquired rights

5.1. EEA States may allow persons authorised to conduct driving tests immediately before these provisions come into force to continue to conduct driving tests, notwithstanding that they were not authorised in accordance with the general conditions in point 2 or the initial qualification process set out in point 3.

5.2. Such examiners are nonetheless subject to the regular supervision and quality assurance arrangements set out in point 4.”.

Dated 19th March, 2012.

P BALBAN,
Minister with responsibility for Traffic,
For and on behalf of the Government.

EXPLANATORY MEMORANDUM

These Regulations amend the Traffic Act and the Traffic (Licensing and Registration) Regulation so as to transpose into the law of Gibraltar Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences as amended by Commission Directive 2009/113/EC.

A feature of these Regulations is a number of provisions which the Directive requires that they be transposed into national legislation well in advance of their implementation on 19 January 2013.

The key features are the requirement for the introduction of photocard licences in 2013. These will coexist with paper licences until January 2033. These Regulations harmonise certain vehicle categories and sets minimum ages as well as progressive access to larger vehicles. Additionally, these Regulations provide for the training of driving examiners.