



ROAD TRAFFIC ACT 1985

**MOTOR CARS (DRIVING INSTRUCTORS) (AMENDMENT)  
REGULATIONS 2011**

*Approved by Tynwald*                      15 March 2011

*Coming into operation*                      1 April 2011

The Department of Infrastructure makes these Regulations under section 74(1) and (2) of, and paragraph 10(1) of Schedule 4 to, the Road Traffic Act 1985<sup>1</sup>.

**1 Title**

These Regulations are the Motor Cars (Driving Instructors) (Amendment) Regulations 2011.

**2 Commencement**

Subject to Tynwald approval<sup>2</sup>, these Regulations come into operation on 1 April 2011.

**3 Amendment of the Motor Cars (Driving Instructors) Regulations 2007**

The Motor Cars (Driving Instructors) Regulations 2007<sup>3</sup> are amended in accordance with the following provisions of these Regulations.

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<sup>1</sup> 1985 c. 23

<sup>2</sup> As required by section 74(3) of the Act

<sup>3</sup> SD 242/07

**4 Amendment of regulation 3 (interpretation)**

- (1) Regulation 3 is amended as follows.
- (2) For the definition of "the Department" substitute –  
"the Department" means the Department of Infrastructure;"
- (3) Insert in alphabetical order –  
"test of hazard perception" means the test of that name prescribed –
  - (a) in regulation 5 for the purposes of the examination; or
  - (b) in regulation 13 for the purposes of the continued ability and fitness test,as the case may be;"

**5 Amendment of regulation 5 (theory test)**

- (1) Regulation 5 is amended as follows.
- (2) At the beginning insert –
  - "(1) The theory test shall consist of two parts, namely –
    - (a) the test of driving and instructional theory described in paragraph (2); and
    - (b) the test of hazard perception described in paragraph (3)."
- (3) After paragraph (1) as so inserted, for the words from and including "The theory test" up to and including "the following subjects", substitute –
  - "(2) The test of driving and instructional theory shall be a test lasting 90 minutes in which the candidate records as electronic data his chosen answers to a sequence of 100 questions involving the display of electronically produced text and graphical images on a video screen, the questions being on all or any of the following subjects –"

(4) After paragraph (2) insert -

"(3) The test of hazard perception, which shall last no more than 15 minutes, shall be an off-road test which -

- (a) demonstrates whether the candidate is able to perceive satisfactorily developing hazards on or near roads;
- (b) is conducted by means of the exhibition of film clips that take the perspective of the driver of a motor car and show, at some point during each film clip, one or more developing hazards to traffic on or near the road; and
- (c) requires the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment when he observes a developing hazard to the traffic on the road,

and for the purposes of this paragraph "film clip" means a sequence of visual images displayed electronically.

(4) Part 1 of Schedule A1 makes provision for the conduct, marking and passing of the theory test, for the notification of the result, and generally with respect thereto.

(5) Part 2 of Schedule A1 provides for the forms which shall be used in notifying the result of the theory test and as evidence thereof."

## **6 Amendment of regulation 13 (continued ability and fitness test)**

(1) Regulation 13 is amended as follows.

(2) For paragraph (1) substitute -

"(1) The continued ability and fitness test shall consist of -

- (a) the test of eyesight;
- (b) the test of ongoing instructional ability and fitness; and

(c) in the case of a candidate who has not previously passed the test of hazard perception, that test."

(3) In paragraph (6), for "the continued ability and fitness test", substitute "the test of ongoing instructional ability and fitness".

(4) After paragraph (6) insert -

"(7) The test of hazard perception is the test described in regulation 5(3).

(8) Part 1 of Schedule 1A makes provision for the conduct, marking and passing of the test of hazard perception, for the notification of the result, and generally with respect thereto.

(9) Part 2 of Schedule 1A provides for the forms which shall be used in notifying the result of the test of hazard perception and as evidence thereof."

## **7 Schedule A1 inserted**

Before Schedule 1 insert Schedule A1 as set out in Schedule 1 to these Regulations.

## **8 Schedule 1A inserted**

After Schedule 1 insert Schedule 1A as set out in Schedule 2 to these Regulations.

MADE 12th February 2011

*P A Gawne*  
Minister for Infrastructure

## SCHEDULE 1

### SCHEDULE A1 THEORY TEST TO BE TAKEN BY PERSONS APPLYING TO BECOME REGISTERED MOTOR-CAR DRIVING INSTRUCTORS

#### PART 1 CONDUCT ETC OF THE TEST

##### *Application for test*

1. In accordance with paragraphs (2) and (3) of regulation 4 an application to take the theory test shall be made to the Registrar.
2. The Registrar shall not entertain an application if the candidate is ineligible to take the theory test by virtue of paragraphs (5) to (7) of that regulation.

##### *Conduct of test*

3. (1) Subject to sub-paragraph (2), the theory test shall be conducted by the prescribed Department or body, which shall designate a person for the purpose.  
(2) In a case where the prescribed Department or body is not the Department, any such person shall be approved by the Department.

##### *Identification and conduct of candidate*

4. (1) When the candidate presents himself for the theory test, he shall, before the test commences, produce to the person conducting the test -
  - (a) a current licence to drive a motor car (not being a provisional licence) granted to him under Schedule 3 to the Act; and
  - (b) a photograph of him, bearing on the reverse a certificate by the countersignatory in the following terms -

"I [*name*] certify that this is a true likeness of [*candidate's name*]."

followed by the signature of the countersignatory and the date.
- (2) The candidate shall also, before the test commences, sign a record of his attendance.
- (3) During the test the candidate shall comply with such reasonable instructions as the person conducting the test may give for ensuring the proper and orderly conduct of the test.

##### *Power to refuse to conduct test*

5. The person conducting the theory test shall refuse to allow the candidate to take the test if he has not complied with all the requirements of paragraph 4.

*Marking of test*

6. As soon as practicable after the completion of the theory test the prescribed Department or body shall cause the results of the candidate's electronically stored answers or responses to be recorded in print for the purposes of ascertaining whether he has passed -

- (a) the test of driving and instructional theory described in regulation 5(2); and
- (b) the test of hazard perception described in regulation 5(3).

*Passing of test*

7. (1) The candidate passes the theory test only if both parts are passed on the same occasion.

(2) The test of driving and instructional theory is passed if 90 or more of the 100 questions are answered correctly.

(3) The test of hazard perception is passed if a score of 44 or more out of 75 available points is achieved.

*Notification of result of test*

8. (1) If the candidate has passed the theory test, the prescribed Department or body shall as soon as practicable -

- (a) furnish him with a certificate in form A of Part 2; and
- (b) send a copy to the Registrar.

(2) If the candidate has failed the theory test, the prescribed Department or body shall as soon as practicable -

- (a) furnish him with a statement in form B of Part 2; and
- (b) send a copy to the Registrar.

(3) If the prescribed Department or body is satisfied that a certificate or statement under sub-paragraph (1) or (2) has been issued in error, it shall cancel the certificate or statement and furnish the candidate with a statement or certificate, as the case may be, in its place; and it shall notify the Registrar of the action that it has taken.

(4) A certificate furnished under sub-paragraph (1) shall, unless it is cancelled under sub-paragraph (3), be valid until the period of two years prescribed in regulation 4(5)(c) has elapsed.

*Communication with the prescribed Department or body*

9. Any communication by a candidate with the prescribed Department or body for the purposes of this Schedule shall be made to such address as that Department or body specifies in a direction given by it.

*Duplicate certificates*

10. (1) If a certificate issued under this Schedule is lost, destroyed, mutilated or defaced or the particulars on it have become illegible, the person to whom the certificate was issued may apply to the prescribed Department or body in writing for the issue of a duplicate certificate.

(2) An application under paragraph (1) shall be accompanied by the prescribed fee.

(3) On an application under paragraph (1) the prescribed Department or body shall issue a duplicate certificate marked as such, and the certificate shall have the same effect as the original.

11. In this Schedule "the prescribed Department or body" means -

(a) the Department; or

(b) such other Department or body as the Department may for the time being appoint.

PART 2  
FORM A  
PASS CERTIFICATE

The Road Traffic Act 1985

The Motor Cars (Driving Instructors) Regulations 2007

CERTIFICATE OF PASSING THE THEORY TEST

Certificate serial no.  
Candidate identification no.

Date of test:

Location of test:

I certify that [*name of candidate*] has been examined and has PASSED the theory test prescribed under paragraph 10(1) of Schedule 4 to the Road Traffic Act 1985, being a test which comprises -

- the test of driving and instructional theory, and
- the test of hazard perception.

This certificate should be furnished to the Registrar when application is made to take part (b) of the examination to become a registered driving instructor, part (b) being the driving ability and fitness test. This certificate ceases to be valid -

- when the period of two years allowed for completing the entire examination has elapsed, a period which begins with the taking of the theory test at the first attempt as part of the current examination, or
- when part (b) or (c) of the examination is failed on the third attempt,

whichever is the sooner.

A copy of this certificate is being furnished to the Registrar.

Signed

On behalf of [*name of the prescribed Department or body*]

FORM B  
STATEMENT OF FAILURE

The Road Traffic Act 1985

The Motor Cars (Driving Instructors) Regulations 2007

STATEMENT OF FAILURE TO PASS THE THEORY TEST

Certificate serial no.  
Candidate identification no.

Date of test:

Location of test:

I certify that [*name of candidate*] has been examined and has FAILED the theory test prescribed under paragraph 10(1) of Schedule 4 to the Road Traffic Act 1985.

A copy of this certificate is being furnished to the Registrar.

Signed

On behalf of [*name of the prescribed Department or body*]

## SCHEDULE 2

### SCHEDULE 1A TEST OF HAZARD PERCEPTION (IF NOT PREVIOUSLY PASSED) TO BE TAKEN AS PART OF THE CONTINUED ABILITY AND FITNESS TEST

#### PART 1 CONDUCT ETC OF TEST

1. Part 1 of Schedule A1 shall apply for the purposes of this Part subject to the following modifications.
2. For references in Part 1 of that Schedule to the theory test substitute references to the test of hazard perception.
3. For paragraphs 1 and 2 substitute -
  - "1. If required by the Registrar to undergo the continued ability and fitness test, a person who has passed the examination to become an approved driving instructor ("candidate") shall, if he has not previously passed the test of hazard perception, forthwith make application to take that test.
  2. Application shall be made to the prescribed Department or body at such address as that Department or body has for the time being specified in a direction given by it".
5. In paragraph 6 omit sub-paragraph (a).
6. For paragraph 7 substitute -
  - "7. (1) The candidate passes the test of hazard perception only if it is passed at the first, second, third or fourth attempt.
  - (2) The test is passed if a score of 44 or more out of 75 available points is achieved.
  - (3) The candidate is ineligible to take the test at the second, third or fourth attempt if the prescribed Department or body fails to receive an application from him within four weeks from the issue of the statement of failure in Form B of Part 2 notifying him of his failure to pass the test at the previous attempt.
  - (4) A candidate who is ineligible to take the test by virtue of sub-paragraph (3) is taken to have failed the test."
7. In paragraph 8 omit sub-paragraph (4).
8. In this Schedule "the prescribed Department or body" has the same meaning as in Schedule A1.

PART 2  
FORM A  
PASS CERTIFICATE

The Road Traffic Act 1985

The Motor Cars (Driving Instructors) Regulations 2007

CERTIFICATE OF PASSING THE TEST OF HAZARD PERCEPTION

Certificate serial no.  
Candidate identification no.

Date of test:

Location of test:

I certify that [*name of candidate*] has been examined and has PASSED the test of hazard perception prescribed in regulation 13(1)(c) of the Motor Cars (Driving Instructors) Regulations 2007.

A copy of this certificate is being furnished to the Registrar.

Signed

On behalf of [*name of the prescribed Department or body*]

FORM B  
STATEMENT OF FAILURE

The Road Traffic Act 1985

The Motor Cars (Driving Instructors) Regulations 2007

STATEMENT OF FAILURE TO PASS THE TEST OF HAZARD PERCEPTION

Certificate serial no.  
Candidate identification no.

Date of test:

Location of test:

I certify that [*name of candidate*] has been examined and has FAILED the test of hazard perception prescribed in regulation 13(1)(c) of the Motor Cars (Driving Instructors) Regulations 2007.

A candidate is allowed four attempts to pass the test of hazard perception. He or she may retake it at the second, third or fourth attempt, but only if an application for this purpose is received by [*name of the prescribed Department or body*] within four weeks from the issue of the statement of failure at the previous attempt.

A copy of this statement is being furnished to the Registrar.

Signed

On behalf of [*name of the prescribed Department or body*]

## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

1. These Regulations amend the Motor Cars (Driving Instructors) Regulations 2007.
  2. They cater for an expanded theory test to be taken by candidates wishing to become registered motor-car driving instructors. In addition to comprising (as at present) a test of driving and instructional theory, the expanded test now includes a test of hazard perception. It will be conducted on behalf of the Registrar by a prescribed Department or body (for the time being the Department of Education and Children) and will consist of answers or responses on a video screen to electronically produced text and graphical images.
  3. The Regulations go on to incorporate the same test of hazard perception in the continued ability and fitness test periodically taken by persons who have already passed the examination to become such instructors, but only in cases where such persons have not previously passed the test of hazard perception.
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