



ROAD TRAFFIC ACT 1985

**MOTOR BICYCLES (APPROVED TRAINING COURSES
FOR DRIVERS) (AMENDMENT) REGULATIONS 2011**

Approved by Tynwald 17th May 2011

Coming into operation 1 June 2011

The Department of Infrastructure makes these Regulations under section 74(1) and (2) of, and paragraphs 6(3A) and 22(1) of Schedule 3 to, the Road Traffic Act 1985¹.

1 Title

These Regulations are the Motor Bicycles (Approved Training Courses for Drivers) (Amendment) Regulations 2011.

2 Commencement

Subject to Tynwald approval², these Regulations come into operation on 1 June 2011.

3 Amendment of the Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002

The Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002³ are further amended in accordance with the following provisions of these Regulations.

¹ 1985 c. 23

² As required by section 74(3) of the Act

³ SD 665/02 as amended by SD 208/03

4 Amendment of regulation 2 (interpretation)

- (1) Regulation 2(1) is amended as follows.
- (2) For the definition of "group A" substitute the following definitions -

"category A", in relation to a licence, has the same meaning as in the Driving Licences and Tests Regulations 2007⁴;

"continued ability and fitness test" means the test of that description prescribed in regulation 10⁵;
- (3) For the definition of "the Department" substitute -

"the Department" means the Department of Infrastructure⁵;
- (4) At the end of the definition of "motor bicycle" omit "and".
- (5) After the definition of "motor bicycle instructor" add -

"prescribed", in relation to a fee, means prescribed under the Fees and Duties Act 1989⁵.

5 Amendment of regulation 4 (instructors)

- (1) Regulation 4 is amended as follows.
- (2) In paragraph (2)(a), for "group A", substitute "category A".
- (3) In paragraph (2)(d)(i), for "the written examination", substitute "the theory test".
- (4) In paragraph (3A), for sub-paragraph (a), substitute -

"(a) he has passed the three parts of the examination -
 - (i) in the order set out in paragraph (2)(d), and
 - (ii) no later than two years after passing the theory test; or"

⁴ SD 161/07

⁵ 1989 c. 12

6 **Amendment of regulation 5 (written examination)**

- (1) Regulation 5 is amended as follows.
- (2) For the heading "Written examination", substitute "Theory test".
- (3) 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)."

- (4) After paragraph (1) as so inserted, for the words from and including "The written examination" up to and including "the following subjects", substitute -

"(2) The test of driving and instructional theory shall be a test lasting no more than 60 minutes in which the candidate records as electronic data his chosen answers to a sequence of 50 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 -"

- (5) After paragraph (2) add -

"(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) Subject to the following modifications, Schedule A1 to the Motor Cars (Driving Instructors) Regulations 2007⁶ shall apply in relation to the theory test described in these Regulations as it applies in relation to the theory test described in those Regulations -

(a) for paragraphs 1 and 2 of Part 1, substitute -

"1. An application to take the theory test 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";

(b) in paragraph 4(1) of Part 1, for sub-paragraph (a), substitute -

"(a) a current licence to drive motor bicycles of all classes in category A (not being a provisional licence) granted to him under Schedule 3 to the Road Traffic Act 1985; and";

(c) in paragraph 6 of Part 1 a reference to the test of driving and instructional theory or to the test of hazard perception shall be construed as a reference to the corresponding test described in these Regulations;

(d) in paragraph 7(2) of Part 1, for "90 or more of the 100 questions", substitute "45 or more of the 50 questions";

(e) in paragraph 8 of Part 1, -

(i) in sub-paragraphs (1)(b), (2)(b) and (3), for "the Registrar", substitute respectively "the Chief Examiner in the Department", and

(ii) in paragraph (4), for "the period of two years prescribed in regulation 4(5)(c)",

⁶ SD 242/07 as amended by SD

substitute "the period of two years prescribed in regulation 4(3A)(a)"; and

(f) for forms A and B in Part 2 substitute -

"FORM A
PASS CERTIFICATE

The Road Traffic Act 1985
The Motor Bicycles (Approved Training Courses for Drivers) Regulations
2002

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 PASSED the theory test prescribed under paragraphs 6(3A) and 22(1) of Schedule 3 to the Road Traffic Act 1985, being a test which comprises -

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

The candidate should furnish this certificate to the Chief Driving Examiner in the Department of Infrastructure when application is made to take the second part, namely the driving ability and fitness test, of the examination to become a motor bicycle instructor. 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 passing of the theory test.

A copy of this certificate is being furnished to the Chief Driving Examiner.

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

FORM B
STATEMENT OF FAILURE

The Road Traffic Act 1985
The Motor Bicycles (Approved Training Courses for Drivers) Regulations
2002

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 FAILED the theory test prescribed under paragraphs 6(3A) and 22(1) of Schedule 3 to the Road Traffic Act 1985.

A copy of this statement is being furnished to the Chief Driving Examiner in the Department of Infrastructure.

Signed

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

7 Amendment of regulation 9 (extension of duration of authorisations)

- (1) Regulation 9 is amended as follows.
- (2) In paragraph (2), for sub-paragraph (a), substitute -
 - "(a) he has not refused to undergo the continued ability and fitness test on the occasions prescribed in regulation 10(1)(a) and (b);"

8 Amendment of regulation 10 (test of continued ability and fitness to give instruction)

- (1) Regulation 10 is amended as follows.
- (2) For the heading substitute "Continued ability and fitness test".
- (3) For paragraph (1) substitute -
 - "(1) A motor bicycle instructor shall undergo the continued ability and fitness test -
 - (a) at any time that he is required by the Department to do so during the period in which he is authorised to act as such an instructor; and
 - (b) in connection with an application by him under regulation 9 to continue to be so authorised.
 - (1A) The continued ability and fitness test shall consist of -
 - (a) the same test of eyesight as is prescribed for trainees under paragraph 2 of Schedule 1;
 - (b) the test of ongoing instructional ability and fitness; and

- (c) in the case of a motor bicycle instructor who has not previously passed the test of hazard perception, that test."
- (4) In paragraphs (2) and (3), for "test", substitute "test of ongoing instructional ability and fitness".
- (5) After paragraph (3) add -

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

(5) Subject to the following modifications, Schedule A1 to the Motor Cars (Driving Instructors) Regulations 2007 shall apply in relation to the test of hazard perception prescribed in this regulation as it applies in relation to the theory test prescribed in those Regulations -

(a) for references in Part 1 to the theory test substitute references to the test of hazard perception;

(b) for paragraphs 1 and 2 substitute -

"1. If required by the Department to undergo the continued ability and fitness test, a person who has passed the examination to become a motor bicycle 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.";

(c) in paragraph 4(1) of Part 1 -

(i) for sub-paragraph (a) substitute -

"(a) a current licence to drive motor bicycles of all classes in category A (not being a provisional licence) granted to him under Schedule 3 to the Road Traffic Act 1985,"

(ii) omit "and" at the end of sub-paragraph (a), and

(iii) after sub-paragraph (b) insert -

"; and

- (c) the certificate furnished to him under regulation 16";
- (d) in paragraph 6 of Part 1 -
 - (i) sub-paragraph (a) is omitted, and
 - (ii) the reference in sub-paragraph (b) to the test of hazard perception is to be taken as a reference to the corresponding test prescribed in this regulation;
- (e) for paragraph 7 of Part 1 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."
- (f) in paragraph 8 of Part 1 -
 - (i) in sub-paragraphs (1)(b), (2)(b) and (3), for "the Registrar", substitute respectively "the Chief Examiner in the Department", and
 - (ii) omit sub-paragraph (4); and
- (g) for FORMS A and B in Part 2 substitute -

"FORM A
PASS CERTIFICATE

The Road Traffic Act 1985

The Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002

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 10(1A)(c) of the Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002.

A copy of this certificate is being furnished to the Chief Driving Examiner in the Department of Infrastructure.

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

FORM B
STATEMENT OF FAILURE

The Road Traffic Act 1985

The Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002

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 10(1A)(c) of the Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002.

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 Chief Driving Examiner in the Department of Infrastructure.

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

9 Amendment of regulation 11 (rescindment of authorisations)

(1) Regulation 11 is amended as follows

(2) In paragraph (1), for sub-paragraph (c), substitute -

"(c) he refused to undergo the continued ability and fitness test on an occasion prescribed in regulation 10(1)(a);".

10 Amendment of regulation 18 (fees)

In regulation 18 -

(a) in paragraph (1)(a), for "the examination", substitute "the test"; and

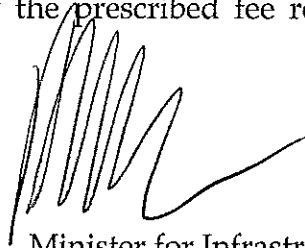
(b) after paragraph (1) insert -

"(1A) An application under regulation 9 for the continuation of an authorisation shall not be entertained unless it is accompanied by the prescribed fee relating thereto."

MADE

S. 4 -

2011



Minister for Infrastructure

EXPLANATORY NOTE

(This note does not form part of the Regulations)

1. These Regulations further amend the Motor Bicycles (Approved Training Courses for Drivers) Regulations 2002.
2. They cater for what is now called a theory test to be taken by candidates wishing to become motor bicycle instructors for the purpose of conducting approved training courses (that is to say, compulsory basic training courses) under the Regulations. In addition to comprising (as at present) a test of driving and instructional theory, the test is now expanded to include a test of hazard perception. It will be conducted 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 become such instructors, but only in cases where such persons have not previously passed the test of hazard perception.
4. For the purposes of the Regulations a motor bicycle is –
 - a two-wheeled motor cycle without a sidecar, being a learner motor cycle or a moped, or
 - a two-wheeled motor cycle with a sidecar.