

# STATES OF JERSEY



## DRIVING LICENCES: THEORY TEST

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Lodged au Greffe on 15th September 2011  
by the Comité des Connétables

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to agree that a person must have passed a theory test before being granted permission to drive on the road as set out in the Appendix to the report of the Comité des Connétables dated 5th September 2011; and to request the Minister for Transport and Technical Services to bring forward for approval amendments to the legislation to provide for these changes to take effect

COMITÉ DES CONNÉTABLES

## REPORT

1. The Road Traffic (Jersey) Law 1956 and the Motor Vehicles (Driving Licences) (Jersey) Order 2003 set out the current provisions with regard to the licensing of persons wishing to drive on the road.
2. Under the Law, licences are issued by the “parochial authority”, namely the Connétable of the parish in which the applicant for a licence or a licence-holder resides, but the Minister for Transport and Technical Services is the “licensing authority”.

### **Theory test to be taken before driving on the road**

3. A provisional licence may be issued for “the purpose of enabling an applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test ...”. A proviso is added that the grant of a provisional licence may be refused if a provisional licence has been granted at any time within the preceding 12 months and it appears to the authority that the applicant does not intend to submit to the said test within a reasonable time.
4. Despite drawing this proviso to the attention of all those granted a provisional licence, the parochial authorities often receive requests for the issue of a second provisional licence where the holder has not attempted the theory test during the validity of the first provisional licence. This happens most often with moped licences (category P) as the 16 year-old driver really has no intention of taking the test and only uses the moped until able to drive a car at 17 years of age.
5. It is a matter of concern to the parochial authorities that persons driving on the road may not have an acceptable knowledge of the Highway Code as they have not attempted, or have been unable to pass, the relevant theory test for that category of vehicle.
6. The requirement to pass a theory test before driving on the road applies in other countries. For example, 5 of the 9 States in Canada require a learner driver to first pass a theory test before issuing a learner licence, and in 5 out of 8 States in Australia, the same applies. It does not apply in the United Kingdom (the jurisdiction on which Jersey standards are based), nor is it a requirement of the EU 3rd Directive on driving licences.
7. The following sets out the various tests which a person must pass in Jersey to be granted a full driving licence for a category of vehicle.

<b>Category of licence</b>	<b>Tests to be passed</b>		
	<i>CBT (compulsory basic training)</i>	<i>Off-road theory test</i>	<i>On-road practical test</i>
Category P, A and A1 (moped, motorcycle, heavy motorcycle)	YES	YES	YES
Category B (car)		YES	YES
Category C (goods vehicle)		YES	YES
Category D (passenger vehicle)		YES	YES

8. The compulsory basic training (CBT) applies to riders of mopeds, motorcycles and, after disqualification, to heavy motorcycles, and does provide some theoretical instruction to drivers before they are permitted to ride on the road. These drivers are still required to take both the theory and practical tests. The CBT consists of –
  - (a) a theoretical section, relating to knowledge of the contents of the Jersey Highway Code and other relevant motoring matters, and the working and maintenance of motor bicycles;
  - (b) “off-road” training, being training on a motor bicycle off the road in manoeuvring the motor bicycle; and
  - (c) “on-road” training, being training on a motor bicycle on the road in the handling of a motor bicycle.
9. There are separate theory tests for different categories of vehicle. A person who passes a theory test for a vehicle category is given a certificate which is valid indefinitely, although it will become invalid if the holder is disqualified from holding or obtaining a licence to drive.
10. Likewise, there are separate on-road practical tests for different categories of vehicle.
11. It is therefore proposed that a person must have passed a theory test before being granted permission to drive on the road for the first time as set out in the attached **Appendix**. A person would be able to register with the parish to take the theory test in the 12 months before reaching the age at which a licence for that category of vehicle may be granted.
12. For a person intent on learning to drive and passing the relevant tests, it is not expected that this change will result in a major increase in the cost of learning to drive. In practice, a person who has already passed the theory test should be able to sit the practical test during the validity of the first provisional licence. The pass rates are 45% for theory tests and 60% for practical tests, but this figure does not differentiate between those with a first provisional or subsequent provisional licence. The change will, however, ensure that all those driving on the road have a proficiency and knowledge of the basic Highway Code.
13. Those approaching the age at which they can learn to drive may be dismayed at the prospect of having to pass the theory test before being allowed on the road. However, as it is proposed that a person may register to take the theory test 12 months before the date at which a provisional licence may currently be granted, this will permit the holder to pass the theory test before the date on which the holder would be eligible to apply for the provisional licence for that category of vehicle.
14. It should be noted that under the current legislation it is illegal for a person lower than the appropriate licence age for the category to hold or obtain a licence to drive – at the earliest an application may therefore only be made on the applicant’s birth date and a licence cannot be issued prior to that date. A person currently wishing to receive a provisional licence on their birthday

must apply for a fast-track, same day, application service and pay the appropriate fee (this service is only available on normal working days).

15. The Comité has consulted with the Road Safety Panel and Officer, with the providers of Compulsory Basic Training for mopeds/motorcycles and with the Jersey Driving Instructors' Association, who have commented as follows –
  - (a) Road Safety Panel and Officer: members of the Panel are fully supportive of the initiative and believe it would be a real step forward in terms of improved road safety. Injury rates for 49 c.c. mopeds in Jersey are disproportionately high compared to other traffic. However, the Panel considered that 15 years was too young for prospective moped-riders to sit a theory test as, if passed at that age, the knowledge would no longer be fresh in their mind when starting to ride on the road.
  - (b) Jersey Driving Instructors' Association: considered it a very good idea for potential learners to take their theory test before they are old enough to drive on the road.
  - (c) Jersey School of Motorcycling Ltd.: considered it would certainly be beneficial for the students, other road-users and the School to know that students had a knowledge of the Highway Code before sitting the CBT (Compulsory Basic Training) and it would also help with non English-speaking students.
16. The Comité considers the proposal will have positive road safety benefits without significant additional cost and therefore recommends its adoption by the States.

Comité des Connétables  
5th September 2011

### **Financial and manpower implications**

If approved, there will be a financial and manpower implication for the States arising from law drafting to bring forward the amendment required to the legislation. There will be a small cost to the parishes to amend the existing driving licence system to be able to register a person to take the theory test.

## APPENDIX

### Scheme for 'theory' licence

1. A provisional licence would only be granted to a person who has passed a theory test.
2. Although there are different theory tests for different categories of vehicle, a person who holds a valid pass certificate for a theory test for any category will have demonstrated sufficient knowledge of the Highway Code to be permitted to apply for a provisional licence for another category of vehicle. So a person who has a valid pass certificate for Category B could be issued with a provisional licence to drive a vehicle in Category C, but would still have to take the theory test for that category before sitting the practical driving test.
3. To be able to take the chosen theory test: a person would register with the parochial authority and provide a photograph so the identity of the person sitting the theory test may be verified (as with current provisional driving licences). Written confirmation would be provided (either by a 'licence' or 'letter' for which a small charge might be made), and this would contain a reference number which would be required to book a theory test (as at present).
4. A person might register to take the theory test up to 12 months prior to being eligible to apply for a provisional licence for that category of vehicle. The holder would then have 12 months in which to book and pass the theory test (average waiting time is 4 weeks). This provides adequate time to sit (more than once if required) and pass the test before the age at which the person is eligible to drive on the road i.e. 16 years for moped; 17 years for car, etc.
5. A person disqualified from driving would not be required to pass the theory test before being granted a new provisional licence as, having previously held a licence, they would have passed the theory test at that time.
6. A person taking up residence in Jersey who holds a driving licence from a country with which there is no reciprocal agreement, is currently required to take a theory and practical test to obtain a Jersey licence. Such a person would not be required to pass the theory test before being granted a provisional licence, as they would hold a current driving licence, albeit from another country, and therefore would have experience of driving on the road and abiding by the Highway Code of that country.
7. To enable a smooth transition, without adversely affecting those approaching the age at which they may be permitted to apply for a licence for a particular category, it is proposed that the change should be implemented in 2013, but that registration to take a theory test should be permitted from 3 months before actual date of implementation.