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Dear Mr Purvis

Further to Kate Martin's letters of 15 and 28 July, I can now reply to your letter of 9 July enclosing correspondence from your constituent, Sandy Allan about the introduction of the new practical motorcycle test. I am sorry for the delay in replying.

Mr Allan expressed concerns that the changes to the practical motorcycle test are ill conceived and dangerous. It might help if I explain that the latest road casualty statistics in Great Britain for 2007 clearly show that something has to be done to reduce the casualties involving motorcyclists. In 2007 we saw a motorcycle user casualty figure of 23,459. This is clearly an unacceptable position and the need for us to improve the skills of motorcyclists as an especially vulnerable group and to assess them to a relevant standard cannot be disputed.

The UK Government's Motorcycle Strategy, published in 2000, specifically identified the need for further training both pre and post test and the relevant assessment of skills. This strategy aligns with the change in the EU Legislation requiring us to include new manoeuvres in the test which must be carried out at speeds of between 30 and 50kph.

The Government agreed to meet the new test regime established in the EU Directive and the Commission Directive 2008/65/EC, issued on 27 June 2008, confirmed the new test must be implemented by 30 September 2008. Any delay in meeting the date would risk infraction proceedings from the European Commission and so we will be implementing the Directive as planned on 29 September.

Mr Allan has suggested that the test should be completed in two parts. We carried out a full consultation with interested parties, including motorcycle trainers, on the various options for implementing the new test. It was decided that the new test would be taken in one part and that for road safety reasons the new manoeuvres would not be carried out on public roads.

Mr Allan expressed concern about the distance to travel to the multi-purpose test centres (MPTC). The distance-to-travel criterion for establishing the national network of MPTC sites



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is that most motorcycle candidates will have to travel no more than 20 miles or 45 minutes to a MPTC. We will meet this criterion. A key factor in choosing the search areas is the need to find suitable sites that would provide the best coverage for most test candidates and will be used most based on past demand for tests. So it follows that areas with a high population density will be main search locations. But we have always been committed to providing tests to candidates living in rural and semi-rural locations.

I can confirm there have been problems trying to locate a suitable site for a MPTC in the Dundee area. However, I am pleased to confirm that we have been working with our sister agency, the Vehicle and Operator Services Agency (VOSA), to enable us to deliver motorcycle testing on a part-time basis from 12 VOSA sites across the country. One of the VOSA sites we are in the process of assessing is at Perth, so if it proves to be suitable we will be able to offer tests from it at weekends.

I also wrote to all Approved Training Bodies on 3 July confirming that, in areas where we planned to have a MPTC but no site has been found, or in some cases of areas with low demand for motorcycle tests, we would consider offering motorcycle testing from casual hire sites. Such sites do not necessarily have to align with our defined search areas and each would be considered on its specific merits in terms of population coverage etc. They would, however, have to consist of large areas of good quality tarmac with approximate dimensions of either 125m x 40m (410ft x 131ft) or 175m x 12m (574ft x 39ft). If Mr Allan is aware of any sites that match the above criteria, I would ask that he contact Chris Huntingdon, our assistant project manager by email to chris.huntingdon@dsa.gsi.gov.uk or by telephone (0115) 936 6838.

Mr Allan expressed concern that long established training schools will be put out of business as a result of the distance customers will have to travel to get to a MPTC. We do not agree this to be the case. We recognise that many people like to practise driving on test routes, but it is important that instructors provide their pupils with tuition on a variety of roads, not just test routes, because once people pass the test, they are, of course, allowed to drive on any road, not just those on which they have learned and practised. So visits to a test centre could be limited to pre-test familiarisation only; there is no need to visit on every lesson.

Mr Allan has questioned the safety aspects of the avoidance manoeuvre in the off road part of the test. One of the key risk areas for any motorcyclist is the potential for other vehicles to pull out into their path. There is overwhelming research evidence that demonstrates that a lot of collisions could be avoided if motorcyclists had been trained to steer the machine away rather than brake or in some cases just 'freeze'. The test has been designed to assess the candidate's ability to carry out the avoidance exercises to the left as well as the right. The examiner decides on the day which one to test; therefore candidates will need to be trained accordingly. The ability to carry out this type of manoeuvre is important for any motorcyclist, however, the main emphasis should be placed on good hazard perception and planning skills to avoid getting into such situations in the first place.

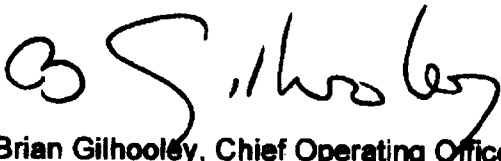
We share Mr Allan's concern for candidates' safety. The off road section of the test will allow a thorough assessment of the rider's ability to control the machine safely before continuing with the on road element. Candidates displaying dangerous levels of competence will not be allowed to continue with the test therefore mitigating the risk of them being involved in an on road collision potentially with another vehicle.

The design of the new test involved extensive trialling using a large number of volunteers to ensure the safety of the candidate. There has also been an independent trial carried out by the Transport Research Laboratory using a group of some 50 learner motorcyclists who after appropriate training were put through the off road exercises without incident.

Finally, Mr Allan asked who will be liable for injury claims. There are a number of legal duties imposed upon those who allow access to their premises for use by others - essentially the duties require the premises to be safe for the purposes for which they are to be used. Full details can be found in the Health and Safety at Work Act 1974 (Section 4(2)) which covers general duties for persons concerned with premises to persons other than their employees and the Occupiers' Liability Act 1957 (Section 2 2)) which is concerned with the liability of an occupier in respect of loss or injury suffered by those who come lawfully upon his premises.

We cannot, however, comment on the legal liability of a motorcycle instructor presenting a candidate for a practical test at any of our sites. It is for instructor to satisfy themselves that they are not legally liable for any injury or damage incurred while their candidate is on our premises. In addition, it is for HM Courts' Service to define upon whom liability is conferred, we cannot pre-empt this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B Gilhooly', written in a cursive style.

Brian Gilhooly, Chief Operating Officer
For Rosemary Thew, Chief Executive