STATUTORY RULES OF NORTHERN IRELAND

2015 No. 6

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2015

Made - - - -	*15th January 2015*
Coming into operation	*23rd February 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and Articles 5(3) and (4), 19C(1), (1A)(a) and (f) and (2) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**2**).

The Department of the Environment is designated for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the licensing of drivers of motor vehicles.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2015 and shall come into operation on 23rd February 2015.

(2) The Interpretation Act (Northern Ireland) 1954(**4**) applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Road Traffic (Northern Ireland) Order 1981

2.—(1) The Road Traffic (Northern Ireland) Order 1981 is amended in accordance with paragraphs (2) to (4).

(2) In Article 13A(1)(**5**) (residence requirement), for sub-paragraph (d) substitute—

"(d) in any other case, the applicant is lawfully resident in the United Kingdom and—

(i) is also normally resident in Northern Ireland, or

(ii) has been attending a course of study in Northern Ireland during the period of 6 months ending on that date.".

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7)

(**2**) S.I. 1981/154 (N.I. 1); Article 19C was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by paragraph 8 of Schedule 3 to S.I. 1996/1320 (N.I. 10), paragraph 11 of Schedule 1 to S.R. 1996 No. 426, paragraph 1 of Schedule 2 to S.R. 1997 No. 241, paragraph 8 of the Schedule to S.R. 2002 No. 374 and Article 34 of S.I. 2007/916 (N.I. 10)

(**3**) S.I. 1981/1536

(**4**) 1954 c. 33 (N.I.)

(**5**) Article 13A was inserted by section 46(4) of the Immigration Act 2014 (c. 22)

(3) In Article 15(**6**) (duration of licences), after paragraph (8A) insert—

"(8AA) The Department may not grant a new licence to a person under paragraph (8) or (8A) unless, on the date on which the licence is granted, the person is lawfully resident in the United Kingdom and—

(a) is also normally resident in Northern Ireland, or

(b) has been attending a course of study in Northern Ireland during the period of 6 months ending on that date.

(8AB) For the purposes of paragraph (8AA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.".

(4) In Article 19D(**7**) (interpretation), after paragraph (1A) insert—

"(1B) For the purposes of this Part a person is normally resident in Northern Ireland if—

(a) the person lives in Northern Ireland for at least 185 days in each calendar year because of—

(i) personal and occupational ties, or

(ii) close personal ties, or

(b) the person has personal ties in Northern Ireland and occupational ties in another place in the EEA and consequently lives in turn in Northern Ireland and that other place.

(1C) For the purposes of this Part a person is normally resident in the United Kingdom if—

(a) the person lives in the United Kingdom for at least 185 days in each calendar year because of—

(i) personal and occupational ties, or

(ii) close personal ties, or

(b) the person has personal ties in the United Kingdom and occupational ties in another place in the EEA and consequently lives in turn in the United Kingdom and that other place.

(1D) In order to be normally resident in Northern Ireland or the United Kingdom by virtue of paragraph (1B)(b) or (1C)(b) a person must return there regularly, except when the person is living in another place in the EEA in order to carry out a task of a definite duration.

(1E) For the purposes of paragraphs (1B) and (1C) attendance at a university or school is not a personal or occupational tie.".

Amendment of the Motor Vehicles (Driving Licences) Regulations

3.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**8**) are amended in accordance with paragraphs (2) to (7).

(2) In regulation 5(**9**) (competence to drive classes of vehicle) omit paragraph (2).

(3) After regulation 16 (lost or defaced licences) insert—

(**6**) Article 15 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and paragraph (8A) was inserted by paragraph 6(4) of the Schedule to S.R. 2002 No. 374

(**7**) Article 19D was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and paragraph (1A) was inserted by Article 7(8) of S.I. 1991/197 (N.I.3)

(**8**) S.R. 1996 No. 542; relevant amending Regulations are S.R. 2012 No. 170 and S.R. 2013 No. 298

(**9**) Regulation 5 was amended by regulation 3(5) of S.R. 2012 No. 170 and regulation 2(3) of S.R. 2013 No. 298