STATUTORY RULES OF NORTHERN IRELAND

2013 No. 170

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2013

Made - - - -	*24th June 2013*
Coming into operation	*1st August 2013*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 9(2) and (4), 19C(1), (1A) and (2), and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2013 and shall come into operation on 1st August 2013.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**2**).

Amendment to regulation 49 (disabilities prescribed in respect of Group 1 and 2 licences)

2. In regulation 49 of the principal Regulations omit paragraph (1)(a).

Amendment to regulation 50 (disabilities prescribed in respect of Group 1 licences)

3.—(1) Regulation 50 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) For paragraphs (1)(**3**) and (2) substitute—

"(1) Impairment of vision is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a holder of, a Group 1 licence, who is unable to satisfy the following standards—

(a) the Group 1 visual acuity standard in paragraph (1A);

(b) the Group 1 visual field standard in paragraph (1C); and

(**1**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department"; Article 9 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and paragraph (2) was amended by paragraph 3 of Schedule 1 to S.R. 1996 No. 426

(**2**) S.R. 1996 No. 542; relevant amending Regulations are S.R. 2003 No. 64 and S.R. 2012 No. 355

(**3**) Paragraph (1) was substituted by regulation 4 of S.R. 2003 No. 64

(c) in the case of a person with diplopia or sight in only one eye, the adaptation standard in paragraph (1D).

(1A) The Group 1 visual acuity standard is—

(a) a visual acuity of at least 6/12 (decimal 0.5); and

(b) the ability to read in good daylight a registration mark which is affixed to a motor vehicle and contains characters of the prescribed size,

in either case with corrective lenses if necessary.

(1B) For the purposes of paragraph (1A)(b), "characters of the prescribed size" means characters 79 millimetres high and 50 millimetres wide in a case where they are viewed from a distance of—

(a) 12 metres, by an applicant for, or the holder of, a licence authorising the driving of a vehicle of a class included in category K; and

(b) 20 metres, in any other case.

(1C) The Group 1 visual field standard is—

(a) a measurement of at least 120 degrees on the horizontal plane;

(b) an extension of at least 50 degrees left and an extension of at least 50 degrees right;

(c) an extension of at least 20 degrees above and an extension of at least 20 degrees below the horizontal plane; and

(d) no significant defects present within a radius of the central 20 degrees.

(1D) The adaptation standard for a person having diplopia or sight in only one eye is that since developing that condition, there has been—

(a) an appropriate period of adaptation; and

(b) clinical confirmation of full adaptation.

(1E) Impairment of vision is prescribed for the purposes of Article 9(4)(b) of the Order in relation to an applicant for a Group 1 licence who fails to meet the visual field standard, where that person satisfies the following conditions—

(a) the visual acuity standard in paragraph (1A) is met;

(b) any visual field defect has been present for at least one year;

(c) that defect was caused by an isolated event or a non-progressive condition;

(d) there is no other condition or pathology present which is regarded as progressive and likely to affect the visual field;

(e) there is clinical confirmation of full functional adaptation;

(f) the applicant has sight in both eyes;

(g) there is no uncontrolled diplopia;

(h) there is no other impairment of visual function, including glare sensitivity, contrast sensitivity or impairment of twilight vision;

(i) since developing any visual field defect, the applicant has passed a disability assessment test; and

(j) the Department is satisfied that the driving of a vehicle by that person in accordance with the licence is not likely to be a source of danger to the public.

(2) Epilepsy is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a holder of, a Group 1 licence, who has had two or more epileptic seizures during the previous five year period.

(2A) Epilepsy is prescribed for the purposes of Article 9(4)(b) of the Order in relation to an applicant for a Group 1 licence who satisfies the conditions set out in paragraph (2F) and who has either—

(a) been free from any unprovoked seizure during the period of one year immediately preceding the date when the licence is granted; or

(b) during that one year period has suffered no unprovoked seizure other than a permitted seizure.

(2B) A permitted seizure for the purposes of paragraph (2A)(b) is—

(a) a seizure, which can include a medication adjustment seizure, falling within only one of the permitted patterns of seizure;

(b) a medication adjustment seizure where—

(i) that medication adjustment seizure does not fall within a permitted pattern of seizure;

(ii) previously effective medication has been reinstated for at least 6 months immediately preceding the date when the licence is granted;

(iii) that seizure occurred more than 6 months before the date when the licence is granted; and

(iv) there have been no other unprovoked seizures since that seizure; or

(c) a seizure occurring before a medication adjustment seizure permitted under sub-paragraph (b), where—

(i) that earlier seizure had, to that point, formed part of only one permitted pattern of seizure and had occurred prior to any medication adjustment seizure not falling within the same permitted pattern; or

(ii) it is a medication adjustment seizure, which was not followed by any other type of unprovoked seizure, except for another medication adjustment seizure.

(2C) A permitted pattern of seizure for the purposes of paragraph (2B), is a pattern of seizures—

(a) occurring during sleep, where—

(i) there has been a seizure while asleep more than one year before the date when the licence is granted;

(ii) there have been seizures only while asleep between the date of that seizure while asleep and the date the licence is granted; and

(iii) there has never been an unprovoked seizure while awake;

(b) occurring during sleep, where—

(i) there has been a seizure while asleep more than three years before the date when the licence is granted;

(ii) there have been seizures only while asleep between the date of that seizure while asleep and the date the licence is granted; and

(iii) there is also a history of unprovoked seizure while awake, the last of which occurred more than three years before the date when the licence is granted; or

(c) without influence on consciousness or the ability to act, where—

(i) such a seizure has occurred more than one year before the date when the licence is granted;

(ii) there have only been such seizures between the date of that seizure and the date when the licence is granted; and

(iii) there has never been any other type of unprovoked seizure.

(2D) An isolated seizure is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a holder of, a Group 1 licence—

(a) in a case where there is an underlying causative factor that may increase future risk, where such a seizure has occurred during the previous one year period; and

(b) in any other case, where such a seizure has occurred during the previous 6 month period.

(2E) An isolated seizure is prescribed for the purposes of Article 9(4)(b) of the Order in relation to an applicant for a Group 1 licence—

(a) who—

(i) in a case where there is an underlying causative factor that may increase future risk, has had such a seizure more than one year immediately before the date when the licence is granted; and

(ii) in any other case, has had such a seizure more than 6 months immediately before the date when the licence is granted;

(b) who has had no other unprovoked seizure since that seizure; and

(c) who satisfies the conditions set out in paragraph (2F).

(2F) The conditions are that—

(a) so far as is practicable, the applicant complies with the directions regarding treatment for epilepsy or isolated seizure, including directions as to regular medical check-ups made as part of that treatment, which may from time to time be given by a registered medical practitioner or one of the clinical team working under the supervision of that registered medical practitioner;

(b) if required to do so by the Department, the applicant has provided a signed declaration agreeing to observe the condition in sub-paragraph (a);

(c) if required by the Department, there has been an appropriate medical assessment by a registered medical practitioner; and

(d) the Department is satisfied that the driving of a vehicle by the applicant in accordance with the licence is not likely to be a source of danger to the public.".

(3) For paragraph (7)(**4**) substitute—

"(7) In this regulation—

(a) in relation to eyesight—

(i) references to measurements of visual acuity are references to visual acuity measured as decimals or fractions on the Snellen Scale; and

(ii) "sight in only one eye" means there is total functional loss of vision in one eye, or use of only one eye;

(b) in relation to epilepsy and isolated seizure—

(i) "epilepsy" means the occurrence of two or more unprovoked seizures over a period which exceeds 24 hours and "epileptic seizure" means any such seizure;

(ii) "isolated seizure" means—

(**4**) Paragraph (7) was inserted by regulation 2 of S.R. 2012 No. 355

(aa) one or more unprovoked seizures occurring over a single period which does not exceed 24 hours; or

(bb) one or more unprovoked seizures occurring over a period which does not exceed 24 hours, where that period of seizure has occurred more than five years after the last unprovoked seizure;

(iii) "medication adjustment seizure" means a seizure occurring during and because of documented physician advised substitution, reduction or withdrawal of anti-epilepsy medication;

(iv) "provoked seizure" means a seizure which has a recognisable causative factor which is reliably avoidable and which is not a medication adjustment seizure; and

(v) "unprovoked seizure" means a seizure which is not a provoked seizure;

(c) in relation to diabetes—

(i) "impaired awareness of hypoglycaemia" means the inability to detect the onset of hypoglycaemia because of a total absence of warning symptoms; and

(ii) "severe hypoglycaemia" means an episode of hypoglycaemia requiring the assistance of another person.".

Amendment to regulation 51 (disabilities prescribed in respect of Group 2 licences)

4.—(1) Regulation 51 of the principal Regulations is amended in accordance with paragraphs (2) to (8).

(2) For paragraphs (1)(**5**) and (2) substitute—

"(1) Impairment of vision is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or the holder of, a Group 2 licence who—

(a) is unable to satisfy the standards in paragraph (2);

(b) has sight in only one eye, unless that person—

(i) held an obsolete vocational licence on 1st April 1991, provided—

(aa) the Department knew of the disability before 1st January 1991; and

(bb) the additional conditions in paragraph (5) are satisfied; or

(ii) is an excepted licence holder;

(c) is a person to whom paragraph (3)(c) applies, who—

(i) is able to meet the relevant standard of visual acuity prescribed in that sub-paragraph only with the aid of corrective lenses; and

(ii) ii)is unable to meet the standard for corrective lenses set out in paragraph (4A); or

(d) suffers from uncontrolled diplopia.

(2) The standards to be satisfied for the purposes of paragraph (1)(a) are—

(a) the Group 1 visual acuity standard in regulation 50(1A);

(b) other than in the case of an excepted licence holder, the relevant Group 2 additional visual acuity standard in paragraph (3); and

(c) the Group 2 visual field standard in paragraph (4).".

(**5**) Paragraph (1) was substituted by regulation 5 of S.R. 2003 No. 64