STATUTORY RULES OF NORTHERN IRELAND

2012 No. 451

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2012

Made - - - -	*13th December 2012*
Coming into operation	*19th January 2013*

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), 13(3A) and (3B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**2**).

The Department of the Environment is designated(**3**) for the purposes of section 2(2) of the European Communities Act 1972 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 No. 3) Regulations (Northern Ireland) 2012 and shall come into operation on 19th January 2013 immediately after the coming into operation of the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012(**4**).

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply 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) and (3).

(2) In Article 19(**6**) (speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences)—

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**2**) S.I. 1981/154 (N.I. 1); Article 5 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by Schedule 3 to S.I. 1996/1320 (N.I. 10), Schedule 1 to S.R. 1996 No. 426 and Article 7(2) of S.I. 1991/197 (N.I. 3) and Article 13(3A) and (3B) were inserted by Article 7(5) of S.I. 1991/197 (N.I. 3)
(**3**) S.I. 1981/1536
(**4**) S.R. 2012 No. 170
(**5**) 1954 c. 33 (N.I.)
(**6**) Article 19 was amended by paragraph 2 of Schedule 2 to S.I. 1998/1074 (N.I. 7)

(a) in paragraph (1) for "Subject to paragraph (2)," substitute "Subject to paragraphs (2) and (3),"; and

(b) after paragraph (2) insert—

"(3) Paragraph (1) does not apply to a person who drives a category A2 motorcycle or a category A motorcycle while under the supervision of an approved motorcycle instructor or while taking a test of competence prescribed by virtue of Article 5(3).

(4) In paragraph (3) "approved motorcycle instructor", "category A2 motorcycle" and "category A motorcycle" have the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.".

(3) In Article 19A(**7**) (restrictions on newly qualified drivers)—

(a) in paragraph (5)(b) at the beginning insert "subject to paragraph (5A),"; and

(b) after paragraph (5) insert—

"(5A) The restriction specified in paragraph (5)(b) does not apply to a person who after 18th January 2013 has passed a test of competence prescribed by virtue of Article 5(3) in the driving of a category A2 motorcycle or category A motorcycle.

(5B) In paragraph (5A) "category A2 motorcycle" and "category A motorcycle" have the same meaning as in the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996.".

Amendment of the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996

3.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**8**) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) after the definition of "B1 vehicle"(**9**) insert—

""category A motorcycle" means a motor bicycle—

(a) of a power exceeding 35 kilowatts or with a power to weight ratio exceeding 0.2 kilowatts per kilogram; or

(b) of a power not exceeding 3.5 kilowatts with a power to weight ratio not exceeding 0.2 kilowatts per kilogram and derived from a vehicle of more than double its power;".

(3) In regulation 6 (minimum ages for holding or obtaining licences) for paragraph (1H)(**10**) substitute—

"(1H) For the age of 24 in relation to item 3C there is substituted—

(a) the age of 20 in the case of a person holding a Community licence authorising the driving of vehicles in category A; and

(b) the age of 17 in a case where a person—

(i) passes an appropriate driving test after 18th January 2013 on a category A or A2 motorcycle; and

(ii) was entitled before 19th January 2013, to a licence to drive a motor bicycle with an engine having a maximum net power output exceeding 25 kilowatts or a power to weight ratio exceeding 0.16 kilowatts per kilogram.".

(4) In regulation 27 (further requirements at test) for paragraph (5A)(**11**) substitute—

(**7**) Article 19A was inserted by paragraph 3 of Schedule 2 to S.I. 1998/1074 (N.I. 7)
(**8**) S.R. 1996 No. 542; relevant amending Regulations are S.R. 1997 No. 383, S.R. 2011 No. 21 and S.R. 2012 No. 170
(**9**) The definition of "B1 vehicle" was inserted by regulation 3(2)(b) of S.R. 2012 No. 170
(**10**) Paragraph (1H) was inserted by regulation 3(6)(a) of S.R. 2012 No. 170
(**11**) Paragraph (5A) was inserted by regulation 2(4) of S.R. 2011 No. 21

"(5A) A person submitting himself for a special manoeuvres test or a practical test for a licence authorising the driving of a motor vehicle of a class included in the category specified in column (1) of the Table shall before the test commences, unless he is exempt from the requirement imposed by Article 5(2A) of the Order, produce to the examiner a valid certificate furnished under regulation 47G(1) or 47G(1A) showing the successful completion of an approved training course in the category of vehicle specified in column (2) of the Table or a valid certificate corresponding to such a certificate furnished under the law of Great Britain.

Column (1) *Category of vehicle*	*Column (2)* *Category of vehicle shown on certificate*
AM	P, AM, A1, A2 or A
A1	P, AM, A1, A2 or A
A2	A2 or A
A	A2 or A"

(5) In regulation 35 (entitlement upon passing an appropriate driving test)—

(a) in paragraph (1) for ", and (4)" substitute ", (4) and (4A)";

(b) at the beginning of paragraph (4) insert "Subject to paragraph (4A),"; and

(c) after paragraph (4) insert—

"(4A) Where a person passes the two-part practical test on a category A2 motorcycle the disqualification is deemed to have expired additionally in relation to all classes of vehicle included in category A unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in category A as have automatic transmission.".

(6) In regulation 47B(**12**) (nature and conduct of training courses)—

(a) at the beginning of paragraph (1) insert "Subject to paragraph (4),";

(b) at the beginning of paragraph (2) insert "Subject to paragraph (4),"; and

(c) after paragraph (3) add—

"(4) A training course for riders of category A2 or A motorcycles shall, where the rider has prior to 19th January 2013 successfully completed an approved training course in accordance with paragraph (1) and has a valid certificate issued under regulation 47G, comprise only of element (E) as set out in Module 3 of the course.".

(7) In regulation 47G (evidence of successful completion of course)—

(a) at the beginning of paragraph (1) insert "Subject to paragraph (1A),";

(b) after paragraph (1) insert—

"(1A) Where an approved motorcycle instructor conducts element (E) as set out in Module 3 of the course under regulation 47B(4) he shall furnish a person who successfully completes element (E) with a certificate in the form set out in Schedule 10B and signed by him upon production of the certificate previously issued.";

(c) in paragraph (2) for "under paragraph (1)" substitute "under paragraph (1) or (1A)"; and

(d) in paragraph (3) for "under paragraph (1)" substitute "under paragraph (1) or (1A)".

(**12**) Regulations 47A to 47H were inserted by regulation 2(9) of S.R. 2011 No. 21