STATUTORY RULES OF NORTHERN IRELAND

2012 No. 170

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012

Made - - - - 19th April 2012
Coming into operation in accordance with regulation 1(1) to (3)

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), 13(3), 14(4), 19C(1A) and (2) 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) Regulations (Northern Ireland) 2012 and subject to paragraphs (2) and (3) shall come into operation on 19th January 2013.

(2) Regulation 3(12)(c)(ii) and (21)(a) and (c) shall come into operation on 21st May 2012.

(3) Regulation 3(29)(a)(i)(aa) and (b)(i) and (30)(a) shall come into operation on 1st October 2012.

(4) The Interpretation Act (Northern Ireland) 1954(**4**) 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) to (8).

(2) In Article 13(1) (grant of licences)—

(a) for sub-paragraph (d) substitute—

(**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); Articles 5, 11, 13, 14 and 19C were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and Articles 5 and 19C were amended by Schedule 3 to S.I. 1996/1320 (N.I.10) and Schedule 1 to S.R.1996 No.426
(**3**) S.I. 1981/1536
(**4**) 1954 c.33 (N.I.)

"(d) is not —

(i) in accordance with Article 4(3) subject to a current disqualification which is relevant to the licence he applies for; or

(ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and

(e) is not prevented from obtaining the licence by the provisions of Article 5 of this Order or Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998(**5**).".

(b) omit paragraphs (3)(d), (5) and (5A)(**6**).

(3) In Article 14(**7**) (form of licence) for paragraph (3) substitute—

"(3) A licence shall not by virtue of paragraph (2) authorise a person to drive—

(a) a vehicle of a class for the driving of which he could not, by reason of Article 17, lawfully hold a licence; or

(b) unless he has passed a test of competence to drive a motor bicycle or moped on a road in circumstances in which, by virtue of Article 13(3)(e), a provisional licence would not authorise him to drive it before he had passed that test.".

(4) In Article 15 (duration of licences)—

(a) in paragraph (2)—

(i) in sub-paragraph (a) for "10 years" substitute "5 years" and for "forty-fifth" substitute "sixty-sixth"; and

(ii) omit sub-paragraph (b); and

(b) omit paragraph (3).

(5) In Article 15A(4)(**8**) (authorisation to drive in Northern Ireland)—

(a) in sub-paragraph (a)—

(i) for "(b) or (c)" substitute "(c)"; and

(ii) for "45 years" substitute "66 years" and for "later" substitute "earlier"; and

(b) omit sub-paragraph (b).

(6) In Article 17 (disqualification of persons under age) after paragraph (6) add—

"(7) "Medium-sized goods vehicle" specified in the Table includes a tractor and trailer combination.".

(7) In Article 19D(1)(**9**) (interpretation)—

(a) for the definitions of "EEA Agreement" and "EEA State"(**10**) substitute—

(**5**) S.I. 1998/1074 (N.I.7)

(**6**) Paragraph (3)(d) was inserted by, and paragraphs (5) and (5A) were substituted by, Article 92 of S.I. 1995/2994 (N.I. 18) and amended by Schedule 2 to S.R 1996 No.426

(**7**) Paragraph (3) was amended by Article 92 of S.I. 1995/2994 (N.I. 18), Article 7(7) of S.I. 1991/197 (N.I.3) and paragraph 5(3) of the Schedule to S.R. 2002 No. 374

(**8**) Article 15A was inserted by paragraph 8 of Schedule 1 to S.R.1996 No. 426 and paragraph (4)(a) was substituted by paragraph 7 of the Schedule to S.R.2002 No. 374

(**9**) Article 19D was inserted by Schedule 1 to S.I.1991/197 (N.I. 3) and amended by paragraph 12 of Schedule 1 to S.R.1996 No.426

(**10**) The definitions of "EEA Agreement" and "EEA State" were inserted by paragraph 12(2)(d) of Schedule 1 to S.R.1996 No.426

""EEA agreement" means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time;

"EEA state", in relation to any time, means—

(a) a state which at that time is a member State; or

(b) any other state which at that time is a party to the EEA agreement.";

(b) for the definition of "moped" substitute—

""moped" does not include light quadricycle within the meaning in Article 1(3)(a) of the motorcycle type approval Directive but otherwise has the same meaning as in Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences;";

(c) in the definition of "motor bicycle" in sub-paragraph (b) for "and" substitute "or"; and

(d) after the definition of "motor bicycle" insert—

""motorcycle type approval Directive" has the same meaning as in Article 31A".

(8) In Article 78 (interpretation) in the definition of "large goods vehicle"(**11**) after "Part II)" insert "which is designed and constructed for the carriage of no more than 8 passengers in addition to the driver and".

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

3.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 are amended in accordance with paragraphs (2) to (34).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of the "1995 Order" insert—

""A1 motorcycle" means a motor bicycle with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kilowatts and with a power to weight ratio not exceeding 0.1 kilowatts per kilogram;

"A1 motor tricycle" means a motor tricycle with a power not exceeding 15 kilowatts;

"A2 motorcycle" means a motor bicycle of a power not exceeding 35 kilowatts, with a power to weight ratio not exceeding 0.2 kilowatts per kilogram and not being derived from a vehicle of more than double its power;";

(b) after the definition of "approved motorcycle instructor"(**12**) insert—

""B1 vehicle" means a vehicle in sub-category B1 (invalid carriages) and former sub-category B1;

"category P vehicle" means a motor vehicle with less than 4 wheels with a maximum design speed exceeding 45 kilometres per hour but not exceeding 50 kilometres per hour and which, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres;

"category Q vehicle" means a motor vehicle with less than 4 wheels which—

(a) if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres and, if not equipped with pedals by means

(**11**) The definition of "large goods vehicle" was substituted by paragraph 19(c) of Schedule 1 to S.R.1996 No.426
(**12**) The definition of "approved motorcycle instructor" was inserted by regulation 2(2) of S.R. 2011 No. 21

of which the vehicle is capable of being propelled, has a maximum design speed not exceeding 25 kilometres per hour; and

(b) if propelled other than by an internal combustion engine, has a maximum design speed not exceeding 25 kilometres per hour;";

(c) after the definition of "controlled by a pedestrian" insert—

""deductible period" means—

(a) any period during which a person is disqualified under Article 35 or 40 of the Offenders Order;

(b) in a case where a person is or has been disqualified under Article 41 (disqualification until test is passed) of the Offenders Order the period beginning on the date of the court order under paragraph (1) of that Article and ending on the date when the disqualification is deemed by virtue of that Article to have expired;

(c) in a case where a person's licence or test pass certificate has been revoked by the Department under Article 5(1) of, or Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998(**13**), the period beginning on the date of the notice of revocation under that Order and ending on the date when the person whose certificate or licence, as appropriate, has been revoked, passes the relevant driving test within the meaning of that Order; and

(d) any period during which a person's licence has ceased to be in force;";

(d) after the definition of "incomplete large vehicle" insert—

""IBC" means an intermediate bulk container, being a container made of plastic or metal, designed for the storage and transport of fluids, capable of containing a total of 1,000 litres of liquid, with the capacity clearly marked on the exterior of the container and filled with 1,000 litres of water;";

(e) after the definition of "LGV trainees driver's licence" insert—

""light quadricycle" means a quadricycle within the meaning in Article 1(3) of Directive 2002/24/EC of the European Parliament and of the Council of 18th March 2002 relating to the type approval of two or three-wheel motor vehicles and repealing Council Directive 92/61/EEC, as corrected by a Corrigendum of 22nd February 2003;";

(f) after the definition of "mobile project vehicle" insert—

""motor tricycle" means a motor vehicle with 3 symmetrically arranged wheels which has a maximum design speed of more than 45 kilometres per hour and, if fitted with an internal combustion engine, has an engine capacity of more than 50 cubic centimetres;

"non-light quadricycle" means a vehicle with 4 wheels having an unladen weight exceeding 350 kilograms but not exceeding 400 kilograms, or 550 kilograms if the vehicle is intended for carrying goods;";

(g) for the definition of "maximum net power output" substitute—

""maximum net power output" in relation to an engine, means the maximum net power output measured under full engine load;";

(h) for the definition of "power to weight ratio" substitute—

(**13**) S.I.1998 /1074 (N.I.7)

""power to weight ratio" in relation to a motor bicycle with a sidecar, means the ratio of the maximum net power output of the engine of the motor bicycle to the weight of the combination;";

(i) after the definition of "road service licence" insert—

""sandbag" means a transparent polyethylene bag filled with sand and clearly marked on its exterior with its weight when filled with sand;";

(j) after the definition of "special manoeuvres test"(**14**) insert—

""standard access period" means the period of 2 years commencing on the date, before 19th January 2013, when a person passed a test for a licence authorising the driving of standard motor bicycles of any class, other than motor bicycles in former sub-category A1, but disregarding any deductible period, or part thereof, which subsists in relation to that person on or after the date on which the test was passed;

"standard motor bicycle" means—

(a) in the case of a motor bicycle without a side-car, a motor bicycle the engine of which has a maximum net power output not exceeding 25 kilowatts and a power to weight ratio not exceeding 0.16 kilowatts per kilogram; or

(b) in the case of a motor bicycle and side-car combination, a combination having a power to weight ratio not exceeding 0.16 kilowatts per kilogram;"; and

(k) after the definition of "the Driving Instruction Regulations"(**15**) insert—

""the Driving Licences Amendment Regulations" means the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012;".

(3) In regulation 3 (classification of vehicles)—

(a) in paragraph (1) for "regulation 4" substitute "regulations 4 and 53A";

(b) in paragraph (2) at the beginning of sub-paragraphs (a) and (b) insert "save where preceded by "former",";

(c) at the end of sub-paragraph (b) omit "and"; and

(d) after sub-paragraph (c) add—

"and

(d) a reference to a category or sub-category which, in either case, is preceded by "former" is a reference to a category or sub-category, as appropriate, of vehicle in respect of which a licence authorising the driving of vehicles of a class included in the category or sub-category, as appropriate, was capable of being granted under these Regulations before they were amended by the Driving Licences Amendment Regulations.".

(4) In regulation 4 (classes for which licences may be granted) after paragraph (2) add—

"(3) A licence authorising the driving of motor vehicles of a class included in any category or sub-category mentioned in Part 4 of Schedule 1, shall not be granted to a person unless, before 19th January 2013—

(a) he held a licence authorising the driving of vehicles of that class or a class which, by virtue of these Regulations, corresponds to a class included in that category or sub-category; or

(**14**) The definition of "special manoeuvres test" was inserted by regulation 2 of S.R. 2008 No.418
(**15**) The definition of "the Driving Instruction Regulations" was inserted by regulation 2(2) of S.R.2011 No.21