STATUTORY RULES OF NORTHERN IRELAND

2011 No. 21

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2011

Made - - - -	*28th January 2011*
Coming into operation	*21st February 2011*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by Articles 5(3) and (5A), 13(3), (3A) and (3B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 21st February 2011.

Amendment of the Motor Vehicles (Driving Licences) Regulations

2.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**2**) are amended in accordance with paragraphs (2) to (11).

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

(a) after the definition of ""appropriate driving test" and "extended driving test""(**3**) insert—

> ""approved motorcycle instructor" means a person whose name is entered in the register in accordance with regulation 3 of the Driving Instruction Regulations;"; and

(b) after the definition of "the Construction and Use Regulations" insert—

> ""the Driving Instruction Regulations" means the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010(**4**);".

(**1**) S.I. 1981/154 (N.I. 1); Article 5(3) was amended by paragraph 3 of Schedule 3 to S.I. 1996/154 (N.I.1) and Articles 5(5A) and 13(3A) and (3B) were inserted by Article 7(2) and (5) respectively of S.I.1991/197 (N.I. 3) which were amended by paragraph 3 of Schedule 2 to S.R. 1996 No.426

(**2**) S.R.1996 No.542; relevant amending regulations are S.R. 1997 No.383, S.R. 2003 Nos. 64 and 371, S.R. 2008 No. 418 and S.R.2009 No.14

(**3**) the definition of ""appropriate driving test" and "extended driving test"" was inserted by regulation 2(2)(a) of S.R. 1997 No.383

(**4**) S.R.2010 No.227

(3) In regulation 12 (conditions attached to provisional licences) after paragraph (5) insert—

2.—"(5A) The holder of a provisional licence authorising the driving of a moped or a learner motor bicycle shall not drive such a vehicle otherwise than under the supervision of an approved motorcycle instructor, who is—

(a) present with him on the road while riding another moped or learner motor bicycle or any other motor bicycle;

(b) able to communicate with him by means of a radio which is not hand-held while in operation;

(c) supervising only him and not more than one other person who holds such a provisional licence; and

(d) carrying a valid certificate issued in respect of him by the Department under regulation 14(2) of the Driving Instruction Regulations (official title of registered person),

while he and the approved motorcycle instructor are wearing apparel which is fluorescent or (during hours of darkness) is either fluorescent or luminous.

(5B) The conditions specified in paragraph (5A) shall not apply where the holder of the provisional licence holds a valid certificate furnished under regulation 47G(1) or a valid certificate corresponding to such a certificate furnished under the law of Great Britain." .

(4) In regulation 27 (further requirements at tests)—

(a) in paragraph (3) for "a practical test" substitute "a special manoeuvres test or a practical test"; and

(b) after paragraph 5 insert—

"(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 category A or P 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 a valid certificate corresponding to such a certificate furnished under the law of Great Britain.".

(5) In regulation 28(1)(b)(**5**) (examiner's right to refuse to conduct test), for "(4) or (5)" substitute "(4), (5) or (5A)".

(6) In regulation 29B(1)(**6**) (content of tests) for sub-paragraph (a) substitute—

"(a) be conducted as an approved form of examination, testing the candidate on the matters specified in regulation 29C(5) in respect of a vehicle of the relevant class; and".

(7) In regulation 32(**7**) (entitlement upon passing a test other than an appropriate driving test)—

(a) in paragraph (1) for "paragraphs (2) and (3)" substitute "the following provisions";

(b) in paragraph (2) for "regulation 33" substitute "regulations 33 and 33A";

(c) after paragraph (4)(**8**) add—

"(5) Where a person has passed a test (or Great Britain test of competence corresponding to such a test) for a licence authorising the driving of vehicles in category B, the effect of paragraph (3) in relation to the driving of vehicles in category P shall be as follows—

(a) the licence granted by the Department shall authorise the driving of vehicles within category P if and only if—

(**5**) Sub-paragraph (b) was amended by regulation 7 of S.R. 2008 No.418
(**6**) Regulation 29B was inserted by regulation 9 of S.R. 2009 No.14
(**7**) Heading was substituted by regulation 12 of S.R. 1997 No.383
(**8**) Paragraph (4) was inserted by regulation 3(4) of S.R. 2003 No.64

(i) the test was passed before 21st February 2011; or

(ii) the person concerned holds a valid certificate of successful completion furnished in accordance with regulation 47G(1) or a valid certificate corresponding to such a certificate furnished under the law of Great Britain; and

(b) where a certificate referred to in sub-paragraph (a)(ii) shows that the person concerned has successfully completed an approved training course for riders of three-wheeled mopeds, the only vehicles in category P authorised by the licence to be driven shall be three-wheeled mopeds; or

(c) where a certificate referred to in sub-paragraph (a)(ii) shows that the person concerned has successfully completed an approved training course for riders of mopeds with automatic transmission, the only vehicles in category P authorised by the licence to be driven shall be mopeds with automatic transmission.".

(8) After regulation 33 insert—

"**Entitlement upon passing a test other than an appropriate driving test: category P**

33A.—(1) This regulation applies where a person has passed a test (or Great Britain test of competence corresponding to such a test) for a licence authorising the driving of vehicles included in category P.

(2) Where this regulation applies the Department shall grant to the person who passed the test—

(a) in a case where the test was passed on a three-wheeled moped, a licence authorising the driving of all vehicles having three wheels included in category P;

(b) in any other case, a licence authorising the driving of all vehicles included in category P.".

(9) After Part IV insert—

"PART IVA

APPROVED TRAINING COURSES FOR RIDERS OF MOTOR BICYCLES AND MOPEDS
Approved training courses

Provision of approved training courses

47A.—(1) For the purposes of Article 13(3)(e) of the Order(**9**) an approved training course for motor cyclists is a course for riders of motor bicycles or mopeds both complying with and conducted in accordance with this Part and approved by the Department.

(2) An approved training course may be provided by—

(a) an approved motorcycle instructor;

(b) the Department, in so far as concerns the instruction of persons in the public service of the Crown; and

(c) a police instructor in pursuance of arrangements made by the Chief Constable,

if that person satisfies the conditions mentioned in paragraph (4).

(3) A person may apply to the Department to be authorised to provide approved training courses and the Department may give such authorisation subject to any conditions which it

(**9**) Sub-paragraph (e) was inserted by Article 7 of S.I. 1991/197 (N.I.3)

thinks fit to impose if it is satisfied that the applicant satisfies the conditions mentioned in paragraph (4).

(4) The conditions specified in paragraphs (2) and (3) are, that the person—

(a) is an approved motorcycle instructor or is exempt from the requirement to register as an approved motorcycle instructor in accordance with regulations 20 (exemption of police instructor) and 21 (exemption of departmental officers) of the Driving Instruction Regulations;

(b) will make proper arrangements for the conduct of courses in accordance with these Regulations; and

(c) will keep proper records of courses and the results thereof.

(5) In this regulation "police instructor" means—

(a) an officer of the Police Service of Northern Ireland whose duties consist of, or have consisted of or included, the giving of instruction in the riding of motor bicycles to officers of the Police Service of Northern Ireland; or

(b) any person employed by the Policing Board for the purpose of giving such instruction to members of the Police Service of Northern Ireland.

(6) In this Part "approved training course" has the meaning given in paragraph (1) and any reference to Modules 1, 2, or 3 is a reference to Modules 1, 2 or 3 of an approved training course as set out in Schedule 10A.

Nature and conduct of training courses

47B.—(1) A training course for riders of motor bicycles and mopeds may not be approved by the Department unless it comprises elements (A) to (E) as set out in Modules 1 to 3 of the course.

(2) Before any practical instruction is given to riders on an approved training course all the requirements of element (A) as set out in Module 1 of the course must be fulfilled.

(3) To complete an approved training course successfully, a rider of a motor bicycle or moped must satisfy the approved motorcycle instructor as to each of the following matters in the following sequence—

(a) that he has fulfilled the requirements of element (B) as set out in Module 1 of the course;

(b) that he can execute the manoeuvres in element (C) as set out in Module 2 of the course;

(c) that all the requirements of element (D) as set out in Module 2 of the course have been fulfilled; and

(d) that he rides safely on roads in a variety of road traffic situations, including as many as practicable of those in element (E) as set out in Module 3 of the course.

Instructors

Withdrawal of approval to provide training courses or to act as instructor

47C.—(1) The Department may at any time by notice in writing withdraw an authorisation given under regulation 47A(where it is satisfied that the approved motorcycle instructor has —

(a) ceased to be an approved motorcycle instructor;

(b) fails to make proper arrangements for the conduct of courses in accordance with these Regulations; or

(c) fails to keep proper records of courses and the results thereof.

(2) Where the Department withdraws an authorisation given under regulation 47A(3) the approval of that person for the purposes of that regulation shall cease forthwith and the person shall, before the expiration of a period of 28 days commencing on the date of withdrawal, return to the Department all forms of certificates which were supplied to him under regulation 47G(4).

Cessation of conduct of training

47D. Where an approved motorcycle instructor ceases to provide approved training courses he shall return to the Department all forms of certificates which were supplied to him under regulation 47G(4).

Miscellaneous

Eligibility to undertake approved training course

47E.—(1) No person shall be eligible to undertake an approved training course unless at the time he undertakes it he holds a provisional licence authorising him to drive a motor bicycle or moped of the class on which the course is to be undertaken or is entitled, by virtue of Article 14 or 15A of the Order and regulation 14, to drive a motor bicycle of that class subject to the same conditions as the holder of a provisional licence.

(2) A person submitting himself for an approved training course shall, before the training commences produce to the instructor an appropriate licence and for the purposes of this regulation "appropriate licence" has the same meaning as in regulation 27(7).

Ratio of trainees to instructors

47F.—(1) Where, during an approved training course, more than one trainees is receiving instruction as part of elements (B) and (C) as set out in Modules 1 and 2 of the course, there shall be no more than 4 such trainees in the charge of any one approved motorcycle instructor at any one time.

(2) Where the instruction specified in paragraph (1) is taking place on a public road, there shall be no more than 2 trainees in the charge of any one approved motorcycle instructor at any one time.

(3) Subject to paragraph (4), where trainees are undertaking element (E) as set out in Module 3 of the course—

(a) there must be no more than 2 trainees in the charge of any one approved motorcycle instructor at any one time; and

(b) the approved motorcycle instructor must be able to communicate with each trainee by means of a radio which is not hand-held while in operation.

(4) The requirement specified in paragraph (3)(b) shall not apply in the case of a trainee who is unable, by reason of impaired hearing, to receive directions from the approved motorcycle instructor by radio where the trainee and the instructor are employing a satisfactory means of communication which they have agreed before the start of element (E) as set out in Module 3 of the course.