STATUTORY RULES OF NORTHERN IRELAND

2010 No. 367

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*4th November 2010*
Coming into operation	*29th November 2010*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred by Articles 48(1), (2), (4) and (6), 50, 51(1), 52(1), (2), (3), (4) and (7), 56(1) and (3), 62(1) and (2), 70(1), 75 and 77(2) of the Road Traffic (Northern Ireland) Order 2007(**1**):

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 29th November 2010.

Amendment of the Motor Vehicles (Driving Instruction) Regulations

2.—(1) The Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010(**2**) are amended in accordance with paragraphs (2) to (21).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

(i) for the definition of "approved driving instructor" substitute—

""approved driving instructor" and "approved motorcycle instructor" means a person whose name is entered in the register;"

(ii) for the definition of "certificate" substitute—

""certificate" means a document issued to an approved driving instructor or approved motorcycle instructor as evidence of registration as shown in Part 1 or Part II of Schedule 5;"

(iii) in the definition of "continued ability and fitness test" after "motor cars" insert "or the riding of motorcycles";

(iv) for the definition of "examination" substitute—

(**1**) S.I. 2007/916 (N.I. 10)
(**2**) S.R. 2010 No. 227

""examination" means the examination of ability to give instruction in the driving of or the riding of the relevant vehicle category and for the purposes of these Regulations shall consist of the theory and hazard perception test, the driving ability and fitness test or the riding ability and fitness test as the case may be and the instructional ability and fitness test;";

(v) in the definition of "instructional ability and fitness test" after "motor cars" insert "or the riding of motorcycles";

(vi) after the definition of "motor car" insert—

""motorcycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than 4 wheels and the weight of which unladen does not exceed 410 kilograms;

"relevant vehicle category" means the category of vehicle being either a motor car or motorcycle for which the applicant wishes to give instruction;

"riding ability and fitness test" means the practical test of ability and fitness to ride a motorcycle referred to in the definition of "examination" and the nature of which is prescribed in regulation 9;";

(vii) after the definition of "the Order of 2007" insert—

""the register" means either the register of approved driving instructors or the register of approved motorcycle instructors, as the case may be;";

(viii) for the definition of "theory test" substitute—

""the theory test" or "the theory and hazard perception test" means the theory and hazard perception test referred to in the definition of "examination" and the nature of which is prescribed in regulation 8;"; and

(ix) in the definition of "trainee licence" for "motor vehicles" substitute "motor cars";

(b) in paragraph (3) after "motor cars" insert "and motorcycles".

(3) In regulation 3 (register) after "motor cars" insert "or in the riding of motorcycles".

(4) In regulation 4 (registration)—

(a) in paragraphs (1)(a) and (1)(b) after "the examination" insert "for the relevant vehicle category";

(b) in paragraph (1)(c) in heads (i), (ii) and (iii) for "a motor car" substitute "the relevant vehicle category";

(c) in paragraph (2) after "motor cars" insert "or in the riding of motorcycles".

(5) In regulation 5(2)(b) (extension of registration) for "his ability and fitness to give instruction in the driving of motor cars" substitute "his ability and fitness to give instruction in the driving or as the case may be the riding of the relevant vehicle category".

(6) In regulation 7 (general provisions)—

(a) in paragraph (2) after "theory test" insert "for the relevant vehicle category";

(b) in paragraph (3) after "theory test" insert "for the relevant vehicle category";

(c) in paragraph (4)—

(i) for "the examination" in each place where it occurs substitute "the examination for the relevant vehicle category";

(ii) in sub-paragraph (a)(ii) after "fitness test" insert "or the riding ability and fitness test as the case may be";

(iii) in sub-paragraph (b) after "fitness test" insert "or the riding ability and fitness test as the case may be" and after "theory test" insert "for the relevant vehicle category";

(iv) in sub-paragraph (c) after "driving ability and fitness test" insert "or the riding ability and fitness test as the case may be" and after "instructional ability and fitness test" insert "for the relevant vehicle category";

(v) in sub-paragraph (d) after "instructional ability and fitness test" and after "theory test" insert "for the relevant vehicle category".

(d) in paragraph (5)—

(i) in sub-paragraph (a) after "driving ability and fitness test" insert ", the riding ability and fitness test";

(ii) in sub-paragraph (b) after "theory test" insert "for the relevant vehicle category" and for "or the driving ability and fitness test" substitute ", the driving ability and fitness test or the riding ability and fitness test";

(iii) in sub-paragraph (c) after "theory test" insert "for the relevant vehicle category".

(7) For regulations 8 and 9 substitute—

"**Theory and hazard perception test**

8.—(1) The theory and hazard perception test shall be conducted in two parts according to the relevant vehicle category and will consist of either—

(a) one part being the test of driving theory described in Part I of Schedule 1 and the other being the test of hazard perception as described in paragraph (4); or

(b) one part being the test of riding theory described in Part II of Schedule 1 and the other being the test of hazard perception as described in paragraph (4).

(2) The candidate must take the test of hazard perception immediately after taking the test of driving theory or riding theory as the case may be.

(3) The tests of driving and riding theory shall be conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate.

(4) The test of hazard perception shall—

(a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and

(b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.

(5) A candidate taking the test of hazard perception must satisfy the examiner that his performance in the test of hazard perception demonstrates an ability to perceive hazards on the road.

(6) For the purposes of this regulation "film clip" means a sequence of visual images displayed electronically.

Driving and riding ability and fitness tests

9.—(1) The driving ability and fitness test and the riding ability and fitness test shall each consist of tests of eyesight and either tests of driving or of riding technique for the relevant vehicle category and the candidate shall be required to reach the qualifying standard in both the tests of eyesight and of driving or riding technique on the same occasion.

(2) The test of eyesight shall be a test of the candidate's ability to read in good daylight (with the aid of glasses or contact lenses if worn), a motor vehicle registration mark containing letters and figures—

(a) 79 millimetres in height and 50 millimetres wide at a distance of 26.5 metres; or

(b) 79 millimetres in height and 57 millimetres wide at a distance of 27.5 metres.

(3) The tests of driving or riding technique described in Parts I and II of Schedule 2 shall, so far as possible, be conducted both on urban roads and on roads of different classes outside built-up areas and a candidate must satisfy the examiner that he has an adequate knowledge of the principles of good driving and road safety or good riding and road safety as the case may be and that he can apply them in practice.

(4) The candidate shall, during the driving ability and fitness test, allow to travel in the vehicle—

(a) the person authorised to conduct the test; and

(b) any person authorised by the Department for the purpose of supervising the test.

(5) The candidate shall, during the riding ability and fitness test, allow to accompany and by means of radio listen to the instruction any person or persons authorised by the Department for the purpose of supervising the test or otherwise.".

(8) In regulation 10 (instructional ability and fitness test)—

(a) for paragraph (1) substitute—

"(1) The instructional ability and fitness test described in Parts I and II of Schedule 3 shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving or riding instruction for the relevant vehicle category to an examiner, as if the examiner were—

(a) a novice or partly-trained pupil; or

(b) a pupil who is approaching driving or riding test standard.";

(b) in paragraph (2) after "test" where it first appears insert "of giving practical driving instruction".

(c) After paragraph (2) insert—

"(3) The candidate shall, during the test of giving practical riding instruction, allow to accompany and by means of radio listen to the instruction any person or persons authorised by the Department for the purpose of supervising the test or otherwise.".

(9) In regulation 11(1) (motor car to be provided for practical part of examination) after "instructional ability and fitness test" insert "described in Part I of Schedule 3".

(10) After regulation 11 insert—

"**Motorcycle to be provided for practical part of examination**

11A.—(1) A candidate for the riding ability and fitness test or the instructional ability and fitness test described in Part II of Schedule 3 shall provide, at his own expense, a motorcycle for the purposes of that test in respect of which the following conditions are satisfied.

(2) The vehicle provided for the purposes of a riding ability and fitness test must have two wheels and have an engine power output of at least 35 kilowatts (46.9 brake horse power) and be otherwise suitable for the purpose of the test.

(3) The vehicle provided for the purposes of an instructional ability and fitness test must have two wheels and have an engine power output of at least 11 kilowatts (14.6 brake horse power) and be otherwise suitable for the purpose of the test.

(4) The vehicle must not, during any riding ability and fitness test, display the distinguishing mark referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 or anything resembling such a distinguishing mark.

(5) In the case of a vehicle provided for the purposes of an instructional ability and fitness test, there must be in force in relation to the use of the vehicle a policy of insurance that complies with the requirements of Article 92 of the Order of 1981 in relation to the candidate as rider of the vehicle.".

(11) For regulation 13 substitute—

"**Nature of test and provision of a motor vehicle**

13.—(1) The following provisions shall have effect where a person is required to undergo the continued ability and fitness test.

(2) The test shall consist of the attendance of the examiner while the person is giving instruction to a pupil or pupils.

(3) Where a pupil is under instruction and unless the examiner otherwise directs, the test for the relevant vehicle category shall be either—

(a) carried out in a motor car on a road while the examiner is in the vehicle; or

(b) carried out on a motorcycle on a road while the examiner is on a separate motorcycle and is able to communicate, to both the person giving the instruction and the pupil, by way of radio which is not hand-held while in operation.

(4) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities—

(a) his method, clarity, adequacy and correctness of instruction;

(b) his observation and proper correction of the pupil's errors;

(c) his manner, patience and tact in dealing with the pupil; and

(d) his ability to inspire confidence.

(5) Where paragraph (3)(a) applies, the candidate shall provide a motor car which is a passenger vehicle and which conforms to the requirements as laid out in regulation 11(2) and (3) and in respect of which there shall be in existence at the time of the test a policy of insurance which shall include the liability of the driver and the person in charge of the vehicle to passengers in the vehicle.

(6) Where paragraph (3)(a) applies, the candidate shall, during the test, allow to travel in the vehicle—

(a) the person authorised to conduct the test; and

(b) any person or persons authorised by the Department for the purpose of supervising the test or otherwise.

(7) Where a candidate has undergone a test of continued ability and fitness to instruct and has not been successful and where another opportunity at the test is given, he shall be required to undergo the test within fourteen weeks from the date of being unsuccessful.".

(12) In regulation 14 (official title of registered person)—

(a) in paragraph (1) after "Department of the Environment Approved Driving Instructor" insert "or Department of the Environment Approved Motorcycle Instructor" as the case may be"; and

(b) in paragraph (2) after "set out in" insert "either Part I or Part II of".

(13) For regulation 15 (display of certificate) substitute—