STATUTORY RULES OF NORTHERN IRELAND

2010 No. 228

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Instruction) (Trainee Licence) Regulations (Northern Ireland) 2010

Made - - - -	*28th June 2010*
Coming into operation	*2nd August 2010*

The Department of the Environment makes the following Regulations, in exercise of the powers conferred upon it by Articles 132(2)(**1**), 135 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**2**):

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Instruction)(Trainee Licence) Regulations (Northern Ireland) 2010 and shall come into operation on 2nd August 2010.

Interpretation

2. In these Regulations

"approved driving instructor" means a person whose name is entered in the register established under Article 51 of the Order of 2007;

"community licence" means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

(a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than a member State, or

(b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968;

"current licence" means a licence of one of the following kinds—

(i) a current licence to drive a motor car granted under Article 13(1) of the Order of 1981;

(**1**) This was partially repealed by the S.R. 2010 No. 226 (C. 13) The Road Traffic (2007 Order) (Commencement No. 5) Order (Northern Ireland) 2010

(**2**) S.I. 1981/154 (N.I. 1)

(ii) a current licence to drive a motor car granted under the corresponding law in force in Great Britain; or

(iii) a Community licence by which the holder is authorised to drive a motor car in Northern Ireland,

and that, during the period of six years ending with the day on which the application is made, one or more of the following requirements have been satisfied in relation to him for the periods amounting in the aggregate to at least four years—

(aa) he has held a current licence of one of the kinds aforesaid,

(bb) after having passed the test of competence prescribed under Article 5(1) of the Order of 1981 or, as the case may be, the law for the time being in force in Great Britain corresponding to that Article, to drive a motor vehicle, he has held a current provisional licence to drive a motor vehicle,

(cc) he has held a current foreign licence, that is to say, a document issued under the law of a country or territory other than an EEA state (within the meaning of the Order of 1981) authorising the holder to drive a motor vehicle in that country;

"Department" means the Department of the Environment;

"driving ability and fitness test" means the practical test of ability and fitness to drive referred to in the definition of "examination" and the nature of which is prescribed in the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010(**3**);

"examination" means the examination of ability to give instruction in the driving of motor cars and for the purpose of these Regulations shall consist of the test of driving theory and hazard perception, the driving ability and fitness test and the instructional ability and fitness test;

"examiner", in relation to part of the examination or the continued ability and fitness test, means an officer of the Department appointed to conduct that part of the examination or that test;

"instructional ability and fitness test" means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in the definition of "examination" and the nature of which is prescribed in regulation 9;

"the Order of 1981" means the Road Traffic (Northern Ireland) Order 1981;

"the Order of 1996" means the Road Traffic Offenders (Northern Ireland) Order 1996(**4**);

"the Order of 2007" means the Road Traffic (Northern Ireland) Order 2007(**5**);

"the register" means the register of approved driving instructors established under Article 132 (1) of the Order of 1981;

"the Registrar" means the officer of the Department by whom the register is, on behalf of the Department, compiled and maintained;

"theory test" means the test of driving theory and hazard perception referred to in the definition of "examination" the nature of which is prescribed in the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010; and

"trainee licence" means a licence to give instruction in the driving of a motor car granted by the Department under Article 135(1) of the Order of 1981.

(**3**) S.R. 2010 No. 227
(**4**) S.I. 1996 No. 1320 (N.I. 10)
(**5**) S.I 2007/916 (N.I. 10)

PART 1

TRAINEE LICENCE SCHEME

Application for a trainee licence

3.—(1) An application for a trainee licence shall be made in such form and contain such information as the Department may determine.

(2) A person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

Trainee licence

4.—(1) An applicant for a trainee licence shall apply to the Registrar who, subject to regulation 5, shall grant a licence on being satisfied that the applicant—

(a) holds a current licence;

(b) is a fit and proper person to hold a licence;

(c) has passed the theory test and the driving ability and fitness test;

(d) has passed the driving ability and fitness test after passing the theory test;

(e) has passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;

(f) makes the application within two years after passing the theory test;

(g) has not failed the instructional ability and fitness test more than twice since he passed the theory test; and

(h) submits with his application for a licence the name, address and registration number of the approved driving instructor who has consented to take responsibility for his supervision in accordance with regulation 7(3) (and the counter-signature of the application by that approved driving instructor shall be taken as sufficient evidence of such consent).

(2) The Registrar shall also be satisfied that the approved driving instructor referred to in paragraph (1)(h) is fit and able to undertake responsibility for the supervision, and in determining whether or not he is able to undertake that responsibility the Registrar shall have regard to the number of licence holders in respect of whom he has already consented to undertake similar responsibility.

Refusal to grant a trainee licence

5.—(1) The Registrar may refuse to grant a trainee licence to an applicant to whom two or more such trainee licences have previously been issued.

(2) Where the Registrar refuses to grant a trainee licence under regulation 4 or paragraph (1) he shall give written notice of the decision to the applicant and shall state the grounds for the refusal.

Duration of trainee licence

6.—(1) Subject to paragraph (2) and regulation 7 a trainee licence shall remain in force until—

(a) the expiration of a period of six months commencing on the date of issue; or

(b) the day immediately following the day on which the holder of the trainee licence failed the instructional ability and fitness test at the third attempt, whichever shall first occur.

(2) Where a person applies for a new trainee licence in substitution for a trainee licence held by him and current at the date of the application, the previous trainee licence shall not expire until—

(a) the commencement of the new trainee licence; or

(b) if the Registrar decides to refuse the application, until the time limited for an appeal under regulation 12 against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

Conditions subject to which trainee licences are granted

7.—(1) A trainee licence shall be granted subject to such of the conditions specified in paragraphs (2) to (4) as apply to it.

(2) A trainee licence shall be subject to the following conditions, namely that the trainee licence holder must—

(a) for one-fifth of the total time he spends giving instruction in the driving of a motor car, receive direct supervision from an approved driving instructor present with him in the car;

(b) maintain, for each working day while the licence is in force, a record in the form specified in Schedule 1 of the time he spends giving such instruction;

(c) sign the record at the end of every working day and, if he has received supervision from an approved driving instructor on any day, ensure that the instructor also signs the record for that day;

(d) produce on request, for examination by a person authorised by the Registrar in that behalf, all the records maintained under sub-paragraph (b) during the period ending on the day before the date of the request and further, if required to do so, deliver those records to such a person for retention by him; and

(e) not later than seven days after the expiry of the trainee licence, deliver to a person authorised by the Registrar in that behalf all the records maintained under sub-paragraph (b) during the period when the trainee licence was in force, other than such records as have been delivered under sub-paragraph (d) and not returned to him.

(3) The holder may give instruction in the driving of a motor car only on behalf of the approved driving instructor identified in the trainee licence.

(4) Every trainee licence is subject to the condition that, in the event of the trainee licence holder arranging to have the supervision referred to above, or any part thereof, undertaken by a different approved driving instructor from the person named in his application, he must submit to the Registrar full details of any consequential changes to the particulars submitted under regulation 4(1)(h) resulting from the new arrangement together with the consent (in any form permitted under regulation 4(1)(h) of the new approved driving instructor to that arrangement.

(5) In this regulation—

"working day" means any day during which the licence holder gives paid instruction in the driving of a motor car.

Revocation of licence

8.—(1) The Registrar may revoke a licence at any time during the currency of the said trainee licence if he is satisfied that the trainee licence holder—

(a) did not hold a current licence;

(b) was disqualified under Article 35 of the Order of 1996;

(c) has ceased to be a fit and proper person to hold a licence;

(d) was granted a licence by mistake or obtained a licence by fraud; or

(e) has failed to comply with any of the conditions subject to which the licence was granted.