STATUTORY RULES OF NORTHERN IRELAND

2009 No. 302

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 2009

Made - - - -	*28th August 2009*
Coming into operation	*12th October 2009*

The Department of the Environment, being satisfied that satisfactory provision is made by the laws of the territories specified in this Order as respects the grant of driving licences of the description specified in this Order, makes the following Order in exercise of the powers conferred on it by Article 19D(2)(b), (2A), (2B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**).

Citation and commencement

1. This Order may be cited as the Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 2009 and shall come into operation on 12th October 2009.

Interpretation

2. In this Order—

(a) "driving test" means a test corresponding to the practical test of driving skills and behaviour prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981(**2**) as part of the test of competence to drive;

(b) "Table 1" and "Table 2" mean the Tables bearing those numbers in Schedule 1;

(c) "vehicle with automatic transmission" means a vehicle in which either—

(i) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or

(**1**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department" and "prescribed"; Article 19D(2), (2A) and (2B) were substituted by S.I. 2007/916 (N.I. 10), Article 35; see Article 19D(1) for the definitions of "EEA State", "EEA Agreement", "exchangeable licence" and "EEA exchangeable licence". The definitions of "EEA State", "EEA Agreement" and "exchangeable licence" were inserted by S.R. 1996 No. 426, Schedule 1, paragraph 12. The definition of "exchangeable licence" was substituted by S.R. 2007/916 (N.I. 10), Article 35 and the definition of "EEA exchangeable licence" was inserted by that Article.

(**2**) Article 5 was substituted by S.I. 1991/197 (N.I. 3), Schedule 1 and amended by S.R. 1996 No. 426, Schedule 1, paragraph 2, S.I. 1996/1320 (N.I. 10), Schedule 3, paragraph 3 and S.I. 2007/916 (N.I. 10), Articles 31, 32 and 44

(ii) he is provided with such means but they do not include a clutch pedal or lever which he may operate manually,

(and accordingly, a vehicle with manual transmission is any other class of vehicle); and

(d) a reference to a licensing category is a reference to the category identified by the same letter or combination of letters in Schedule 1 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**3**) and a reference to a class of motor vehicle shall include a reference to a subdivision of such a class.

Designation of countries and territories

3.—(1) Subject to paragraphs (3) and (4), the countries and territories specified in Table 1 are designated under Article 19D(2)(b) of the Road Traffic (Northern Ireland) Order 1981 as respects licences of the descriptions specified in paragraph (2).

(2) The licences referred to in paragraph (1) are licences which—

(a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, B, B+E, F, K or P, and

(b) which have been granted by the licensing authority of a country or territory specified in Table 1—

(i) to a person who has passed a driving test in that country or territory, or

(ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom), in any other country or territory specified in Table 1, in a country or territory specified in Table 2 or in a country or territory named in Schedule 2 to a person who had passed a driving test in such a State, country or territory.

(3) A licence of a description specified in paragraph (2)(b)(ii), being a licence granted by way of exchange for a licence granted to a person who had passed a driving test in a country or territory specified in Table 2, shall not be exchangeable in so far as it authorises the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, notwithstanding that the licence authorises the driving in the country or territory specified in Table 1 of a class of vehicles corresponding to that licensing category.

(4) Notwithstanding that a licence of a description specified in paragraph (2) authorises the driving of vehicles with manual transmission, that licence shall be exchangeable only to the extent that it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test in a vehicle with automatic transmission.

4.—(1) Subject to paragraph (3), the countries and territories specified in Table 2 are designated under Article 19D(2)(b) of the Road Traffic (Northern Ireland) Order 1981 as respects licences of the descriptions specified in paragraph (2).

(2) The licences referred to in paragraph (1) are licences which—

(a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B+E, F, K or P, and which have been granted by the licensing authority of a country or territory specified in Table 2—

(i) to a person who has passed a driving test in that country or territory, or

(ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom), in any other country or territory specified in Table 2, in a country or territory specified in Table 1 or in a country or territory named in Schedule 2 to a person who had passed a driving test in such a State, country or territory, and

(**3**) S.R. 1996 No. 542 to which there are amendments not relevant to this Order