STATUTORY RULES OF NORTHERN IRELAND

2009 No. 14

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2009

Made - - - - 15th January 2009
Coming into operation in accordance with regulation 1(1)

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 5(3), (4), (5) and (5ZA)(**1**), 17(2) and 17(3)(**2**), 19C(1), (1A) and (2)(**3**) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**4**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation—

(a) for the purposes of all regulations other than regulation 4 on 17th February 2009; and

(b) for the purposes of regulation 4—

(i) paragraph (4), and paragraphs (1) and (5), so far as they relate to that paragraph, on 17th February 2009; and

(ii) paragraphs (2) and (3), and paragraphs (1) and (5), so far as they are not already in operation, on 10th September 2009.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**5**).

(**1**) 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 No. 1320 (N.I. 10), Schedule 3, paragraph 3 and S.I. 2007 No. 916 (N.I. 10), Articles 31, 32 and 44

(**2**) Article 17 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 10

(**3**) Article 19C was inserted by S.I. 1991 No. 197 (N.I. 3), Schedule 1 and amended by S.R 1996 No. 426, Schedule 1, paragraph 11, S.I. 1996 No. 1320 (N.I. 10), Schedule 3, Part I, paragraph 8, paragraph 8 of the Schedule to S.R. 2002 No. 374, S.R. 2003 No. 2903 (N.I. 16), Schedule 1, paragraph 6, S.R. 1997 No. 241, Schedule 2, paragraph 1 and S.I. 2007 No. 916 (N.I. 10), Article 79

(**4**) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of "Department" and "prescribed"

(**5**) S.R. 1996 No. 542, relevant amending Regulations are S.R. 1997 No. 383, S.R. 1998 No. 379, S.R 1999 No. 358, S.R 2000 No. 297, S.R 2001 No. 402, S.R 2002 No. 383, S.R 2003 No. 64, S.R. 2003 No. 183, S.R 2007 No. 111 and S.R 2007 No. 317 and S.R. 2008 No. 418

Amendment to regulation 2 (interpretation)

2. In regulation 2(1) of the principal Regulations(**6**)—

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

""large vehicle test of driving theory" means the test of driving theory described in regulation 29B(2);

"large vehicle test of hazard perception" means the test of hazard perception described in regulation 29B(4);

"large vehicle theory test pass certificate" means a certificate in the form specified in regulation 36B(1);";

(b) after the definition of "special manoeuvres test" insert—

""standard test of driving theory" means the test described in regulation 29B(1);

"standard test of hazard perception" means the test described in regulation 29B(3);

"standard theory test pass certificate" means a certificate in the form specified in regulation 36(2)(a)(**7**);" and

(c) omit the definition of "theory test".

Meaning of theory test

3. After regulation 2 insert—

"**Meaning of theory test**

2A.—(1) In these Regulations "theory test" means—

(a) where a test is to be conducted, by virtue of regulation 29(2), in two parts, the part, described in regulation 29(2)(a), which consists of the standard test of driving theory and the standard test of hazard perception;

(b) where a test is to be conducted, by virtue of regulation 29(3), in three parts, the part, described in regulation 29(3)(a), which consists of the standard test of driving theory and the standard test of hazard perception; or

(c) where a test is to be conducted, by virtue of regulation 29(4), in three parts, the parts, described in regulation 29(4)(a) and (b), which consist of the large vehicle test of driving theory and the large vehicle test of hazard perception.

(2) Any reference in these Regulations to a theory test includes such a test conducted as part of an extended driving test.".

Amendment to regulation 6 (minimum ages for obtaining or holding licences)

4.—(1) Regulation 6 of the principal Regulations is amended in accordance with paragraphs (2) to (5).

(2) Omit paragraph (4).

(3) For paragraphs (7) and (8) substitute—

"(7) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category C or C+E where the person driving the vehicle—

(a) has an initial qualification authorising him to drive motor vehicles of that class;

(**6**) Regulation 2(1) was amended by S.R. 1997 No. 383, regulation 2, S.R. 2001 No. 402, regulation 2, S.R. 2002 No. 383, regulation 3 and S.R. 2008 No. 418, regulation 2

(**7**) Regulation 36 was amended by S.R 1997 No. 383, regulation 15

(b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007(**8**);

(c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class; or

(d) by reason of being a person in relation to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification as described in sub-paragraph (a).".

(4) For paragraph (9) substitute—

"(9) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category D or D+E, other than sub-category D1 or D1+E, where the person driving the vehicle—

(a) has an initial qualification authorising him to drive motor vehicles of that class and is either—

(i) engaged in the carriage of passengers on a regular service over a route which does not exceed 50 kilometres, or

(ii) not engaged in the carriage of passengers;

(b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007;

(c) is authorised by such a document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class; or

(d) by reason of being a person in relation to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification relating to motor vehicles of that class.

(9A) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in sub-category D1 or D1+E where the person driving the vehicle—

(a) has an initial qualification authorising him to drive motor vehicles of that class;

(b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007;

(c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class; or

(d) by reason of being a person to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification relating to motor vehicles of that class.

(9B) In item 7, the age of 20 is substituted for the age of 21 in relation to a motor vehicle of a class included in category D or D+E, other than sub-category D1or D1+E, where the person driving the vehicle—

(a) has an initial qualification authorising him to drive motor vehicles of that class, and

(b) is engaged in the carriage of passengers otherwise than on such a service as is described in paragraph 9(a)(i)."

(5) For paragraph 11(c) substitute—

"(c) in paragraphs (7), (9), (9A) and (9B), "initial qualification" means such initial qualification as is provided for in Article 3(1)(a) of Council Directive 2003/59/EC of the

(**8**) S.I. 2007 No. 605 as amended by S.I. 2008 No. 506

European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers(**9**); and

(d) in paragraphs (9) and (9B), expressions which are also used in that Directive have the same meaning as in that Directive."

Amendment to regulation 17 (interpretation of Part III)

5. In regulation 17 of the principal Regulations, after the definition of "appointed person" insert —

""the CPC subjects" means the list of subjects set out in section 1 of Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15th July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC in so far as these subjects are not already covered by the matters specified in regulation 29C(5) in respect of a vehicle of the relevant class;".

Amendment to regulation 18 (persons by whom practical and unitary tests may be conducted)

6. After paragraph (2) of regulation 18 of the principal Regulations(**10**) insert—

"(2A) The Department may vary any conditions imposed under paragraph (2) by notice in writing given to the person to whom the approval was granted.".

Amendment to regulation 19 (persons by whom theory tests may be conducted)

7. After paragraph (3) of regulation 19 of the principal Regulations(**11**) insert—

"(3A) The Department may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.".

Amendment to regulation 27 (further requirements at tests)

8. In paragraph (3) of regulation 27 of the principal Regulations—

(a) in sub-paragraph (c) for "regulation 29(2)" substitute "regulation 29(5)";

(b) for "valid certificate" substitute "valid standard theory test pass certificate or a valid large vehicle theory test pass certificate";

(c) after the words "regulation 36(2)(a)" insert "or regulation 36B(2)"; and

(d) for "such a" substitute "either such".

Nature of tests

9. For regulations 29 and 29A of the principal Regulations substitute—

"**Nature of tests other than extended tests**

29.—(1) This regulation and regulations 29A to 29C apply to tests other than extended driving tests and are subject to regulation 31.

(**9**) O.J. No. L 226, 10.9.2003, p. 4

(**10**) Regulation 18 was amended by S.R. 1997 No. 383, regulation 5, S.R. 2000 No. 297, regulation 2 and S.R. 2001 No. 402, regulation 4

(**11**) Regulation 19 was amended by S.R. 1997 No. 383, regulation 6

(2) The test for a licence authorising the driving of a motor vehicle of a class included in category B shall be conducted in two parts, namely—

(a) the standard test of driving theory and the standard test of hazard perception, and

(b) a practical test of driving skills and behaviour,

and a person taking such a test must pass both parts.

(3) The test for a licence authorising the driving of a motor vehicle of a class included in category A or P shall be conducted in three parts, namely—

(a) the standard test of driving theory and the standard test of hazard perception;

(b) a special manoeuvres test; and

(c) a practical test of driving skills and behaviour,

and a person taking such a test must pass all three parts.

(4) Subject to paragraph (5), the test for a licence authorising the driving of a motor vehicle of a class included in category C or D shall be conducted in three parts, namely—

(a) a large vehicle test of driving theory;

(b) a large vehicle test of hazard perception; and

(c) a practical test of driving skills and behaviour,

and a person taking such test must pass all three parts.

(5) The test for a licence authorising the driving of a motor vehicle of a class included in category B+E, C+E and D+E—

(a) in a case where the test is for a licence authorising the driving of vehicles in sub-category C1+E and the applicant is a holder of a full licence which was in force at a time before 1st January 1997 and authorises the driving of motor vehicles included in sub-category C1+E (8.25 tonnes) but not the driving of any other vehicles included in sub-category C+E, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category C, the large vehicle test of hazard perception and the specified requirements prescribed in respect of the practical test for category C+E, and

(b) in any other case, shall consist of a practical test only.

(6) The test for a licence authorising the driving of a motor vehicle of a class included in category F, G, H or K shall be a unitary test and a person taking such test shall be treated as having passed it if he satisfies the person conducting the test that he is —

(a) generally competent to drive a vehicle of that class without danger to, and with due consideration for, other road users;

(b) fully conversant with the Highway Code; and

(c) able to comply with the requirements specified in regulation 29C(6) in respect of a vehicle of that class.

Order of test

29A.—(1) Where a test is required to be conducted in two parts, a person taking the test—

(a) must pass the theory test before he takes the practical test; and

(b) shall not be entitled to apply for an appointment for a practical test in respect of a motor vehicle of a class included in category B until he has been furnished with—