STATUTORY RULES OF NORTHERN IRELAND

2003 No. 65

ROAD TRAFFIC AND VEHICLES

The Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2003

Made - - - - 11th February 2003

Coming into operation 10th March 2003

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

Citation and commencement

1. These Regulations may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 10th March 2003.

Amendments to the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991

2. The Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991(**2**) shall be amended in accordance with regulations 3 to 8.

Interpretation

3. In regulation 2(1) –

(a) in the definition of "examination" for "written examination" there shall be substituted "theory test";

(b) the definition of "written examination" shall be deleted; and

(c) after the definition of "the Registrar" there shall be inserted the following definition –

> ""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 regulation 10 of these Regulations.".

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

(**2**) S.R. 1991 No. 373, to which there are amendments not relevant to these regulations

General provision

4. For regulation 9 there shall be substituted the following regulation –

"**9.**—(1) A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Department may determine.

(2) Where a person has passed the theory test (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

(3) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case –

(a) he has passed the three parts of the examination in the following order:

(i) the theory test;

(ii) the driving ability and fitness test; and

(iii) the instructional ability and fitness test;

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

(c) within two years after passing the theory test and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test; and

(d) he passed the instructional ability and fitness test on his first, second or third attempt after he had passed the theory test, and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(4) For the purposes of this regulation –

(a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;

(b) subject to sub-paragraph (c), a reference to the passing of the theory test or the driving ability and fitness test (including paragraph (3)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions;

(c) if a person takes the theory test on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(5) For the purposes of this regulation 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.".

Theory test

5. For regulation 10 there shall be substituted the following regulation –

"**Theory Test**

10.—(1) The theory test shall be conducted in two parts, one part being the test of driving theory described in paragraph (3) and the other being the hazard perception test described in paragraph (5).

(2) The candidate must take the test of hazard perception immediately after taking the test of driving theory.