STATUTORY RULES OF NORTHERN IRELAND

2002 No. 374

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

The Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 2002

Made - - - -	*4th December 2002*
Coming into operation	*20th January 2003*

The Department of the Environment, being a Department designated(**1**) for the purpose of section 2(2) of the European Communities Act 1972(**2**) in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 2002 and shall come into operation on 20th January 2003.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to the Road Traffic (Northern Ireland) Order 1981

3. The Road Traffic (Northern Ireland) Order 1981(**4**) shall have effect with the amendments set out in the Schedule.

(**1**) S.I.1981/1536
(**2**) 1972 c. 68; by virtue of section 1 of the European Economic Area Act 1993 (c. 51), section 1(2) of that Act is amended to enable regulations to be made under section 2(2) to implement obligations of the United Kingdom arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and a Protocol adjusting the Agreement signed at Brussels on 17th May 1994 (Cm 2183)
(**3**) 1954 c. 33 (N.I.)
(**4**) S.I. 1981/154 (N.I. 1)

Revocation

4. Paragraphs 3(4) and 6 of Schedule 1 to the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996(**5**) shall cease to have effect.

Sealed with the Official Seal of the Department of the Environment on 4th December 2002.

Wesley Shannon
A senior officer of the
Department of the Environment

(**5**) S.R. 1996 No. 426

SCHEDULE

Regulation 3

AMENDMENT TO THE ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981(**6**)

1.—(1) Article 4 (exceptions from offence of driving without licence etc.)(**7**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) For paragraph (1)(*b*)(ii) there shall be substituted–

"(ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of Article 15(5) or (6) otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under Article 15(8B), and".

(3) In paragraph (4)(*a*), after "15(8)" there shall be inserted "or (8A)".

2.—(1) Article 9 (requirements as to physical fitness of drivers)(**8**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In paragraph (5), for sub-paragraphs (*a*) and (*b*), there shall be substituted–

"(a) if he drives any vehicle,

(b) if he drives a vehicle other than a vehicle of a particular class, or

(c) if he drives a vehicle except in accordance with particular conditions,"the Department must serve notice in writing to that effect on that person and must include in the notice a description of the disability..

(3) For paragraphs (7) and (8) there shall be substituted–

"(7) Where a notice is served in pursuance of paragraph (5)(*b*), the Department may–

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice or

(b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence limited to vehicles of that class,

and, if the Department so directs in the notice, his entitlement to drive other classes of vehicle by virtue of Article 14(2) shall be limited as specified in the notice.

(7A) Where notice is served in pursuance of paragraph (5)(*c*), the Department may–

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or

(b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Department so directs in the notice, any entitlement which the person has to drive vehicles by virtue of Article 14(2) shall be subject to conditions as specified in the notice.

(7B) A person complies with this paragraph if–

(a) he surrenders the existing licence and its counterpart, and

(b) where the Department so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

(**6**) Articles 4 to 19E were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3); relevant amendments were made by Article 7 of S.I. 1991/197 (N.I. 3), Article 92 of S.I. 1995/2994 (N.I. 18) and S.R. 1996 No. 426, Schedule 1; Articles 70 to 79 were substituted by Schedule 3 to S.I. 1991/197 (N.I. 3)

(**7**) Article 4 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 1

(**8**) Article 9 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 3