STATUTORY RULES OF NORTHERN IRELAND

1999 No. 358

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1999

Made - - - - 18th August 1999

Coming into operation in accordance with regulation 1

The Department of the Environment, in exercise of the powers conferred on it by Articles 5(3), (4) and (5), 9(2) and (4)(b), 13(3)(a) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**) and of every other power enabling it in that behalf, and in accordance with Article 19C(3) of that Order with the approval of the Department of Finance and Personnel(**2**) as regards regulation 7, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1999 and shall come into operation—

(a) for the purposes of regulation 7 and Schedule 1, on 4th October 1999;

(b) for all other purposes, on 1st November 1999.

(2) In these Regulations "the principal Regulations" means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**3**).

Meaning of "qualified driver"

2. For regulation 11 of the principal Regulations (provisional licences: interpretation) there shall be substituted—

"**Meaning of "qualified driver"**

11.—(1) Subject to paragraph (3), a person is a qualified driver for the purposes of regulation 12 if he—

(a) is 21 years of age or over;

(**1**) S.I.1981/154 (N.I. 1); see Article 2(2) for the definition of "Department" and "prescribed"; Articles 5, 9 and 13 were substituted by S.I. 1991/197 (N.I. 3), Schedule 1; Article 5 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 2; Article 9 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 3

(**2**) Formerly the Department of Finance; see S.I. 1982/338 (N.I. 6), Article 3

(**3**) S.R. 1996 No. 542; relevant amending Regulations are S.R. 1997 No. 383, S.R. 1998 No. 415 and S.R. 1999 No. 77

(b) holds a relevant licence;

(c) has the relevant driving experience; and

(d) in the case of a disabled driver, he is supervising a provisional licence holder who is driving a vehicle of a class included in category B and would in an emergency be able to take control of the steering and braking functions of the vehicle in which he is a passenger.

(2) For the purposes of this regulation—

(a) "disabled driver" means a person who holds a relevant licence which is limited by virtue of a notice served under Article 9(5)(b) of the Order to vehicles of a particular class;

(b) "full licence" includes a full Great Britain licence and a Community licence;

(c) "relevant licence" means—

(i) in the case of a disabled driver, a full licence authorising the driving of a class of vehicles in category B other than vehicles in sub-category B1 or B1 (invalid carriages), and

(ii) in any other case, a full licence authorising the driving of vehicles of the same class as the vehicle being driven by the provisional licence holder; and

(d) a person has relevant driving experience if—

(i) in the case of a person supervising a provisional licence holder who is driving a vehicle in category C, D, C + E or D + E, he held the relevant licence on 1st November 1998 and has held it continuously since that date and he has also held a full licence authorising the driving of vehicles in category B for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years, and

(ii) in any other case, he has held the relevant licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years.

(3) In the case of a person who is a member of the armed forces of the Crown acting in the course of his duties for naval, military or air force purposes sub-paragraphs (a) and (c) of paragraph (1) shall not apply.".

Amendment to regulation 12 (conditions attached to provisional licences)

3. After paragraph (9) of regulation 12 of the principal Regulations there shall be inserted—

"(10) In this regulation and in regulation 13, "provisional licence", in relation to a class of vehicles, includes a full licence which is treated, by virtue of Article 14 of the Order, as authorising its holder to drive vehicles of that class as if he held a provisional licence therefor.".

Amendment to regulation 26 (vehicles suitable for test)

4. For paragraph (3) of regulation 26 of the principal Regulations there shall be substituted—

"(3) A person submitting himself for a practical or unitary test shall provide a vehicle which—

(a) corresponds to the specification referred to in paragraph (1), or (2), as the case may be;

(b) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated

and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed; and

(c) is reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test.

(3A) A person submitting himself for a practical test prescribed in respect of category B or B + E shall provide a motor vehicle which—

(a) is fitted with a front passenger seat unless it—

(i) is a vehicle included in sub-category B1 and is constructed without a front passenger seat, or

(ii) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaption has had the front passenger seat removed;

(b) has fitted for use with the front passenger seat (or, if there is no such seat, with another seat in which the person conducting the test may conveniently sit for the purpose of the test) a properly anchored and functioning three-point seat belt;

(c) in the case of a vehicle fitted with a front passenger seat, has fitted as an integral part of that seat a head restraint which satisfies the requirements of Council Directive 78/932/EEC(**4**);

(d) is fitted with rear passenger seats unless it is a vehicle in sub-category B1 and is constructed without rear passenger seats; and

(e) has fitted for use with the rear passenger seats properly anchored and functioning seats belts.

(3B) A person submitting himself for a practical test prescribed in respect of category B shall provide a vehicle which is fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat unless it—

(a) is a vehicle included in sub-category B1 and is constructed without a front passenger seat; or

(b) has been adapted on account of a disability of the person who has submitted himself for the test and as part of that adaptation has had the front passenger seat removed.

(3C) A person submitting himself for a practical test prescribed in respect of category B + E, C, C + E, D or D + E shall provide a motor vehicle which is not carrying goods or burden other than fixed items which are characteristic of the class to which it belongs.

(3D) A person submitting himself for a practical test prescribed in respect of category C, C + E, D or D + E shall provide a motor vehicle which is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner can properly conduct the test and is protected from bad weather during the test.

(3E) A person submitting himself for a practical test prescribed in respect of category D or D + E shall provide a motor vehicle which is fitted with a seat which is so placed that the examiner can, from the deck of the vehicle on which the driver is seated clearly observe the road to the rear of the vehicle without the use of any optical device, unless—

(a) the construction of the vehicle makes it impossible to fulfil that requirement; or

(b) the examiner consents to the requirement not being complied within consequence of an arrangement to conduct part of the test elsewhere than on a road.

(**4**) Council Directive of 16 October 1978 on the approximation of laws relating to the head restraints of seats of motor vehicles (O.J. No. L325, 20.11.78, p. 1)

(3F) A person submitting himself for a practical test prescribed in respect of category B + E, C + E or D + E shall provide a motor vehicle which is fitted with linkage and braking mechanisms which are designed for use when the trailer is fully laden.

(3G) In the case of a test being conducted by a person appointed in accordance with paragraph (1)(b) or (1A)(b) of regulation 18(**5**) paragraphs (3A)(c) and (3B) shall not apply.".

Amendment to regulation 29 (nature of tests other than extended tests)

5. In paragraph (5)(b)(ii) of regulation 29(**6**) of the principal Regulations, for "25 minutes" there shall be substituted "30 minutes".

Amendment to regulation 51 (disabilities prescribed in respect of Group 2 licences)

6. For paragraph (8B)(b)(**7**) of regulation 51 of the principal Regulations, (circumstances in which a person suffering from diabetes requiring insulin treatment may hold a licence) there shall be substituted—

"(b) he has not, during the period of twelve months ending on the date of the application, required the assistance of another person to treat an episode of hypoglycaemia suffered whilst he was driving;".

Amendment to Schedule 4 (fees for tests)

7. For Schedule 4(**8**) to the principal Regulations there shall be substituted the Schedule set out in Schedule 1.

Amendment to Schedule 6 (specified matters for theory test)

8. For Parts 3 and 4 of Schedule 6 to the principal Regulations there shall be substituted the provisions contained in Schedule 2.

Sealed with the Official Seal of the Department of the Environment on

18th August 1999.

J. Ritchie
Assistant Secretary

(**5**) Regulation 18 was amended by S.R. 1997 No. 383, regulation 5
(**6**) Regulation 29 was amended by S.R. 1997 No. 383, regulation 8 and S.R. 1999 No. 77, regulation 2(2)
(**7**) Paragraph (8B) was inserted by S.R. 1998 No. 415, regulation 2
(**8**) Schedule 4 was substituted by S.R. 1997 No. 383, regulation 23

The Department of Finance and Personnel approves regulation 7.
Sealed with the Official Seal of the Department of Finance and Personnel on

18th August 1999.

D. Thomson
Assistant Secretary