STATUTORY RULES OF NORTHERN IRELAND

1997 No. 383

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1997

Made - - - -	*19th August 1997*
Coming into operation	*1st October 1997*

The Department of the Environment, in exercise of the powers conferred on it by Articles 4(7) and (8), 5(3) and (4), 13(1), 19C, 73(1) and (3), 74(4), 180(3A) 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 regulations 4, 7, 22 and 23, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

(2) In these Regulations—

"the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996(**3**); and

"the principal Regulations" means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**4**).

Amendments to regulation 2 (interpretation)

2.—(1) Regulation 2 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) after the definition of "the 1995 Order" there shall be inserted the following definition—

(**1**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department" and "prescribed"; Articles 4, 5, 13 and 19C were substituted by S.I. 1991/197 (N.I. 3), Schedule 1; Articles 73 and 74 were substituted by S.I. 1991/197 (N.I. 3), Schedule 3; Articles 5(4), 13(1), 19C(1) and 73(3) were amended by S.R. 1996 No. 426, Schedule 1, paragraphs 2, 5, 11 and 15 respectively; Articles 5, 19C, 73, 74 and 180 were amended by S.I. 1996/1320 (N.I. 10), Schedule 3, paragraphs 3, 8, 10, 11 and 21 respectively

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

(**3**) S.I. 1996/1320 (N.I. 10)

(**4**) S.R. 1996 No. 542

""appropriate driving test" and "extended driving test" have the same meanings as in Article 41 of the Offenders Order;";

(b) after the definition of "passenger-carrying vehicle recovery vehicle" there shall be inserted the following definition—

""penalty points" means penalty points attributed to an offence under Article 30 of the Offenders Order;";

(c) in the definition of "practical test" after the word "behaviour" there shall be added "and includes such a test conducted as part of an extended driving test";

(d) the definition of "relevant endorsement" shall be omitted;

(e) in the definition of "test" after the word "Order" there shall be added "including an extended driving test";

(f) after the definition of "the Construction and Use Regulations" there shall be inserted the following definition—

""the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996;";

(g) in the definition of "theory test" after the words "theoretical test" there shall be added "and includes such a test conducted as part of an extended driving test"; and

(h) in the definition of "unitary test" after the word "behaviour" there shall be added "and includes such a test conducted as an extended driving test".

(3) In paragraph (2)(*a*)(ii) for the words "Article 194(4) of the Order" there shall be substituted "Article 42(1) of the Offenders Order".

Amendment to regulation 9 (restrictions on the grant of large goods and passenger-carrying vehicle driver's licences)

3. In paragraph (3)(*b*)(i) of regulation 9 of the principal Regulations, for the words "by virtue of which he has incurred any further relevant endorsements" there shall be substituted "as a result of which the number of penalty points to be taken into account under Article 31 of the Offenders Order at the date of the application exceeds 3".

Grant of licences to drive vehicles in another category

4. After regulation 9 of the principal Regulations there shall be inserted—

"**Grant of licences to drive vehicles in another category**

9A. If a full licence holder wishes to obtain a licence to drive vehicles of another class in addition to the class of vehicles specified in the licence he shall on payment of the fee prescribed in regulation 10 and subject to Articles 5 and 13(1) of the Order be entitled to have issued to him a new licence for that purpose.".

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

5.—(1) Regulation 18 of the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1), after the words "Practical and unitary tests" there shall be inserted "other than tests conducted for the purposes specified in paragraph (2)".

(3) After paragraph (1) there shall be inserted—

"(1A) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a practical or unitary test shall be conducted by—

(a) an examiner; or

(b) the Secretary of State for Defence, in so far as concerns the testing of persons in the public service of the Crown under his department.".

(4) In paragraphs (2) and (3), after the words "of paragraph (1)" there shall be inserted "or under sub-paragraph (*b*) of paragraph (1A)".

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

6.—(1) Regulation 19 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) After paragraph (1) there shall be inserted—

"(1A) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a theory test shall be conducted by—

(a) an appointed person;

(b) the Secretary of State for Defence, for the purpose of testing persons in the public service of the Crown under his department;

(c) the Department, in so far as concerns the testing of persons in the public service of the Crown.".

(3) In paragraphs (3), (4) and (6), after the words "of paragraph (1)" there shall be inserted "or under sub-paragraph (*b*) of paragraph (1A)".

Amendments to regulation 22 (fees in respect of tests)

7. In regulation 22 of the principal Regulations, after paragraph (2), there shall be inserted—

"(2A) Subject to paragraph (4), the fee (if any) payable in respect of a practical or unitary test to be conducted by an examiner which is, or forms part of, an extended driving test for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the Table in Schedule 4 is the fee specified in relation to that category or sub-category in column (3) of that Table.".

Amendments to regulation 29 (nature of tests)

8.—(1) Regulation 29 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In the shoulder note, after the word "tests" there shall be added "other than extended tests".

(3) Paragraph (1) shall be re-numbered (1A) and before paragraph (1A) there shall be inserted—

"(1) This regulation applies to tests other than extended driving tests".

Nature of extended driving tests

9. After regulation 29 of the principal Regulations there shall be inserted—

"**Nature of extended driving tests**

29A.—(1) Where a person is disqualified by order of a court under Article 41 of the Offenders Order until he passes an extended driving test, the test he must pass is a

test conducted in accordance with paragraphs (2) to (10) of regulation 29 as modified by paragraph (2) of this regulation.

(2) For the purpose of an extended driving test, regulation 29 shall apply as if for paragraph (5)(*b*) there were substituted—

"(b) the time during which that person is required to drive on roads is not less than 60 minutes.".".

Amendment to regulation 30 (order of test)

10. In paragraph (5)(ii) of regulation 30 of the principal Regulations, for the words "Article 152 or 196 of the Order until tested" there shall be substituted "Article 41 of the Offenders Order until he passes the appropriate driving test".

Amendment to regulation 31 (exemption from theory test)

11. In paragraph (5) of regulation 31 of the principal Regulations, for the words "Article 152 or 196 of the Order until tested" there shall be substituted "Article 41 of the Offenders Order until he passes the appropriate driving test".

Amendment to regulation 32 (entitlement upon passing a test other than a test following disqualification until tested under Article 152 or 196 of the Order)

12. For the shoulder note of regulation 32 of the principal Regulations there shall be substituted "Entitlement upon passing a test other than an appropriate driving test".

Amendment to regulation 33 (entitlement upon passing a test other than a test following disqualification until tested under Article 152 or 196 of the Order: category A)

13. For the shoulder note of regulation 33 of the principal Regulations there shall be substituted "Entitlement upon passing a test other than an appropriate driving test: category A".

Amendment to regulation 35 (entitlement upon passing a test following disqualification until tested under Article 152 or 196 of the Order)

14.—(1) Regulation 35 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) For the shoulder note there shall be substituted "Entitlement upon passing an appropriate driving test".

(3) In paragraph (1)—

(a) in sub-paragraph (*a*) for the words "Article 152 or 196 of the Order until tested" there shall be substituted "Article 41 of the Offenders Order until he passes the appropriate driving test"; and

(b) for sub-paragraph (*b*) there shall be substituted—

"(b) passes the appropriate driving test prescribed in respect of a class of motor vehicles included in any category or sub-category,".

Amendment to regulation 36 (evidence of result of theory tests)

15. In paragraph (6)(*b*) of regulation 36 of the principal Regulations, for the words "Article 152 or 196 of the Order until he passes the driving test" there shall be substituted "Article 41 of the Offenders Order until he passes the appropriate driving test".