STATUTORY RULES OF NORTHERN IRELAND

1996 No. 542

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996

Made - - - - 21st November 1996

Coming into operation in accordance with regulation 1

The Department of the Environment, in exercise of the powers conferred on it by Articles 4(7) and (8), 5(3), (4), (5), (7), (8) and (10), 6(3) and (5), 8, 9(2) and (4), 11(4) and (5), 13(1), (3) and (4), 14(2) and (4), 15(1) and (2), 15A(3) and (4), 17(2) and (3), 19C, 19D(1), 72(1), 73(1) and (3), 73A(1), 74(4), 75(3), 77, 78, 194(8), 214(1) 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 7, 10, 16, 21, 23 and 24, hereby makes the following Regulations:

Part I

Preliminary

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 and shall come into operation—

(a) for the purpose of regulations 17 to 25 and Schedule 4 and for enabling persons to apply for tests on 2nd December 1996;

(b) for the purposes of regulation 27(2)(*a*)(ii) and (4)(*b*) and Schedule 5, on 1st March 1997;

(c) for all other purposes on 1st January 1997.

(**1**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department" and "prescribed"; Articles 4-19D were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3); Articles 70-79 were substituted by S.I. 1991/197 (N.I. 3) Schedule 3; Articles 9(2), 13(1) and (4), 19D(1) and 73(3) were amended by S.R. 1996 No. 426 Schedule 1 paragraphs 3, 5, 12 and 15 respectively; Articles 15A and 73A were inserted by S.R. 1996 No. 426 Schedule 1 paragraphs 8 and 16 respectively; Article 72(1) was substituted in part by S.R. 1996 No. 426 Schedule 1 paragraph 14

(**2**) Formerly the Department of Finance; *see*S.I. 1992/338 (N.I. 6) Article 3

Interpretation

2.—(1) In these Regulations—

"the 1995 Order" means the Road Traffic (Northern Ireland) Order 1995(**3**);

"controlled by a pedestrian" in relation to a vehicle means that the vehicle either—

(a) is constructed or adapted for use under such control; or

(b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it,

"dual purpose vehicle" means a motor vehicle which is constructed or adapted both to carry or haul goods and to carry more than 8 persons in addition to the driver;

"exempted goods vehicle" and "exempted military vehicle" have the meanings respectively given in regulation 40;

"full", in relation to a licence of any class, means such a licence granted otherwise than as a provisional licence;

"Great Britain ordinary driving licence" means a licence to drive a motor vehicle granted under the law for the time being in force in Great Britain equivalent to Part II of the Order but does not include such a licence in so far as it authorises a person to drive large goods vehicles or passenger-carrying vehicles of any category;

"heavy goods vehicle" has the same meaning assigned to "large goods vehicle" in Article 78 of the Order(**4**);

"incomplete large vehicle" means—

(a) an incomplete motor vehicle, typically consisting of a chassis and a complete or incomplete cab, which is capable of becoming, on the completion of its construction, a medium-sized or large goods vehicle or a passenger-carrying vehicle; or

(b) a vehicle which would be an articulated goods vehicle but for the absence of a fifth-wheel coupling;

"LGV trainee driver's licence" has the meaning given in regulation 43;

"maximum authorised mass" has the same meaning—

(a) in relation to goods vehicles as "permissible maximum weight" in Article 19D of the Order; and

(b) in relation to any other vehicle or trailer as "maximum gross weight" in regulation 2(1) of the Construction and Use Regulations;

"maximum design speed" means the speed which the vehicle is incapable, by reason of its construction, of exceeding on the level under its own power when fully laden;

"maximum net power output" has the same meaning as in Article 13(5A) of the Order(**5**);

"mobile project vehicle" means a vehicle which has a maximum authorised mass exceeding 3.5 tonnes, is constructed or adapted to carry not more than 8 persons in addition to the driver and carries principally goods or burden consisting of—

(a) play or educational equipment for children and articles required in connection with the use of such equipment; or

(b) articles required for the purposes of display or of an exhibition,

(**3**) S.I. 1995/2994 (N.I. 18)
(**4**) Article 78 was substituted by S.I. 1991/197 (N.I. 3) Schedule 3
(**5**) Article 13(5) and (5A) where substituted by S.I. 1995/2994 (N.I. 18) Article 92 (prosp.)

and the primary purpose of which is use as a recreational, education or instructional facility when stationary;

"ordinary driving licence" means a licence to drive a motor vehicle granted under Part II of the Order other than a large goods vehicle or passenger-carrying vehicle driver's licence;

"passenger-carrying vehicle recovery vehicle" means a vehicle (not being an articulated goods vehicle combination) which—

(a) has an unladen weight not exceeding 10.2 tonnes;

(b) is being operated by the holder of a road service licence; and

(c) is being used for the purpose of—

(i) proceeding to, or returning from, a place where assistance is to be, or has been, given to a damaged or disabled passenger-carrying vehicle; or

(ii) giving assistance to or moving a disabled passenger-carrying vehicle or moving a damaged vehicle;

"power to weight ratio" has the same meaning as in Article 13(5) of the Order;

"practical test" means, where a test is by virtue of these Regulations to be conducted in two parts, the part that consists of the practical test of driving skills and behaviour;

"propelled by electrical power", in relation to a motor vehicle, means deriving motive power solely from an electrical storage battery carried on the vehicle and having no connection to any other source of power when the vehicle is in motion;

"road service licence" has the same meaning as in section 4(1) of the Transport Act (Northern Ireland) 1967(**6**);

"relevant endorsement" means an endorsement on a Great Britain ordinary driving licence or its counterpart of particulars of a conviction in pursuance of those provisions for the time being in force in Great Britain that correspond to Article 197 of the Order;

"test" means any test of competence to drive conducted pursuant to Article 5 of the Order;

"the Construction and Use Regulations" means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**7**);

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"theory test" means, where a test is by virtue of these Regulations to be conducted in two parts, the part that consists of the theoretical test;

"unitary test" means a test which, by virtue of these Regulations, is to consist of a practical test of driving skills and behaviour;

"unladen weight" has the same meaning as in regulation 2(1) of the Construction and Use Regulations and, in the case of a vehicle propelled by electrical power, any weight attributable to its batteries;

"vehicle with automatic transmission" means a class of vehicle in which either—

(a) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes; or

(b) he is provided with such means but they do not consist of a clutch pedal or lever which he may operate manually,

(and accordingly a vehicle with manual transmission is any other class of vehicle);

(2) In these Regulations—

(**6**) 1967 c. 37 (N.I.)
(**7**) S.R. 1989 No. 299 to which there are amendments not relevant to these Regulations

(a) a reference to a licence being in force is a reference to it being in force in accordance with Article 15 of the Order, save that for the purposes of these Regulations a licence shall be regarded as remaining in force notwithstanding that it is—

(i) surrendered or revoked pursuant to Article 15(5) or (6) of the Order, or

(ii) treated as having no effect by virtue of Article 194(4) of the Order; and

(b) a reference to the expiry of a licence is a reference to the time at which it ceases to be so in force (to the extent that "expired" shall be construed accordingly.

(3) For the purposes of Article 13(3)(*d*) of the Order(**8**) and these Regulations the date of first use of a motor bicycle means—

(a) except in a case to which sub-paragraph (*b*) applies, the date on which it was first registered under the Roads Act 1920(**9**), the Vehicles (Excise) Act 1949(**10**), the Vehicles (Excise) Act (Northern Ireland) 1954(**11**), the Vehicles (Excise) Act 1962(**12**), the Vehicles (Excise) Act 1971(**13**), the Vehicles (Excise) Act (Northern Ireland) 1972(**14**), or the Vehicle Excise and Registration Act 1994(**15**), the date on which it was first so registered; and

(b) in the case of a motor bicycle which was used in any of the following circumstances before the date on which it was first registered namely—

(i) where the bicycle was used under a trade licence as defined in section 11 of the Vehicle Excise and Registration Act 1994, otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement,

(ii) where the bicycle belonged to the Crown and which is or was used or appropriated for use for naval, military or air force purposes,

(iii) where the bicycle belonged to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(**16**) applied,

(iv) where the bicycle has been used on roads outside Northern Ireland and was imported into Northern Ireland, and

(v) where the bicycle has been used otherwise than on roads after being sold or supplied by retail and before being registered,

the date of manufacture of the bicycle.

In this paragraph "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of re-sale or re-supply for a valuable consideration.

(**8**) Article 13(3)(*d*) was inserted by S.I. 1995/2994 (N.I. 18) Article 92 (prosp.)
(**9**) 1920 c. 72
(**10**) 1949 c. 89
(**11**) 1954 c. 17 (N.I.)
(**12**) 1962 c. 13
(**13**) 1971 c. 10; this Act was extended to Northern Ireland by section 10 of the Finance Act 1991 c. 31
(**14**) 1972 c. 10 (N.I.)
(**15**) 1994 c. 22
(**16**) S.I. 1965/1536

Part II

Licences

Categories of entitlement

Classification of vehicles

3.—(1) Subject to regulation 4, the Department shall grant licences authorising the driving of motor vehicles in accordance with the categories and sub-categories specified in column (1) and defined in column (2) of Schedule 1 and those categories and sub-categories are designated as groups for the purposes of Article 5(1)(*b*) and 6(4)(*a*) of the Order.

(2) In these Regulations, expressions relating to vehicle categories have the following meanings—

(a) any reference to a category or sub-category identified by letter, number or word or by a combination thereof is a reference to the category or sub-category defined in column (2) of Schedule 1 opposite that letter or combination in column (1);

(b) "sub-category" means, in relation to category A, B, C, C + E, D or D + E, a class of vehicles comprising part of the category and identified as a sub-category thereof in column (2) of Schedule 1; and

(c) unless the context otherwise requires, a reference to a category includes a reference to sub-categories of that category.

Classes for which licences may be granted

4.—(1) A licence authorising the driving of motor vehicles of a class included in any category or sub-category mentioned in Part I of Schedule 1 may be granted to a person who is entitled thereto by virtue of—

(a) holding or having held a full licence, a full Great Britain licence, full British external licence, full British Forces licence, exchangeable licence or Community licence authorising the driving of vehicles of that class; or

(b) having passed a test authorising the driving of motor vehicles of that class or a Great Britain or Gibraltar test corresponding to such a test.

(2) A licence authorising the driving of motor vehicles of a class included in any category or sub-category mentioned in Part 2 of Schedule 1 may not be granted to a person unless, at a time before 1st January 1997—

(a) in the case of an application for a full licence—

(i) he held a full licence authorising the driving of vehicles of a class included in that category, or

(ii) he passed a test which at the time it was passed authorised the driving of motor vehicles of that class or a Great Britain test corresponding to such a test;

(b) in the case of an application for a provisional licence, he held a provisional licence authorising the driving of vehicles of a class included in that category.

Competence to drive classes of vehicle

5.—(1) Where a person holds, or has held, a licence authorising him to drive vehicles of a class included in any category or, as the case may be, sub-category he is deemed competent to drive—