STATUTORY RULES OF NORTHERN IRELAND

1996 No. 426

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

The Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996

Made - - - - 13th September 1996

Coming into operation in accordance with regulation 1

The Department of the Environment, being a Department designated(**1**) for the purposes 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.—(1) These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996 and shall come into operation as follows—

(a) as to—

(i) paragraphs 2(5), 2(6), 2(8), 3(2) and 11 of Schedule 1, and

(ii) so much of regulations 3 and 4 and the remainder of Schedules 1 and 2 as is necessary to confer on the Department extended or modified powers to make such orders or regulations as are necessary for the purpose of complying with Council Directive 91/439/EEC(**3**) and for ancillary purposes,

on 18th October 1996;

(b) except as provided in sub-paragraph (*a*) on 1st January 1997.

(**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 this 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 the Protocol adjusting the Agreement signed at Brussels on 17th March 1994 (Cm 2183)

(**3**) O.J. No. L237, 24.8.91, p. 1

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments to the Road Traffic (Northern Ireland) Order 1981

3. The Road Traffic (Northern Ireland) Order 1981(**5**) shall have effect with the amendments set out in Schedule 1.

Amendments to other enactments

4. The enactments mentioned in Schedule 2 shall have effect with the amendments set out in that Schedule (being minor amendments consequential upon those set out in Schedule 1).

Sealed with the Official Seal of the Department of the Environment on 13th September 1996.

Trevor Pearson
Assistant Secretary

(**4**) 1954 c. 33 (N.I.)
(**5**) S.I. 1981/154 (N.I. 1)

SCHEDULE 1

Regulation 3

Amendments to the Road Traffic (Northern Ireland) Order 1981(**6**)

1.—(1) Article 4 (exceptions) shall be amended as follows.

(2) In paragraph (1)(*a*) after head (i) there shall be inserted—

"(ia) a Community licence to drive vehicles of that or a corresponding class, or".

(3) In paragraph (3)—

(a) after sub-paragraph (*a*) there shall be inserted—

"(aa) in the case of an application made by virtue of paragraph (1)(*a*)(i*a*), the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;", and

(b) in sub-paragraph (*d*), the words "member State or" shall be omitted.

(4) In paragraph (9), in sub-paragraph (*a*), after the words "or passenger" there shall be inserted—

"who—

(i) is licensed in that behalf in accordance with the requirements of this Part and Part V, or

(ii) is authorised by virtue of Article 15A(1) to drive in Northern Ireland such a motor vehicle,".

2.—(1) Article 5 (tests of competence to drive) shall be amended as follows.

(2) In paragraph (1)—

(a) for "satisfies the Department" there shall be substituted "meets the relevant residence requirement and satisfies the Department",

(b) in sub-paragraph (*c*), the words "conducted under any relevant external law or" shall be omitted,

(c) in sub-paragraph (*e*)—

(i) the words "of another member State or", and

(ii) the words "or a designated country or territory",

shall be omitted,

(d) after "or" at the end of that sub-paragraph there shall be inserted—

"(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at any time he has held such a Community licence; or", and

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

"(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.".

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

"(1A) An applicant meets the relevant residence requirement referred to in paragraph (1) if on the date the application for the licence is made—

(**6**) Articles 4 to 19E were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3); relevant amendments are made by Article 7 of S.I. 1991/197 (N.I. 3) and Article 92 of S.I. 1995/2994 (N.I. 18)

(a) in a case where he satisfies the Department in respect of paragraph (1)(*ea*), he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;

(b) in a case where he satisfies the Department in respect of paragraph (1)(*f*), he is normally resident in Northern Ireland but has not been so resident for more than the prescribed period; and

(c) in any other case, he is normally resident in Northern Ireland.".

(4) In paragraph (2)—

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

"(a) a licence which has been revoked under Article 15(5) or under any corresponding provision of—

(i) the law of Great Britain,

(ii) the relevant external law, or

(iii) the law of an EEA State other than the United Kingdom,

as a licence granted in error shall be disregarded for the purposes of sub-paragraph (*b*), (*d*) or (*ea*) (as the case may be) of that paragraph;", and

(b) sub-paragraph (*b*) shall be omitted.

(5) In paragraph (4), after sub-paragraph (*a*) there shall be inserted—

"(aa) for requiring a person submitting himself for a test to have been normally resident in Northern Ireland or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed,".

(6) In paragraph (8), in sub-paragraph (*a*), after "group" there shall be inserted "(except where regulations otherwise provide),".

(7) In paragraph (9), the words "member State" shall be omitted.

(8) In paragraph (10), in sub-paragraph (*a*), after "if" there shall be inserted "(except where regulations otherwise provide)".

(9) In paragraph (11)—

(a) after "British Forces licence" there shall be inserted ", a Community licence",

(b) after "(*d*)" there shall be inserted ", (*ea*)", and

(c) at the beginning of sub-paragraph (*a*) there shall be inserted "(except where regulations otherwise provide)".

(10) Paragraph (12) shall be omitted.

3.—(1) Article 9 (requirements as to physical fitness of drivers) shall be amended as follows.

(2) In paragraph (2), in the definition of "disability", after "disease" there shall be inserted "and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency,".

(3) In paragraph (6), in sub-paragraph (*a*), for "who took the test" there shall be substituted "on whom the notice is served".

(4) In paragraph (7), for the words from "any licence" to "test shall be" there shall be substituted "the Department may grant to the person on whom the notice is served a licence".

(5) After paragraph (10) there shall be inserted—

"(10A) In paragraph (9) the references to Article 11 include references to that Article as applied by Article 15D.".

4. In Article 10 (revocation of licence because of disability or prospective disability), in paragraph (1)(*b*), the words "or (7)" shall be omitted.

5.—(1) Article 13 (grant of licences) shall be amended as follows.

(2) In paragraph (1), for sub-paragraph (*c*) there shall be substituted—

"(c) surrenders to the Department—

(i) any previous licence and its counterpart granted to him at some time during the period of 10 years ending on the date of receipt of the application by the Department,

(ii) any Community licence and its counterpart (if any) issued to him, and

(iii) any British external licence or British Forces licence or exchangeable licence held by him,

or provides the Department with an explanation for not surrendering them which the Department considers adequate,".

(3) In paragraph (4), for the word "cycle", in each place where it occurs, there shall be substituted "bicycle".

(4) In paragraph (5), for the word "cycle", in each place where it occurs, there shall be substituted "bicycle".

6. In Article 14 (form of licence), in paragraph (1)(*b*) and (*c*), after "specify" there shall be inserted "(in such manner as the Department may determine)".

7. In Article 15 (duration of licences), in paragraph (4), for the word "cycle", in each place where it occurs, there shall be substituted "bicycle".

8. After Article 15 there shall be inserted—

"Community Licence Holders

Authorisation to drive in Northern Ireland

15A.—(1) A Community licence holder may drive, and a person may cause or permit a Community licence holder to drive, in Northern Ireland, a motor vehicle of any class, which—

(a) he is authorised by his Community licence to drive, and

(b) he is not disqualified for holding or obtaining a licence under this Part to drive,

notwithstanding that he is not the holder of a licence under this Part.

(2) Paragraphs (3) and (4) apply to a Community licence holder who is normally resident in Northern Ireland.

(3) In a case where the Community licence holder is authorised by his Community licence to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such classes of motor vehicle from—

(a) the date on which he attains the age of 70 years, or

(b) the expiry of the period of 3 years beginning with the relevant date,

whichever is the later.

(4) In a case where the Community licence holder is authorised by his Community licence to drive any prescribed class of goods vehicle or any prescribed class of passenger-