STATUTORY RULES OF NORTHERN IRELAND

1996 No. 197

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1996

Made - - - - 15th May 1996

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), (5), (6) and (8), 8, 13(1), 19C(1) and (2), 19D(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**1**) and of all other powers 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 as regards regulation 2(4), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1996 and shall come into operation—

(a) in so far as is necessary for the purpose of enabling persons to apply for theory tests, practical tests and unitary tests, on 3rd June 1996;

(b) for all other purposes, on 1st July 1996.

Amendment of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1994

2. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1994(**2**) shall be amended as follows—

(1) In regulation 2(1) (interpretation)—

(a) after the definition of "moped" there shall be inserted—

> ""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;" and

(b) after the definition of "the Order" there shall be inserted the following definitions—

(**1**) S.I.1981/154 (N.I. 1); *see* Article 2(2) for the definition of "Department" and "prescribed"; Articles 5-19D were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3)

(**2**) S.R. 1994 No. 365 as amended by S.R. 1995 No. 152 and S.R. 1996 No. 141

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

(2) In regulation 4 (grant of licences), after paragraph (1), there shall be inserted—

"(1A) An applicant for a licence who before the licence is granted is required to satisfy the Department that he has passed a test shall at the time when he applies for the licence deliver to the Department, in support of that application, either—

(a) a certificate furnished under regulation 18A(1)(*a*), or

(b) where paragraphs (3), (4), and (5) of regulation 16A apply, certificates furnished under regulations 18(2)(*a*) and 18A(2) in accordance with paragraph (3) of that regulation.".

(3) In regulation 7 (conditions attached to provisional licences), in paragraph (1), for the words from "Provided that" to the end of the paragraph, there shall be substituted—

"(1A) The conditions specified in paragraph (1) shall not apply in relation to the driving of motor vehicles of any class where the provisional licence holder has passed a test by virtue of which he is entitled to be granted a licence authorising him to drive vehicles of that class.".

(4) For Part III (tests of competence)(**3**) there shall be substituted the provisions set out in Schedule 1.

(5) After regulation 27 (persons who become resident in Northern Ireland) there shall be inserted —

"**Categories of entitlement**

27A.—(1) Subject to paragraph (3), licences shall be granted authorising the driving of motor vehicles in accordance with the categories specified in columns (1) and (2) of Schedule 3 and those categories are designated as groups for the purposes of Articles 5(1)(*b*) and 6(4)(*a*) of the Road Traffic (Northern Ireland) Order 1981.

(2) In these Regulations, unless the context otherwise requires, any reference to category B means that category including category B1.

(3) Where a person holds, or has held, a licence authorising him to drive vehicles of a class included in any category he is deemed competent to drive—

(a) vehicles of all classes included in that category unless by that licence he is or was authorised to drive—

(i) only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive only such classes of vehicle included in that category as have automatic transmission;

(ii) only invalid carriages, in which case he shall be deemed competent to drive only such classes of vehicle included in category B1 as are invalid carriages;

(iii) only motor vehicles adapted on account of a disability, in which case he shall be deemed competent to drive only such classes of vehicle included in that category as are so adapted; and

(**3**) Regulation 15 was substituted by S.R. 1996 No. 141

(b) all classes of vehicle included in any other category which is specified in column (3) of Schedule 3 as an additional category in relation to that category unless by that licence he is or was authorised to drive—

(i) only motor vehicles having automatic transmission and the additional category is C1, D1, B plus E, C1 plus E or D1 plus E, in which case he shall be deemed competent to drive only such classes of motor vehicle included in the additional category as have automatic transmission,

(ii) only invalid carriages, in which case he shall be deemed competent to drive only such classes of vehicle included in category B1 as are invalid carriages,

(iii) only motor vehicles adapted on account of a disability, in which case he shall be deemed competent to drive only such classes of vehicle included in the additional category as are so adapted.".

(6) For Schedule 3 (categories of motor vehicles for test purposes) there shall be substituted the provisions set out in Schedule 2.

(7) For Schedule 4 (additional requirements for driving tests) there shall be substituted the provisions set out in Schedule 3.

(8) For Schedule 6 (form of certificate and statement of driving test result) there shall be substituted the provisions set out in Schedule 4.

Revocation

3. The Motor Vehicles (Driving Licences) (Amendment) (Test Fees) Regulations (Northern Ireland) 1996(**4**) are hereby revoked.

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

15th May 1996.

Trevor Pearson
Assistant Secretary

The Department of Finance and Personnel hereby approves regulation 2(4).
Sealed with the Official Seal of the Department of Finance and Personnel on

15th May 1996.

J. G. Sullivan
Assistant Secretary

(**4**) S.R. 1996 No. 141

SCHEDULE 1 See regulation 2(4)

Provisions inserted in substitution for Part III

"Part III

Tests of Competence to Drive

Preliminary

Interpretation of Part III

13. In this Part—

"applicant" means an individual making an application for an appointment for a test or a part of a test with a view to taking the test or that part thereof himself;

"appointed person" means a person appointed by the Department to conduct theory tests under regulation 14A(1)(*a*);

"examiner" means a person appointed by the Department to conduct practical or unitary tests;

"working day" means a day other than a Saturday, Sunday or public holiday.

Appointment of persons to conduct tests

Persons by whom practical and unitary tests may be conducted

14. Practical and unitary tests may be conducted by any of the following persons—

(a) an examiner;

(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;

(c) the Chief Constable of the Royal Ulster Constabulary, in so far as concerns the testing of—

(i) members of a police force; or

(ii) persons employed, or to be employed, in the driving of motor vehicles for police purposes;

(d) a person authorised with the approval of the Department by a person specified in paragraph (*b*) or (*c*), to conduct tests on his behalf.

Persons by whom theory tests may be conducted

14A.—(1) Theory tests may be conducted by—

(a) an appointed person;

(b) the Department, in so far as concerns the testing of persons in the public service of the Crown;

(c) the Secretary of State for Defence, in so far as concerns the testing of persons in the public service of the Crown;

(d) subject to the approval of the Department, a person appointed by the Secretary of State for Defence to conduct theory tests on his behalf.

(2) An appointment made under paragraph (1)(*a*) may be made subject to such conditions as are, in the opinion of the Department, reasonably necessary in the general interests of candidates and where an appointed person fails to comply with such a condition the Department may appoint another person to carry out theory tests in substitution for that person notwithstanding that the first appointment has not been revoked.

Revocation of authority to conduct tests

14B. The Department may revoke—

(a) an appointment made under regulation 14A(1)(*a*); or

(b) an approval given under regulation 14(*d*) or 14A(1)(*d*),

by notice in writing and the authority of the person whose appointment is revoked or whose approval is withdrawn to conduct unitary, practical or theory tests, as the case may be, shall cease upon the date specified in the notice.

Applications for tests

Applications for practical and unitary tests

15.—(1) An applicant wishing to take a practical or unitary test to be conducted by an examiner shall—

(a) apply for an appointment for such a test to the Department;

(b) provide the Department with such details relating to himself, the licence which he holds, the preferred location of the test, the nature of the test and the vehicle on which the test is to be taken as the Department may reasonably require; and

(c) pay such fee as is specified in regulation 15A.

(2) Upon receipt of such details and such fee the Department shall make the arrangements necessary for the taking of the appropriate test.

(3) An applicant for whom an appointment is made as aforesaid in respect of a motor vehicle in any category may not apply for a further appointment for a practical or, as the case may be, a unitary test on a vehicle of the same class unless—

(a) the first appointment has been cancelled;

(b) the test due on the first appointment does not take place for any reason other than cancellation; or

(c) he has kept the first appointment (whether or not the test is completed).

Fees in respect of practical and unitary tests

15A.—(1) The following provisions of this regulation shall apply in the case of a person who submits himself for a practical or a unitary test or applies for an appointment for such a test.

(2) Subject to paragraph (5), the fee payable in respect of a practical or a unitary test to be taken in any vehicle, except a motor cycle, and conducted on a week day other than a Saturday by an examiner shall be—

(a) in the case of a practical or a unitary test which is due to commence before half past four in the afternoon, £27·00; and

(b) in the case of a practical or a unitary test which is due to commence at or after that time, £38·50.