STATUTORY RULES OF NORTHERN IRELAND

# 2013 No. 298

# ROAD TRAFFIC AND VEHICLES

## The Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 2013

*Made - - - - 17th December 2013*

*Coming into operation in accordance with regulation 1*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**1**) and Articles 5(3) and (4), 19C and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**2**).

The Department of the Environment is designated for the purposes of section 2(2) of the European Communities Act 1972(**3**) in relation to the licensing of drivers of motor vehicles.

### Citation, commencement and interpretation

**1.**—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 2013 and, subject to paragraph (2), shall come into operation on 1st February 2014.

(2) Regulation 2(6)(a)(i) shall come into operation on 31st December 2018.

(3) The Interpretation Act (Northern Ireland) 1954(**4**) applies to these Regulations as it applies to an Act of the Assembly.

### Amendment of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996

**2.**—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**5**) are amended in accordance with paragraphs (2) to (11).

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

(a) after the definition of "the 1995 Order" insert—

(**1**) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51)
(**2**) S.I. 1981/154 (N.I. 1); Article 5 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and paragraphs (3) and (4) were amended by Article 7(2) of S.I. 1991/197 (N.I. 3), Schedule 1 to S.R. 1996 No. 426 and Article 44 of S.I. 2007/916 (N.I. 10), Article 19C was substituted by Schedule 3 to S.I. 1996/1320 (N.I. 10) and amended by S.R. 1996 No. 426, S.R. 1997 No. 241, S.R. 2002 No. 374 and Article 34 of S.I. 2007/916 (N.I. 10)
(**3**) S.I. 1981/1536
(**4**) 1954 c.33 (N.I.)
(**5**) S.R. 1996 No. 542; relevant amending regulations are S.R. 1997 No. 383, S.R. 2003 Nos. 183 and 371, S.R. 2011 No. 21 and S.R. 2012 Nos. 170 and 451

""the 2006 Regulations" means the Weights and Measures (Packaged Goods) Regulations 2006(**6**);

"the 2011 Regulations" means the Weights and Measures (Packaged Goods) Regulations (Northern Ireland) 2011(**7**);";

(b) in the definition of category A motorcycle in sub-paragraph (b) for "3.5 kilowatts" substitute "35 kilowatts";

(c) after the definition of "category A motorcycle" insert—

""category A motor tricycle" means a motor tricycle of a power exceeding 15 kilowatts;";

(d) after the definition of "exempted goods vehicle" insert—

""fire engine" means a category C motor vehicle that is used by the Northern Ireland Fire and Rescue Service Board;";

(e) after the definition of "motor tricycle" insert—

""nominal quantity" has the same meaning as in regulation 2 of the 2006 Regulations or regulation 2 of the 2011 Regulations;";

(f) after the definition of "non-light quadricycle" insert—

""Northern Ireland Fire and Rescue Service Board" has the same meaning as in Article 3(1) of the Fire and Rescue Services (Northern Ireland) Order 2006(**8**);";

(g) after the definition of "the Order" insert—

""training load" means a load consisting of—

(a) an IBC; or

(b) training load packages that are individually marked with the same nominal quantity by weight,

"training load package" means an inert and non-toxic solid product packaged in a sealed bag so that the combination of the product and the individual bag in which it is packed is either or both of the following—

(a) a "package" to which the 2006 Regulations or the 2011 Regulations apply, and—

(i) is marked in accordance with the requirements of either regulation 5(1) of the 2006 Regulations or regulation 5(1) of the 2011 Regulations as the case may be;

(ii) is marked with its nominal quantity by weight in accordance with regulation 8 of the 2006 Regulations or regulation 8 of the 2011 Regulations as the case may be; and

(iii) that nominal quantity by weight so marked on the package is at least 10 kilograms;

(b) a "prepackage" to which Council Directive 76/211/EEC(**9**) applies, and—

(i) is marked in accordance with sections 3.1, 3.2 and 3.3 of Annex I to that Directive; and

(ii) the nominal quantity by weight so marked on the prepackage is at least 10 kilograms;"; and

(**6**) S.I. 2006/659
(**7**) S.R. 2011 No. 331
(**8**) S.I. 2006/1254 (N.I. 9)
(**9**) O.J. No. L46, 21.2.1976, p l.

(h) for the definition of "vehicle with automatic transmission" substitute—

""vehicle with manual transmission" means a motor vehicle in which a clutch pedal (or lever operated manually for categories A, A2 and A1) is present and must be operated by the driver when starting or stopping the vehicle and changing gears (and accordingly a vehicle with automatic transmission is any other class of motor vehicle).".

(3) In regulation 5 (competence to drive classes of vehicle) after paragraph (9) insert—

**2.**—"(9A) A person who—

(a) holds a full licence authorising the driving of vehicles of a class included in category B, other than vehicles in former sub-category B1 or sub-category B1 (invalid carriages); and

(b) is aged 21 or over,

may drive a category A motor tricycle.".

(4) In paragraphs (7A) and (7C)(a) of regulation 6 (minimum ages for holding or obtaining licences)(**10**) for "the fire service" substitute "the Northern Ireland Fire and Rescue Service Board".

(5) In regulation 18 (persons by whom practical and unitary tests may be conducted)—

(a) in paragraph (1)(d) for "the Chief Fire Officer of the Fire Authority for Northern Ireland" substitute "the Chief Fire and Rescue Officer of the Northern Ireland Fire and Rescue Service Board"; and

(b) in paragraph (4) after "such a test" insert "and the Department is satisfied that the person meets the minimum standards set out in Annex IV to Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences(**11**)".

(6) In regulation 26(4) (vehicles suitable for test)—

(a) in Table 1—

(i) for column (2) of category A, substitute—

"A category A motorcycle without sidecar, whose unladen mass is more than 175 kg, with a power rating of at least 50 kilowatts. If the motorcycle is powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 595 cubic centimetres. If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.25 kilowatts per kilogram.";

(ii) for column (2) of category A1 substitute—

"An A1 motorcycle without sidecar, with a power rating not exceeding 11 kilowatts, a power to weight ratio not exceeding 0.1 kilowatts per kilogram and capable of a speed of at least 90 kilometres per hour on the level. If the motorcycle is powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 115 cubic centimetres. If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.08 kilowatts per kilogram.";

(iii) for column (2) of category A2, substitute—

"An A2 motorcycle without sidecar, with a power rating of at least 20 kilowatts and a power to weight ratio not exceeding 0.2 kilowatts per kilogram. If the motorcycle is powered by an internal combustion engine, the cylinder capacity of the engine shall be at least 395 cubic centimetres. If the motorcycle is powered by an electric motor, the power to weight ratio of the vehicle shall be at least 0.15 kilowatts per kilogram.";

(**10**) Paragraphs (7A) and (7C) were inserted by regulation 3(6)(e) of S.R. 2012 No. 170
(**11**) O.J. L 403, 30.12.2006, p. 18-60