1991 No. 373

ROAD TRAFFIC AND VEHICLES

Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991

Made . . . . . 12th August 1991
Coming into operation . . 16th September 1991

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The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 132(2), 135 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**b**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**c**) as regards regulation 24, makes the following Regulations:

(**a**) *See* the definition of "Department"
(**b**) S.I. 1981/154 (N.I. 1)
(**c**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991 and shall come into operation on 16th September 1991.

Interpretation

2.—(1) In these Regulations—

"continued ability and fitness test" means the test of continued ability and fitness to give instruction in the driving of motor cars referred to in regulation 5(3) and the nature of which is prescribed in regulation 14;

"Department" means the Department of the Environment for Northern Ireland;

"driving ability and fitness test" means the practical test of ability and fitness to drive referred to in the definition of "examination" and the nature of which is prescribed in regulation 11;

"examination" means the examination of ability to give instruction in the driving of motor cars and for the purpose of these Regulations shall consist of the written examination, the driving ability and fitness test and the instructional ability and fitness test;

"examiner", in relation to part of the examination or the continued ability and fitness test, means an officer of the Department appointed to conduct that part of the examination or that test;

"instructional ability and fitness test" means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in the definition of "examination" and the nature of which is prescribed in regulation 12 of these Regulations;

"licence" means a licence to give driving instruction granted under Article 135(1) of the Order;

"the Order" means the Road Traffic (Northern Ireland) Order 1981 as amended by the Road Traffic (Amendment) (Northern Ireland) Order 1991(**a**);

"the register" means the register of approved driving instructors referred to in Article 132(1) of the Order;

"the Registrar" means the officer of the Department by whom the register is, on behalf of the Department, compiled and maintained; and

"written examination" means the written examination referred to in the definition of "examination" and the nature of which is prescribed in regulation 10 of these Regulations.

(2) In these Regulations a reference to a part of the examination is a reference to one of the 3 parts of the examination set out in the definition of "examination" in paragraph (1).

(**a**) S.I. 1991/197 (N.I. 3)

PART II

REGISTRATION

Application for registration

3. Applications for registration in the register shall be made in such form and contain such information as the Department may determine.

Register

4. The register shall contain the names and addresses of persons approved by the Department as qualified to give instruction in the driving of motor cars and shall be compiled on behalf of the Department and maintained by the Registrar.

Registration

5.—(1) The Registrar shall enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar—

(*a*) that he has passed the examination;

(*b*) that application is made within one year of passing the examination;

(*c*) that he fulfills the conditions laid down in regulation 16(*a*) and (*b*); and

(*d*) that apart from fulfilment of the foregoing conditions he is a fit and proper person to have his name entered in the register.

(2) The Registrar shall, on making a decision on an application under paragraph (1), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.

(3) The entry or renewal thereof of a person's name in the register shall be subject to the condition that so long as the name is therein that person will, if at any time so required by the Registrar, undergo a practical test of his continued ability and fitness to give instruction in the driving of motor cars as set out in regulation 14.

Period of registration

6. The period of registration shall be four years beginning with the date on which the entry of the name was made.

Renewal of registration

7.—(1) A person shall be entitled on payment of the fee specified in regulation 24 to have the entry of his name in the register renewed for a further period of four years if he satisfies the Registrar that—

(*a*) he has not refused to undergo a test such as is mentioned in regulation 14 during the previous period of registration;

(*b*) his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test which he has undergone during the said period, to be of a satisfactory standard;

(*c*) he has not during any part of the said period been disqualified for holding or obtaining a licence to drive a motor vehicle;

(*d*) apart from the fulfilment of the foregoing conditions he continues to be a fit and proper person to have the entry of his name in the register renewed; and

(*e*) he is the holder of a current licence of one of the kinds mentioned in regulation 16(*a*)(i) and (ii).

(2) Where the Registrar decides to refuse to renew an entry of a name in the register he shall give written notice of the decision to the person concerned and shall state the grounds for the refusal.

Removal of names from register

8.—(1) The Registrar may remove the name of a person from the register if the Registrar is satisfied in a case where the entry has not been renewed under regulation 7 that at any time since the entry of the name was made, or in a case where the entry of the name has been renewed that at any time since it was last renewed any of the following conditions were fulfilled in the case of that person—

(*a*) that he was disqualified under Article 194 of the Order from holding or obtaining a licence to drive a motor vehicle granted under the Order;

(*b*) that he refused to undergo a test such as is mentioned in regulation 14;

(*c*) that he failed to pass such a test;

(*d*) that he ceased to be a fit and proper person to have his name included in the register;

(*e*) that the entry of his name in the register, or the renewal of the entry was made by mistake or procured by fraud;

(*f*) that he did not hold a current licence of one of the kinds mentioned in regulation 16(*a*)(i) and (ii).

(2) Where a person whose name has been removed from the register under this regulation applies under regulation 3 for his name to be entered again in the register and either—

(*a*) the application is made after the end of the period of one year beginning with the date on which his name was removed; or

(*b*) his name was removed on the grounds that he has failed to pass such a test as is mentioned in regulation 5(3).

the Registrar shall not regard the condition specified in paragraph (*a*) of regulation 5(1) as fulfilled unless he is satisfied that that person has again passed the examination mentioned in that paragraph since the date on which his name was removed from the register.

(3) Where the Registrar decides to remove the name of a person from the register he shall give written notice of the decision to the person concerned and shall state the grounds for the removal.

(4) The name of a person shall be removed from the register at the end of a period of four years from the date on which the entry was made unless an application for renewal is made before the end of that period.