1991 No. 100

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations (Northern Ireland) 1991

Made . . . . . *20th March 1991*

Coming into operation . . *1st April 1991*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 5(3), (4), (7) and (8), 6(3) and (5), 8(*b*), 9(2), 13(1) and (3), 14(4), 15(1) and (2), 19C, 19D(1)(**b**), 72(1), 73(1) and (3), 74(4) and (7), 77, 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order

(**a**) *See* the definition of "Department" and "prescribed"
(**b**) *See* the definition of "regulations"

1981(**a**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**b**) as regards regulations 9(1), 11(3) and 15(2) makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

Interpretation

2.—(1) In these Regulations—

"existing licence", "existing heavy goods vehicle licence" and "existing public service vehicle licence" have the same meanings as in Part I of Schedule 2 to the Road Traffic (Amendment) (Northern Ireland) Order 1991(**c**);

"full" with reference to an ordinary driving licence or a large goods vehicle or passenger-carrying vehicle driver's licence or an existing heavy goods vehicle licence means such a licence other than 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 as it had for the purpose of Part V of the 1981 Order before its amendment by the Road Traffic (Amendment) (Northern Ireland) Order 1991;

"holder", in relation to a licence, means the person to whom the licence was granted;

"hgv trainee driver's licence" means an existing heavy goods vehicle licence which—

(i) is a licence to drive heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A or any combination thereof;

(ii) was applied for by a person under the age of 21 on the date of the application; and

(iii) has effect for a period during the whole or part of which the holder is under the age of 21;

(**a**) S.I. 1981/154 (N.I. 1); Articles 5, 6, 8, 9, 13, 14, 15, 19C and 19D were substituted by Sch. 1 to the Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)) and Articles 72, 73, 74 and 77 were substituted by Sch. 3 to that Order

(**b**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

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

"licence" means a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence;

"lgv trainee driver's licence" means a large goods vehicle driver's licence which—

(i) is a licence to drive large goods vehicles of category C or C plus E or both,

(ii) was applied for by a person under the age of 21 on the date of the application, and

(iii) has effect for a period during the whole of which the holder is under the age of 21;

"maximum authorised mass" has the same meaning—

(i) in relation to goods vehicles as "permissible maximum weight" in Article 19D(1) of the Order; and

(ii) in relation to any other vehicle or trailer as "maximum gross weight" in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**a**);

"minibus" means a motor vehicle used for the carriage of passengers with more than 8 seats but not more than 16 seats in addition to the driver's seat;

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

"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;

"registered" means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

"relevant endorsement" means an endorsement on an ordinary driving licence or its counterpart of particulars of a conviction in pursuance of Article 197 of the Order;

"standard" in relation to an existing heavy goods vehicle licence or a large goods vehicle driver's licence means such a licence which is not a hgv trainee driver's licence or a lgv trainee driver's licence as the case may be;

"test" means a test of competence to drive large goods vehicles or passenger-carrying vehicles, as the case may be, of any category, being a test for which provision is made under Article 5 of the Order;

"training agreement" in relation to an individual who is undergoing or is to undergo, lgv driver training, means his agreement therefor with his registered employer in pursuance of the training scheme;

"the Training Committee" means the Committee established by the employers' associations and the trade unions in the road goods transport industry with a constitution approved by the Department and known as the Northern Ireland Joint Training Committee for Young LGV Drivers in the Road Goods Transport Industry in Northern Ireland;

(**a**) S.R. 1989 No. 299

"the training scheme" means the scheme established by the Training Committee with the approval of the Department (given for the purpose of regulations under Article 17 of the Order) for training young drivers of large goods vehicles and which provides for—

(i) the registration by the Training Committee of employers who are willing and able to provide lgv driver training for persons employed by them;

(ii) the registration by the Training Committee of persons operating establishments for providing lgv driver training;

(iii) a syllabus for lgv driver training; and

(iv) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, lgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;

"vehicle with automatic transmission" means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(2) In these Regulations, any reference to a class of heavy goods vehicle or public service vehicle is a reference to a class defined in column (2) in Part I or II, as the case may be, of Schedule 1 to the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations (Northern Ireland) 1991(**a**), and in the case of a class identified by a number in relation to that number and any reference to a category of vehicle is a reference to a category specified in column (2) of Schedule 1 to these Regulations or column (2) of Schedule 4 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(**b**), and in the case of a category identified by a letter in relation to that letter.

Application

3.—(1) These Regulations apply in respect of large goods or passenger-carrying vehicle drivers' licences and tests of competence to drive large goods or passenger-carrying vehicles except those falling within categories C1 and D1.

(2) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989, except regulations 3, 4(2), 10(*a*), 11, 12, 21 and 27 and the other provisions of those Regulations in so far as they are applicable to those excepted regulations, shall not apply in respect of large goods vehicle or passenger-carrying vehicle drivers' licences or tests of competence to drive such vehicles in respect of which these Regulations apply.

(**a**) S.R. 1991 No. 99
(**b**) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1990 No. 412