1991 No. 99

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Heavy Goods and Public Service 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**), 4(2), (3) and (7) of, and paragraphs 1(**b**), 2(1), 4(1)(*a*) and (3), 5(4) and (7), 7, 8(2) and (4) and 11 of Part I of Schedule 2 to the Road Traffic (Amendment) (Northern Ireland) Order 1991(**c**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**d**) as regards regulation 4, makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

Interpretation

2.—(1) In these Regulations—

"articulated goods vehicle combination" has the same meaning as in Article 19D of the 1981 Order(**e**);

(**a**) *See* definition of "Department"
(**b**) *See* definition of "prescribed"
(**c**) S.I. 1991 No. 197 (N.I. 3)
(**d**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(**e**) S.I. 1981 No. 154 (N.I. 1): Art. 19D was inserted in Schedule 1 to the Road Traffic (Amendment) (Northern Ireland) Order 1991

"full" 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 provisional heavy goods vehicle licence or a provisional large goods vehicle driver's licence as the case may be;

"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 1981 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;

"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,

(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;

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

"large goods vehicle" has the same meaning as in Article 78 of the 1981 Order;

"large goods vehicle driver's licence" has the same meaning as in Article 70(2) of the 1981 Order;

"lgv trainee driver's licence" has the same meaning as in the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations (Northern Ireland) 1991(**a**);

"licence" means an existing licence;

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

"the 1991 Order" means the Road Traffic (Amendment) (Northern Ireland) Order 1991;

"ordinary driving licence" means a licence to drive a motor vehicle granted under Part II of the 1981 Order other than a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence;

"passenger-carrying vehicle driver's licence" has the same meaning as in Article 70(2) of the 1981 Order;

"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 1981 Order;

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

(a) S.R. 1991 No. 100

"traffic commissioner" in relation to a Great Britain licence means the traffic commissioner who granted the licence except, in relation to service personnel, where the traffic commissioner is the traffic commissioner for the South Eastern Traffic Area.

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

PART II

LICENCES

Withdrawal of ordinary driving licence or Great Britain ordinary driving licence

3. If the holder of a licence is disqualified for holding or obtaining an ordinary driving licence under the 1981 Order, or if such a licence is refused or revoked under Article 9 of the 1981 Order, or if he is disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988(**b**) for holding or obtaining a Great Britain (ordinary) driving licence, or if such a licence is refused or revoked under any provision of that law that corresponds to the said Article 9, he shall surrender his first mentioned licence to the Department.

Duplicate licences

4.—(1) If a licence has been lost, the holder shall forthwith notify the Department and the Department, if satisfied that the licence has been lost and on payment of the fee specified in paragraph (5), shall issue a duplicate licence.

(2) If a licence referred to in paragraph (1) is subsequently recovered by the holder he shall forthwith return it to the Department.

(3) If a licence becomes defaced, the holder shall forthwith return it to the Department and on such return the Department shall, on payment of the fee specified in paragraph (5), issue a duplicate licence.

(4) A duplicate licence issued in accordance with paragraph (1) or (3) shall have the same effect as the licence which it replaced.

(5) The fee for the issue of a duplicate licence shall be £6·00.

(6) A duplicate licence shall not be valid until signed by the person to whom it is issued.

(**a**) S.R. 1989 No. 238; relevant amending regulations are S.R. 1990 No. 412
(**b**) 1988 c. 54

Custody and production

5.—(1) Save as provided in paragraph (2), on being required to do so by an examiner, or by any constable, the holder of a licence shall forthwith produce his licence for examination.

(2) If any person is unable to produce his licence when required to do so in accordance with paragraph (1) it shall be a sufficient compliance with that paragraph if—

(*a*) in a case where the licence was required by a constable to be produced, within 7 days after the production of the licence was so required, it is produced in person by the holder for examination at such police station as may have been specified by him at the time its production was required; or

(*b*) in a case where the licence was required by an examiner to be produced, within 10 days after the production of the licence was so required, it is made available for examination at such office as specified at the time its production was required.

(3) Where a licence has been suspended or revoked, then if the holder of the licence fails to deliver it for endorsement, cancellation or transmission as required by regulation 7, a constable may require him to produce it, and upon its being produced may seize it and deliver it for endorsement, cancellation or transmission in accordance with that regulation.

(4) In this regulation—

"examiner" means an inspector of vehicles or driving examiner in the Department; and

"licence" includes an existing Great Britain licence.

Revocation of licences

6.—(1) For the purposes of paragraph 4(1)(*a*)(i) of Part I of Schedule 2 to the 1991 Order (obligatory revocation of licence), the following physical disabilities are prescribed—

(*a*) an epileptic attack since attaining the age of 5 years;

(*b*) abnormal sight in one or both eyes where—

(i) in the case of a person who held a licence on 1st January 1983 and who holds such a licence on 1st April 1991, the visual acuity is worse than 6/12 with the better eye and worse than 6/36 with the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60, or

(ii) in any other case, the visual acuity is worse than 6/9 in the better eye and worse than 6/12 in the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60;

(*c*) sight in only one eye unless—

(i) in the case of a person who held a licence on 1st January 1983 and who holds such a licence on 1st April 1991 the Department knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/12, or