1990 No. 412

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1990

Made . . . . . *28th November 1990*

Coming into operation . . *1st January 1991*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 5(2), 8(4), 11, 18(i) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**b**) and of all other powers enabling it in that behalf, 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) 1990 and shall come into operation on 1st January 1991.

Regulations amended

2. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(**c**) are amended as follows:

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

(*a*) add, at the appropriate place—

(i) " ''category'' in relation to a class or description of motor vehicles means a category of motor vehicles of the classes or descriptions specified in the second column of Schedule 4, and a category identified by a letter means the category corresponding to the letter in the first column of that Schedule;'', and

(ii) " ''maximum authorised mass'' has the same meaning—

(*a*) in relation to goods vehicles as ''permissible maximum weight'' in Article 19 of the Order, and

(*b*) 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;''(**d**);

(*b*) delete the definition of ''group'';

(**a**) *See* the definition of ''Department'' and ''prescribed''
(**b**) S.I. 1981/154 (N.I. 1)
(**c**) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1990 No. 311
(**d**) S.R. 1989 No. 299

(*c*) for the definition of ''kerbside weight'' substitute—

'' ''kerbside weight'' means the weight of a vehicle when it carries—

(*a*) no person; and

(*b*) a full supply of fuel in its tank, an adequate supply of other liquids incidental to its propulsion and no load other than the loose tools and equipment with which it is normally equipped;'';

(*d*) in the definition of ''moped'' for ''group K'' substitute ''category K''.

(2) In regulation 8 (conditions attached to provisional licences)—

(*a*) in the proviso to paragraph (1) enclose in brackets the words ''as the case may be'';

(*b*) for paragraph (5)(*b*) substitute—

''(*b*) he is entitled by virtue of Article 3(1) of the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990(**a**),''; and

(*c*) in paragraph (6) in sub-paragraph (ii) of the definition of ''qualified driver'' for ''group'' substitute ''category''.

(3) In regulation 9 (restricted provisional licences) for ''group K'' substitute ''category K''.

(4) In regulation 10(*b*) (driving licences not carrying provisional entitlement) for ''group K'' substitute ''category K''.

(5) In regulation 16(4) (appointments for tests and notice of cancellation) delete the word ''paragraph'' where it appears in the first line.

(6) In regulation 18 (nature of tests)—

(*a*) for ''group'' in each place where it occurs substitute ''category'';

(*b*) in the proviso to paragraph (1) for the words ''construction or design'' in each place where they occur substitute the words ''class or description''; and

(*c*) add the following proviso to paragraph (2)—

''Provided that where the test was passed on a vehicle with automatic transmission of a class or description included in category B, C1 or D1 he shall, as regards those categories when listed as additional categories as above, be deemed for those purposes competent to drive only vehicles of a class or description included in any of those categories with automatic transmission and where the test was passed on an invalid carriage he shall be deemed for those purposes competent to drive only invalid carriages included in any additional category.''.

(7) In regulation 19(1)(*b*) (production of a vehicle for test etc.) for ''group'' substitute ''category''.

(8) In regulation 21 (diseases and physical disabilities), in the proviso to paragraph (1) for ''group K'' substitute ''category K''.

(a) S.R. 1990 No. 190

(9) Regulation 25 (effect of changes in classification of vehicles by reason of the changed definition of "moped") shall be deleted.

(10) After regulation 26 insert the following new regulations—

"*Effect of change in classification from groups to categories*

26A.—(1) In licences issued before 1st January 1991 any reference (including a reference construed in accordance with regulation 26) to motor vehicles of a group specified in column (1) of the table in this regulation shall be construed as a reference to motor vehicles of the category specified opposite thereto in column (2) of that table and licences to drive vehicles of a class or description included in such a group shall authorise the holder to drive motor vehicles of a class or description included in that category in addition to motor vehicles of a class or description included in that group.

(2) A person who before 1st January 1991 has passed or is regarded as having passed a test to drive motor vehicles of a class or description included in a group specified in column (1) of the table shall also be regarded as having passed a test to drive motor vehicles of a class or description included in the category specified opposite thereto in column (2) of that table.

(3) In this regulation "group" has the same meaning as it had in these Regulations before they were amended by the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1990(**a**).

TABLE

Column (1) *Group*	Column (2) *Category*
A	B
B	B, limited to vehicles with automatic transmission
C	B1
D	A
E	P
F	F
G	G
H	H
J	B1, limited to invalid carriages
K	K
L	L
M	Trolley vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat
N	N

(**a**) S.R. 1990 No. 412

Effect of change in classification on entitlement to drive large buses

26B.—(1) A person who holds a licence on or after 1st January 1991 to drive vehicles in categories B and D1 and who held on 31st December 1990 a licence entitling him to drive vehicles of a class or description included in group A or B or was entitled on that date to drive such vehicles by virtue of Article 70 of the Order may also drive motor vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat, other than for hire and reward or for hire and reward only in the circumstances set out in section 10A of the Transport Act (Northern Ireland) 1967(**a**).

(2) A person may drive, other than for hire and reward, and subject to the same conditions as if he were authorised by a provisional licence only, a motor vehicle used for the carriage of passengers, with more than 16 seats in addition to the driver's seat if he holds a licence on or after 1st January 1991 to drive vehicles in categories B and D1 but did not hold a licence to drive vehicles of a class or description included in group A or B on 31st December 1990, or was not entitled to drive such vehicles by virtue of Article 70 of the Order provided he has made an application for the grant of a licence under Article 70 of the Order to drive a public service vehicle and that application has not been refused.

(3) The provisions of Article 5(3) of the Order shall not apply so far as to confer on a person who holds a full licence to drive motor vehicles of certain classes or descriptions only, entitlement to drive a motor vehicle used for the carriage of passengers, with more than 16 seats in addition to the driver's seat.

(4) A person may not drive a vehicle by virtue of this regulation if he could not, by reason of the provisions of Article 4 of the Order, lawfully hold a licence to drive such a vehicle.

(5) In this regulation "group" has the same meaning as it had in these Regulations before they were amended by the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1990.

Effect of change in classification on entitlement to drive heavy goods vehicles to which Articles 71 to 79 of the Road Traffic (Northern Ireland) Order 1981 do not apply

26C. The holder of a licence to drive vehicles in categories B and C1 may also drive a heavy goods vehicle of any of the classes listed in regulation 25 of the Heavy Goods Vehicles (Drivers Licences) Regulations (Northern Ireland) 1981."(**b**).

(**a**) 1967 c. 37 (N.I.); section 10A was inserted by S.I. 1990/994 (N.I. 7)
(**b**) S.R. 1981 No. 240; relevant amending Regulations are S.R. 1982 No. 430 and S.R. 1986 No. 368