1990 No. 190

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (International Circulation) Order (Northern Ireland) 1990

Made . . . . . 23rd May 1990

Coming into operation in accordance with Article 1(2) and (3)

To be laid before Parliament under paragraph 3(3) of Schedule 1 to the Northern Ireland Act 1974

In exercise of the powers conferred by section 2 of the Motor Vehicles (International Circulation) Act 1952(**a**) and now vested in me(**b**) I hereby make the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990.

(2) This Order, except Article 7, shall come into operation on 6th July 1990.

(3) Article 7 shall come into operation on the date on which the Convention on Road Traffic concluded at Vienna in 1968(**c**) is first in force in respect of the United Kingdom, which date shall be notified in the Belfast Gazette.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

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

"the Department" means the Department of the Environment for Northern Ireland(**f**).

(3) References in this Order to a class of vehicles shall be construed as references to a class defined or described by reference to any characteristics of the vehicle or to any other circumstances whatsoever.

(a) 1952 c. 39; section 1 has effect with section 8 of the Road Traffic (Amendment) Act 1967 (c. 70)
(b) 1973 c. 36; section 40 and paragraph 4 of Schedule 5
(c) Cmnd. 4032
(d) 1954 c. 33 (N.I.)
(e) S.I. 1981/154 (N.I. 1)
(f) *See* S.R. & O. (N.I.) 1973 No. 504 Art. 5(*b*)

Visitors' driving permits

3.—(1) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Northern Ireland and holds—

(*a*) a Convention driving permit, or

(*b*) a domestic driving permit issued in a country outside the United Kingdom, or

(*c*) a British Forces (BFG) driving licence,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, or, except in the case of a holder of a British Forces (BFG) driving licence, for any person to cause or permit such a person to drive, in Northern Ireland a motor vehicle of any class which he is authorised by that permit or that licence to drive, notwithstanding that he is not the holder of a driving licence under Part II of the 1981 Order.

(2) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Northern Ireland and holds—

(*a*) a Convention driving permit; or

(*b*) a domestic driving permit issued in a country outside the United Kingdom,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Northern Ireland—

(i) in the case of any such person who is resident in a Member State of the European Economic Community, any public service vehicle or heavy goods vehicle; and

(ii) in the case of any other such person, a public service vehicle or heavy goods vehicle, brought temporarily into Northern Ireland,

which he is authorised by that permit to drive, notwithstanding that he is not the holder of such a licence as is required by Part V of the 1981 Order.

(3) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Northern Ireland and holds a British Forces (BFG) public service vehicle driving licence during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Northern Ireland—

(*a*) in the case of any such person who is resident in a Member State of the European Economic Community, any public service vehicle; and

(*b*) in the case of any other such person, a public service vehicle brought temporarily into Northern Ireland,

which he is authorised by that licence to drive, notwithstanding that he is not the holder of such a licence as is required by Part V of the 1981 Order.

(4) Nothing in the preceding provisions of this Article shall authorise any person to drive, or any person to cause or permit any person to drive, a vehicle of any class at a time when he is disqualified by virtue of Article 4 of the 1981 Order (persons under age) for holding or obtaining a driving licence

authorising him to drive vehicles of that class, but in the case of any person mentioned in paragraph (1), (2) or (3), who is driving a vehicle which—

(*a*) in the case of a person not resident in a Member State of the European Economic Community, is brought temporarily into Northern Ireland;

(*b*) is within the class specified in the first column at item 6 of the Table in paragraph (1) of that Article; and

(*c*) is either a vehicle registered in a Convention country or a goods vehicle in respect of which that person holds a certificate of competence which satisfies the international requirements,

the second column at item 6 of that Table, in its application for the purposes of this paragraph, shall have effect as if for "21" there were substituted "18".

In this paragraph—

"Convention country" means a country which is not a Member State of the European Economic Community nor a party to the European Agreement mentioned in the definition of "international requirements" below but is a party to the Convention on Road Traffic concluded at Geneva in the year 1949(**a**), or the International Convention relative to Motor Traffic concluded at Paris in the year 1926(**b**);

"the international requirements" means—

(i) in relation to a person who is driving a goods vehicle on a journey to which Council Regulation (EEC) No. 3820/85 of 20th December 1985, on the harmonisation of certain social legislation relating to road transport(**c**) applies, the requirements of Article 5(1)(*b*) (minimum ages for goods vehicle drivers) of that Regulation; and

(ii) in relation to a person who is driving a goods vehicle on a journey to which the European Agreement concerning the work of crews engaged in International Road Transport (AETR) signed at Geneva on 25th March 1971(**d**) applies, the requirements of Article 5(1)(*b*) (conditions to be fulfilled by drivers) of that Agreement.

(5) This Article shall not authorise a person to drive a motor vehicle of any class if, in consequence of a conviction or of the order of a court, he is disqualified for holding or obtaining a driving licence under Part II of the 1981 Order to drive a vehicle of that class.

(6) The Department may by order withdraw the right conferred by paragraph (1)(*b*), (1)(*c*), (2)(*b*) or (3), or any two or more of those rights, either in the case of all domestic driving permits, British Forces (BFG) driving licences or British Forces (BFG) public service vehicle driving licences or in the case of such permits or licences of a description specified in the order or held by persons of a description so specified.

(a) Cmd. 7997
(b) Cmd. 3510
(c) O.J. No. L370, 31.12.85, p. 1
(d) Cmnd. 4858

(7) In this Article—

"Convention driving permit" means a driving permit in the form A in Schedule 1 issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on Road Traffic concluded at Geneva in the year 1949, or a driving permit in the form B in the said Schedule issued under the authority of a country outside the United Kingdom which is a party to the International Convention relative to Motor Traffic concluded at Paris in the year 1926 but not to the Convention of 1949;

"domestic driving permit", in relation to a country outside the United Kingdom means a document issued under the law of that country and authorising the holder to drive motor vehicles, or a specified class of motor vehicles, in that country and includes a driving permit issued by the armed forces of any country outside the United Kingdom for use in some other country outside the United Kingdom;

"British Forces (BFG) driving licence" means a driving licence issued in Germany to members of the British Forces or of the civilian component thereof or to the dependants of such members by the British authorities in that country in such a form and in accordance with such licensing system as may from time to time be approved by those authorities; and "British Forces (BFG) public service vehicle driving licence" means any such driving licence authorising the driving of public service vehicles of any class; and

"dependants", in relation to such a member of the British Forces or the civilian component thereof, means any of the following persons, namely—

(*a*) the wife or husband of that member; and

(*b*) any other person wholly or mainly maintained by him or in his custody, charge or care;

"heavy goods vehicle" has the same meaning as in Article 79 of the 1981 Order; and

"public service vehicle" has the same meaning as in Article 2(2) of the 1981 Order.

(8) The provisions of this Article which authorise the holder of a permit or a licence to drive a vehicle during a specified period shall not be construed as authorising the driving of a vehicle at a time when the permit or the licence has ceased to be valid.

4.—(1) It shall be lawful—

(*a*) for a member of a visiting force of a country to which Part I of the Visiting Forces Act 1952(**a**) for the time being applies, who holds a driving permit issued under the law of any part of the sending country or issued by the service authorities of the visiting force,

(*b*) for a member of a civilian component of such a visiting force who holds such a permit, or

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(a) 1952 c. 67

(*c*) for a dependant of any such member of a visiting force or of a civilian component thereof who holds such a permit,

to drive, or for any person to cause or permit any such person to drive, in Northern Ireland a motor vehicle of any class which he is authorised by that permit to drive, notwithstanding that he is not the holder of a driving licence under Part II of the 1981 Order.

(2) This Article shall not authorise a person to drive a motor vehicle of any class if, in consequence of a conviction or of the order of a court, he is disqualified for holding or obtaining a driving licence under Part II of the 1981 Order.

(3) Nothing in this Article shall authorise any person to drive, or any person to cause or permit any other person to drive, a vehicle of any class at a time when he is disqualified by virtue of Article 4 (persons under age) of the 1981 Order for holding or obtaining a driving licence authorising him to drive vehicles of that class.

(4) The interpretative provisions of the Visiting Forces Act 1952 shall apply for the interpretation of this Article and "dependant", in relation to a member of any such visiting force or a civilian component thereof, means any of the following persons, namely—

(*a*) the wife or husband of that member; and

(*b*) any other person wholly or mainly maintained by him or in his custody, charge or care.

5. Schedule 2 shall have effect as respects the driving permits referred to in Articles 3 and 4.

Lighting of vehicles brought temporarily into Northern Ireland

6. Regulations under Articles 38 to 49 of the 1981 Order may either wholly or partially, and subject to any conditions, vary or grant exemptions from, the requirements of those Articles in the case of motor vehicles or trailers brought temporarily into Northern Ireland by persons resident outside the United Kingdom or in the case of any class of such vehicles.

Vienna Convention on Road Traffic 1968

7.—(1) As from the coming into operation of this Article, Article 3 shall have effect subject to the following amendments.

(2) In paragraph (4), in the definition of "Convention country" after the words "but is a party to" there shall be inserted the words "the Convention on Road Traffic concluded at Vienna in the year 1968(**a**),".

(3) In paragraph (7), for the definition of "Convention driving permit" there shall be substituted the following definition—

" "Convention driving permit" means either—

(i) a driving permit in the form A in Schedule 1 issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on

(**a**) Cmnd. 4032