1989 No. 238

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989

Made	*23rd June 1989*
Coming into operation . .	*7th August 1989*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 4(2), 5(2) and (4), 6(1) and (2), 8, 11, 12(1) and (5), 13(3), 18, 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 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 regulation 6, makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989 and shall come into operation on 7th August 1989.

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

Interpretation

2.—(1) In these Regulations—

"controlled by a pedestrian", in relation to a vehicle, means that the vehicle either—

(*a*) is constructed or adapted for use under such control, or

(*b*) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it;

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

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

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

(*a*) in the case of a motor vehicle—

(i) a person; and

(ii) 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; or

(*b*) in the case of a trailer, no person and is otherwise unladen;

"licence" means a driving licence or provisional licence granted under Part II of the Order;

"maximum design speed", in relation to a motor cycle, means the maximum speed which the motor cycle is designed to achieve under its own power on a level road;

"moped" means—

(*a*) a motor cycle (not being a motor vehicle of group K) which has a maximum design speed which does not exceed 30 miles per hour, a kerbside weight which does not exceed 250 kilograms, and, if propelled by an internal combustion engine, an engine the cylinder capacity of which does not exceed 50 cc, or

(*b*) in the case only of motor cycles which were first used before 1st September 1978, a motor cycle which has an engine with a cylinder capacity not exceeding 50 cc and is equipped with pedals by means of which the cycle is capable of being propelled;

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

"test" means a test of competence to drive conducted under Article 11 of the Order;

"vehicle propelled by electrical power" means a vehicle the motive power of which is derived solely from any electrical storage battery carried on the vehicle and not connected to any source of power when the vehicle is in motion; and

"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 determining for the purposes of these Regulations when a motor cycle is first used, the date of such first use shall be taken to be such date as is the earliest of the undermentioned relevant dates applicable to that motor cycle—

(*a*) in the case of a motor cycle registered under the Vehicles (Excise) Act (Northern Ireland) 1954(**a**), the Vehicles (Excise) Act (Northern Ireland) 1972(**b**), the Roads Act 1920(**c**), the Vehicles (Excise) Act 1949(**d**), the Vehicles (Excise) Act 1962(**e**) or the Vehicles (Excise) Act 1971(**f**), the relevant date is the date on which it was first so registered; and

(*b*) in each of the following cases—

(i) in the case of a motor cycle which is being or has been used under a trade licence as defined in section 16 of the Vehicles (Excise) Act (Northern Ireland) 1972 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);

(ii) in the case of a motor cycle which belongs or has belonged to the Crown and which is or was used or appropriated for use for naval, military or air force purposes;

(iii) in the case of a motor cycle which belongs or has belonged to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(**g**) applies;

(iv) in the case of a motor cycle which has been used on roads outside the United Kingdom and has been imported into Northern Ireland; and

(v) in the case of a motor cycle which has been used otherwise than on roads after being sold or supplied by retail and before being registered,

the relevant date is the date of manufacture of the motor cycle.

In this paragraph, "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of re-sale or re-supply for a valuable consideration.

(**a**) 1954 c. 17 (N.I.)
(**b**) 1972 c. 10 (N.I.)
(**c**) 1920 c. 72
(**d**) 1949 c. 89
(**e**) 1962 c. 13
(**f**) 1971 c. 10
(**g**) S.I. 1965/1536

(3) For the purposes of the definition of "moped" in paragraph (1) a motor cycle shall be regarded as having a maximum design speed which does not exceed 30 miles per hour if it cannot exceed that speed by more than 5 miles per hour when tested under the following conditions—

(*a*) the surface on which it is tested shall be dry asphalt or concrete;

(*b*) the rider shall be a person not exceeding 75 kilograms in weight;

(*c*) a passenger or load shall not be carried;

(*d*) the test route shall be so located that acceleration to, and deceleration from, maximum speed can take place elsewhere than on the test route itself;

(*e*) the test route shall not have a gradient exceeding 5%;

(*f*) the motor cycle shall be ridden in opposite directions along the test route and the speed recorded for the purpose of the test shall (in order to minimise the effect of wind resistance and gradient) be the average of speeds shown for each direction;

(*g*) when being driven along the test route, the motor cycle shall be driven in such manner and in such gear as to achieve the maximum speed of which it is capable; and

(*h*) if the motor cycle is fitted with a device which can, without the use of specialist tools or equipment, be readily modified or removed so as to increase its maximum speed, the test shall be carried out with the device in the modified condition or, as the case may be, without the device.

PART II

LICENCES

Minimum ages for holding or obtaining licences

3.—(1) Article 4(1) of the Order shall have effect as if in the Table therein—

(*a*) in item 2, the age of 17 were substituted for the age of 16 in relation to all motor cycles other than—

(i) mopeds,

(ii) motor cycles which are mowing machines, or

(iii) motor cycles which are vehicles controlled by a pedestrian;

(*b*) in item 3, the age of 16 were substituted for the age of 17 in the case of a person to whom an award of a mobility allowance has been made in pursuance of section 37A of the Social Security (Northern Ireland) Act 1975(**a**) provided that, where the award was made before he attained the age of 16, it is in force when he attains that age;

(*c*) in item 4, in relation to an agricultural tractor which—

(i) is so constructed that the whole of its weight is transmitted to the road surface by means of wheels,

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(**a**) 1975 c. 15 as amended by S.I. 1975/1503 (N.I. 15)