1984 No. 400

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1984

Made . . . . . *19th November 1984*

Coming into operation . . . *7th January 1985*

The Department of the Environment in exercise of the powers conferred on it by Articles 8(1), (2) and (3), 12(1) and (5), 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 2(2) and (7), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1984 and shall come into operation on 7th January 1985.

Regulations amended

2. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981(**c**) shall be amended as follows:

(1) For regulation 5 there shall be substituted—

"*Grant of licences*

5.—(1) An application for the grant of a licence may be declined if received more than two months before the licence is required to take effect.

(2) Subject to paragraph (3) any application for a licence shall be accompanied by one clear unmounted black and white facial photograph of the applicant of recent date, approximately 40 millimetres × 35 millimetres in size and endorsed on the back with the applicant's name and address.

(3) A licence may be granted to a member of the naval, military or air forces of Her Majesty without requiring him to furnish a photograph but such licence shall permit him to drive or ride a motor vehicle only when he is on duty and the motor vehicle is the property of the Crown.

(4) A special provisional licence shall be in the form specified in Schedule 7.

Grant of licences to drive vehicles in additional groups

5A. If a licence holder wishes to obtain a licence to drive vehicles of a class or description in addition to the class or description of vehicles specified in the licence he shall on payment of the fee prescribed in regulation 6 and subject to Article 12(1)(*b*) and (*d*)(i) of the Order be entitled to have issued to him a new licence for that purpose.".

(2) For regulation 6 there shall be substituted—

(**a**) S.I. 1981/154 (N.I. 1)
(**b**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(**c**) S.R. 1981 No. 239 to which there are amendments not relevant to these Regulations

"*Fees for licences*

6.—(1) Subject to paragraph (2) and regulation 12A(3) the fee for the first licence granted to applicants on or after 7th January 1985 shall be £4·00.

(2) Where the first licence granted to applicants on or after 7th January 1985 is a licence issued under regulation 5A or 12(1) or Article 197(7) of the Order, the fee shall be £2·00.

(3) Subject to paragraph (4) the fee for any further licence shall be the amount specified in Schedule 8.

(4) Where an applicant has been granted a provisional licence on or after 7th January 1985, a fee shall not be payable for a licence granted to him under Article 12(1)(*d*)(i) of the Order.".

(3) For regulation 7 there shall be substituted—

"*Duration of licences*

7.—(1) A provisional licence shall, unless revoked or surrendered, continue in force—

(*a*) for a period of 10 years; or

(*b*) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer; or

(*c*) in the case of an applicant appearing to be suffering from such a disease or physical disability as is prescribed by regulation 20, for a period of 1 year; or

(*d*) in the case of a licence issued under regulation 5A, for the unexpired period of the current licence; or

(*e*) in the case of a licence issued under Article 197(7) of the Order, for the unexpired period of the surrendered licence.

(2) Except as provided by Article 12(4)(*b*) or (*c*) of the Order, a driving licence shall remain in force—

(*a*) in the case of a person who, having been granted a provisional licence on or after 7th January 1985, is granted a licence under Article 12(1)(*d*)(i), for the unexpired period of the provisional licence;

(*b*) in the case of a licence issued under regulation 5A, for the unexpired period of the current licence;

(*c*) in the case of a licence issued under Article 197(7) of the Order, for the unexpired period of the surrendered licence;

(*d*) in all other cases for a period of 10 years.".

(4) Regulation 11 (change of address) shall be revoked.

(5) After regulation 12 there shall be inserted—

"*Defects in licences*

12A.—(1) Where it appears to the Department—

(*a*) that a licence is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it; or

(*b*) that the particulars specified in a licence do not comply with a statutory requirement,

the Department may serve notice in writing on the licence holder revoking the licence and requiring him to surrender it forthwith to the Department.

(2) Where the licence holder's name or address in the licence ceases to be correct, he shall forthwith surrender it to the Department and furnish to the Department particulars of the alterations falling to be made in the name or address.

(3) On the surrender of a licence in pursuance of paragraph (1) or (2), the Department—

(*a*) shall, except where the licence was granted in error or is surrendered in pursuance of paragraph (1) in consequence of an error or omission appearing to the Department to be attributable to the licence holder or in consequence of a current disqualification; and

(*b*) may in such an excepted case which does not involve a current disqualification,

issue to him free of charge a new licence for such a period that it expires on the date on which the surrendered licence would have expired had it not been surrendered, except that, where the period for which the surrendered licence was granted, was based on an error with respect to the licence holder's date of birth such that, if that error had not been made, that licence would have been expressed to expire on a different date, the period of the new licence shall be such that it expires on that different date.".

(6) After regulation 26 there shall be added—

"*Isle of Man and Channel Islands driving licence holders*

27.—(1) The holder of an effective driving licence granted in the Isle of Man or the Channel Islands who becomes resident in Northern Ireland shall be deemed to have passed the test enabling him to drive a vehicle of the class or description for which he holds that licence and, on surrender of it, may be granted a driving licence to drive a vehicle of that class or description.

(2) The fee for such licence shall be as prescribed in regulation 6.

Gibraltar, Australia, Kenya, New Zealand, Norway, Singapore, Spain, Sweden, Switzerland, and the territory of Hong Kong, driving licence holders

28.—(1) The holder of an effective driving licence granted in Gibraltar, Australia, Kenya, New Zealand, Norway, Singapore, Spain, Sweden, Switzerland or the territory of Hong Kong who becomes resident in Northern Ireland shall be deemed to have passed the test enabling him to drive a vehicle of the class or description for which he holds that licence and, on surrender of it, may be granted a driving licence to drive a vehicle of that class or description.

(2) An application for the grant of such licence must be made within the first year of residence.

(3) The fee for such a licence shall be as prescribed in regulation 6(1).".

(7) After Schedule 7 there shall be added—

"SCHEDULE 8 (See regulation 6(3))

FEES FOR FURTHER LICENCES

	Description of Licence	*Fee*
1.	A 10-year driving licence	£4·00
2.	A driving licence to remain in force for a period specified under Article 12(4)(*b*) of the Order	£4·00
3.	A driving licence to remain in force for a period determined under Article 12(4)(*c*) of the Order	£1·00