1982 No. 401

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

The Community Driving Licence Regulations (Northern Ireland) 1982

Made . . . . . *30th November 1982*

Coming into operation . . . *1st January 1983*

The Department of the Environment, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and in exercise of the powers conferred on it by Article 18(*b*) of the Road Traffic (Northern Ireland) Order 1981(**c**), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Community Driving Licence Regulations (Northern Ireland) 1982 and shall come into operation on 1st January 1983.

Interpretation

2.—(1) In these Regulations "the Order" means the Road Traffic (Northern Ireland) Order 1981.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Definition of "Community licence"

3. In Article 2(2) of the Order (Interpretation) after the definition of "certificate of insurance" there shall be inserted—

"""Community licence" means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

(*a*) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than a member State, or

(*b*) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968;".

Grant of driving licences to holders of Community licences

4. In Article 12 of the Order (driving licences)—

(*a*) In paragraph (1)(*b*) after the word "adequate" there shall be inserted "and, where the application is made by virtue of sub-paragraph (*d*)(iv), surrenders to the Department his Community licence";

(a) S.I. 1981/1536
(b) 1972 c. 68
(c) S.I. 1981/154 (N.I. 1)
(d) 1954 c. 33 (N.I.)

(*b*) at the end of paragraph (1)(*d*)(iii) after "relates" there shall be added "or";

(*c*) after paragraph (1)(*d*)(iii) there shall be added—

"(iv) at the time of application for the licence—

(A) he holds a Community licence authorising the driving of vehicles of a category corresponding to that class or description to which his application relates, and

(B) he is normally resident in the United Kingdom but has not been so resident for more than one year.";

(*d*) in paragraph (2) for the words "head (i), (ii) or (iii)" there shall be substituted "head (i), (ii), (iii) or (iv)"; and

(*e*) after paragraph (5) there shall be added—

"(6) For the purposes of this Article a Community licence issued in respect of a member State shall not be treated as authorising a person to drive a vehicle of any category if—

(*a*) the licence is not for the time being valid for that category, or

(*b*) it was issued in respect of that category to enable him to undergo a test corresponding to the test.

(7) Where a Community licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any of the classes or descriptions included in a group specified in the second column of Schedule 3 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981(a)—

(*a*) that category shall be treated for the purposes of paragraph (1)(*d*)(iv) as corresponding to all classes or descriptions included in the group; and

(*b*) where, by virtue of regulation 17(2) of said regulations a person who has passed a test to drive vehicles of a class or description included in any particular group shall be deemed competent to drive also vehicles of a class or description included in any other group which is referred to in the fourth column of Schedule 3 to said regulations as being an additional group in relation to that particular group, that category shall be treated for the purposes of paragraph (1)(*d*)(iv) as corresponding to all categories included in that other group.".

Temporary validity for Community licences

5. In relation to a person who becomes normally resident in the United Kingdom and who holds a Community licence regulation 26(1) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981 (holders of foreign permits who become resident in Northern Ireland may be treated temporarily as holding driving licences) shall have effect as if the references to Northern Ireland were references to Northern Ireland, Great Britain or Gibraltar.

Heavy goods vehicle drivers' licences

6. At the end of Article 72(2) of the Order (grounds for granting heavy goods vehicle drivers' licences) there shall be added—

"or

(*c*) holds a driving licence under Article 12(1) or under the corresponding provision of any enactment repealed by this Order and that—

(i) either he holds a Community licence authorising the driving of vehicles of a category corresponding to that class or to such class as may be prescribed or, at the time of the application for the driving

(a) S.R. 1981 No. 239

licence or of an application for a previous such licence, he surrendered such a Community licence, and

(ii) he fulfils the requirements of paragraph (2A).

(2A) Those requirements are that at the time of his application for the heavy goods vehicle driver's licence he has not been normally resident in the United Kingdom for more than 18 months, that he surrenders to the Department any Community licence which he holds and that either—

(*a*) he has passed in the member State in respect of which his Community licence was issued a test in respect of vehicles of a category corresponding to the class in question, being a test which, in the opinion of the Department, is at least equivalent to the prescribed test of competence to drive vehicles of that class, or

(*b*) at the time at which he became normally resident in the United Kingdom, he had been in the habit of driving vehicles of a category corresponding to the class in question—

(i) for a period of six months falling within the period of 18 months ending at that time, or

(ii) for a period of one year falling within the period of three years ending at that time, or

(iii) for periods which, taken together, satisfy (i) or (ii).

(2B) Article 12(6) shall apply for the purposes of this Article.

(2C) For the purposes of this Article where a Community licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any class of vehicles specified by regulations under Article 76 as a class in respect of which a heavy goods vehicle driver's licence may be issued—

(*a*) that category shall be treated as corresponding to that class, and

(*b*) where, by virtue of those regulations, a person who passes a test of competence to drive vehicles of that class is treated as having also passed a test of competence to drive vehicles of another class, that category shall be treated as corresponding to that other class.''.

Public service vehicle drivers' licences

7.—(1) In any case where a person applies for a licence to drive a public service vehicle of any type and—

(*a*) he holds a driving licence under Article 12(1) of the Order or under the corresponding provision of any enactment repealed by the Order;

(*b*) either he holds a Community licence authorising the driving of vehicles of a category corresponding to that type of public service vehicles or, at the time of the application for the driving licence or of an application for a previous such licence, he surrendered such a Community licence; and

(*c*) he fulfils the requirements of paragraph (2),

the applicant shall not be required under regulation 27 of the Public Service Vehicles Regulations (Northern Ireland) 1965(a) to satisfy a practical examination of his ability to drive public service vehicles of the type in question and his application shall not be refused on the ground that he has not passed such an examination.

(2) The requirements referred to in paragraph (1)(*c*) are that at the time of the application for the licence to drive public service vehicles the applicant has not been normally resident in the United Kingdom for more than 18 months, that he surrenders to the Department any Community licence which he holds and that either—

(a) S.R. & O. (N.I.) 1965 No. 161 as amended by S.R. & O. (N.I.) 1969 No. 310 and other amending instruments not relevant for the purpose