1981 No. 240

ROAD TRAFFIC AND VEHICLES

Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981

Made . . . . . *15th July 1981*

Coming into operation . . . *17th August 1981*

ARRANGEMENT OF REGULATIONS

PART I — PRELIMINARY

	Regulation
Citation, commencement and revocation	... 1
Interpretation	... 2

PART II — LICENCES

Applications for licences	... 3
Qualifications of applicants	... 4
Grant of licences subject to a limitation	... 5
Conditions of grant of licences	... 6
Form of licences	... 7
Signature of licences	... 8
Fees for licences	... 9
Provisional standard licences	... 10
Hgv trainee drivers' licences	... 11
Suspension or revocation	... 12
Withdrawal of ordinary driving licences or of Great Britain (ordinary) driving licence	... 13
Lost, defaced and exchanged licences	... 14
Production of licences	... 15

PART III — TESTS OF COMPETENCE

Applications for tests	... 16
Qualifications of applicants for tests	... 17
Persons who may conduct tests	... 18
Nature of tests	... 19
Additional classes of vehicles covered by tests	... 20
Evidence of results of tests	... 21
Production of vehicle for test, etc.	... 22
Fees for tests	... 23
Refund of fees	... 24

PART IV — SUPPLEMENTARY *Regulation*

Exemptions ... 25
Effect of existing hgv drivers' licences of changes in definitions ... 26
Special provisions with respect to standard licences affected by the transitional savings in Schedule 6 to the Order ... 27

SCHEDULES

Page

1 Regulations revoked by Regulation 1(2) ... 19
2 Classes of heavy goods vehicles ... 20
3 Part I—Form of heavy goods vehicle full driver's licence ... 21
Part II—Form of heavy goods vehicle provisional driver's licence ... 21
4 Part I—Form of heavy goods vehicle trainee driver's full licence ... 22
Part II—Form of heavy goods vehicle trainee driver's provisional licence ... 23
5 Diagram of distinguishing mark to be displayed on a vehicle driven under a provisional licence ... 25
6 Nature of tests — operations ... 26
7 Part I—Form of certificate of passing a test of competence to drive a heavy goods vehicle ... 27
Part II—Form of statement of failure to pass a test of competence to drive a heavy goods vehicle ... 27

The Department of the Environment in exercise of the powers conferred on it by Articles 4(2), 71(3)(*c*), 72(1), (2) and (4), 73(1), 75(1) and (2), 76, 217(5) and 218(1) of, and paragraph 3 of Schedule 6 to the Road Traffic (Northern Ireland) Order 1981(**a**) and of every other power enabling it in that behalf, and with the approval of the Department of Finance so far as regulations 9, 14(3) and 23 are concerned, hereby makes the following Regulations:

PART I — PRELIMINARY

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981 and shall come into operation on 17th August 1981.

(2) The Regulations specified in Schedule 1 are hereby revoked.

Interpretation

2.—(1) In these Regulations—

"articulated vehicle combination" means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle and to which a trailer is so attached;

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

(a) S.I. 1981/154 (N.I. 1)

"examiner" means an inspector of vehicles or driving examiner in the Department;

"full licence" means a hgv driver's licence other than a provisional hgv driver's licence;

"Great Britain hgv driver's licence" means a licence to drive heavy goods vehicles granted under the law for the time being in force in Great Britain that corresponds to Part V of the Order, not being a licence granted in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom;

"Great Britain (ordinary) driving licence" means a licence to drive a motor vehicle granted under the law for the time being in force in Great Britain that corresponds to Part II of the Order, not being a licence granted in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom;

"Great Britain restricted licence" means a Great Britain hgv driver's licence which, by virtue of provisions of the law of Great Britain corresponding to paragraphs 2 and 3 of Schedule 6 to the Order, restricts the person to whom it is granted to the driving of heavy goods vehicles of a permissible maximum weight not exceeding 10 tonnes falling within class 3 or 3A;

"hgv driver's licence" means a heavy goods vehicle driver's licence;

"hgv trainee driver's licence" means a hgv driver's licence which—

(i) is a licence to drive heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A,

(ii) is applied for by a person under the age of 21 on the date of the application,

(iii) has effect for a period during the whole or a part of which the holder is under the age of 21, and

(iv) is not a restricted standard licence;

and "hgv trainee driver's full licence" and "hgv trainee driver's provisional licence" shall be construed accordingly;

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

"ordinary driving licence" means a licence to drive a motor vehicle granted under Part II of the Order;

"registered", in relation to, or to matters arising in connection with, the training scheme, a hgv trainee driver's licence, or an application for such a licence, means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

"relevant maximum weight" has the same meaning as in Article 19 of the Order;

"restricted standard licence" means a hgv driver's licence for vehicles of class 3 or 3A which is restricted by virtue of—

(i) paragraph 3(2) and (4) of Schedule 6 to the Order, or

(ii) paragraph (1) or (2) of regulation 27,

to vehicles having a maximum permissible weight not exceeding 10 tonnes;

"standard hgv driver's licence" means a hgv driver's licence which is not a hgv trainee driver's licence, and "standard" in relation to a full licence or a provisional licence, shall be construed accordingly;

"test" means a test of competence to drive heavy goods vehicles of any class, being a test for which provision is made under Article 76 of the Order;

"training agreement", in relation to an individual who is undergoing, or is to undergo, hgv driver training, means his agreement therefor with his registered employer in pursuance of the training scheme;

"the Training Committee" means the Committee which has been established with a constitution approved by the Department and which is known as the Northern Ireland Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in Northern Ireland;

"the training scheme" means the scheme which has been established by the Training Committee with the approval of the Department (given for the purpose of regulations under Article 76 of the Order) for training young drivers of heavy goods vehicles and which provides for—

(i) the registration by the Training Committee of employers who are willing and able to provide hgv driver training for persons employed by them,

(ii) the registration by the Training Committee of persons operating establishments for providing hgv driver training,

(iii) a syllabus for hgv driver training, and

(iv) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, hgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;

"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 these Regulations, unless the context otherwise requires—

(*a*) any reference to a class or classes of heavy goods vehicles is a reference to one of the classes or to the classes of heavy goods vehicles specified in Schedule 2;

(*b*) any reference to a numbered class of such vehicles is a reference to the class of that number specified in that Schedule; and

(*c*) any reference to additional classes, in relation to a class of heavy goods vehicles, is a reference to the classes specified in the column in that Schedule headed "Additional Classes" in relation to that class.

PART II — LICENCES

Applications for licences

3.—(1) A person who desires to obtain the grant of a hgv driver's licence shall—

(*a*) furnish to the Department all relevant particulars and make any relevant declaration specified in such form as the Department may require;

(*b*) submit his application not more than two months before the date on which the licence is to have effect; and

(*c*) send with his application—

(i) if required by the Department, a certificate in such form as the Department may require signed by a registered medical practitioner (as that expression is construed by section 52 of the Medical Act 1956(**a**)) not more than three months prior to the date on which the licence is to have effect,

(ii) his ordinary driving licence or his Great Britain (ordinary) driving licence,

(iii) the fee for the hgv driver's licence,

(**a**) 1956 c. 76

(iv) a pass certificate showing that he has passed the test within the relevant period for the class of heavy goods vehicles which the hgv driver's licence applied for will authorise him to drive, except in the case of an application for a provisional licence or where he has held a full licence authorising him to drive such vehicles within the relevant period, that is to say, the period specified in Article 72(2) of the Order ending on the date of the receipt by the Department of his application for the hgv driver's licence applied for,

(v) if the application is an application for a hgv trainee driver's licence, the Training Committee's certificate as to his registration as a trainee hgv driver, as to his employer's registration under the training scheme, as to the class of heavy goods vehicles for which he is, or is to undergo, training and as to any registered hgv driver training establishment whose vehicles he may drive, and

(vi) if the application is an application for a standard hgv driver's licence or a hgv trainee driver's licence by a person who holds a current hgv trainee driver's licence, that licence.

(2) Any application for a hgv driver's licence which does not comply with paragraph (1) may be treated by the Department as of no effect, but where the Department so treats such an application or refuses the grant of a licence any fee and any documents required by sub-paragraph (*c*) of that paragraph to be sent with the application shall be returned to the applicant.

(3) A person shall not apply for a hgv driver's licence if—

(*a*) he holds a hgv driver's licence which has been suspended or a Great Britain hgv driver's licence which has been suspended, whether (in either case) the suspension has effect under Part V of the Order or under the law for the time being in force in Great Britain that corresponds to that Part V;

(*b*) he is disqualified for holding or obtaining a hgv driver's licence or a Great Britain hgv driver's licence, whether (in either case) the disqualification has effect under Part V of the Order or under the law for the time being in force in Great Britain that corresponds to that Part V;

(*c*) he is disqualified by a court for holding or obtaining an ordinary driving licence or by a court in Great Britain for holding or obtaining a Great Britain (ordinary) driving licence;

(*d*) he is disqualified by reason of his age for holding or obtaining an ordinary driving licence to drive any of the vehicles in the class of heavy goods vehicles to which the hgv driver's licence is to relate; or

(*e*) in the event of the application being granted he would hold more than one hgv driver's licence or would hold a hgv driver's licence and a Great Britain hgv driver's licence.

Qualifications of applicants

4. An applicant for a hgv driver's licence shall have the following qualifications, experience and knowledge—

(*a*) he must not be a person to whom regulation 3(3) applies;

(*b*) he shall not—

(i) at any time since he attained the age of three years, have had an epileptic attack, or

(ii) suffer from any disease or disability likely to cause the driving by him of a heavy goods vehicle to be a source of danger to the public;