1981 No. 239

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981

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

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

ARRANGEMENT OF REGULATIONS

PART I — PRELIMINARY

	Regulation
Citation and commencement	1
Revocation	2
Interpretation	3

PART II — LICENCES

Minimum ages for holding or obtaining licences	4
Grant of licences	5
Fees for licences	6
Duration of licences	7
Conditions attached to provisional licences	8
Restricted provisional licences	9
Driving licences not carrying provisional entitlement	10
Change of address	11
Lost or defaced licences	12

PART III — TESTS OF COMPETENCE

Persons by whom tests may be conducted	13 & 14
Appointments for tests and notice of cancellation	15
Fees in respect of tests	16
Nature of tests	17
Production of vehicle for test, etc.	18
Evidence of results of tests	19

PART IV — SUPPLEMENTARY

Diseases and physical disabilities	20
Furnishing of information	21
Notice of application for removal of disqualification	22
Forces drivers	23
Effect of changes in classification of vehicles by reason of the changed definition of "moped"	24
Effect of changes in classification of vehicles by reason of changed weight limit for motor tricycles	25
Persons who become resident in Northern Ireland	26

SCHEDULES

1	Regulations revoked	... 16
2	Diagram of distinguishing mark to be displayed on a motor vehicle being driven under a provisional licence	... 17
3	Groups of motor vehicles for driving test purposes	... 18
4	Additional requirements for driving tests	... 19
5	Form of certificate and statement of driving test result	... 20
6	Notice of intention to apply for removal of disqualification	... 21
7	Special provisional licence	... 22

The Department of the Environment in exercise of the powers conferred 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 every other power enabling it in that behalf, and with the approval of the Department of Finance as to regulation 6, hereby 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) 1981 and shall come into operation on 17th August 1981.

Revocation

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

Interpretation

3.—(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 3, and a group identified by a letter means the group corresponding to the letter in the first column of that Schedule;

"kerbside weight", in relation to a motor cycle, means the weight of the cycle when it carries—

(*a*) no person thereon, and

(*b*) 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;

"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;

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

"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 are first used before 1st September 1978, a motor cycle which has an engine with a cyclinder 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 of which the motive power is solely derived from any electrical storage battery carried on the vehicle and not connected to any source of power when the vehicle is in motion;

"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 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;

(**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

(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 cycle.

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

(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*) no passenger or load shall 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

4.—(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, the age of 16 were substituted for the age of 17 in relation to an agricultural tractor which has an unladen weight not exceeding 2½ tons and is driven on any road other than a special road within the meaning of the Roads (Northern Ireland) Order 1980(**b**) by a person—

(**a**) 1975 c. 15 as amended by S.I. 1975/1503 (N.I. 15)
(**b**) S.I. 1980/1085 (N.I. 11)

(i) while taking, proceeding to or returning from a test,

(ii) in the course of agricultural operations on any road which is not a road where the maximum speed at which vehicles may be driven thereon is limited under Article 50 of the Order to 30 miles per hour or less;

(*d*) in items 5 and 6, the age of 17 were substituted for the ages of 18 and 21 respectively in the case of members of the armed forces of the Crown in relation to any vehicle when being used in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939(**a**), which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959(**b**), by section 2 of the Emergency Powers Act 1964(**c**);

(*e*) in item 6, the age of 17 were substituted for the age of 21 in relation to a road roller falling within that item if the roller—

(i) is propelled otherwise than by steam,

(ii) has an unladen weight not exceeding 11½ tons,

(iii) is not constructed or adapted for the conveyance of a load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools, loose equipment and objects such as are mentioned in paragraph (2) and if no wheel of the roller is fitted with a pneumatic, soft or elastic tyre;

(*f*) in item 6, the age of 18 were substituted for the age of 21 in the case of a person who fulfils the conditions—

(i) that he is employed by a registered employer, and

(ii) that he is a registered employee of such an employer, and in relation to any vehicle (other than a road roller) which is a heavy goods vehicle (hgv) of a class to which his training agreement applies and is owned by his employer or by a registered hgv driver training establishment;

(*g*) in item 6, the age of 18 were substituted for the age of 21 in relation to a motor vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or danger to other road users or members of the public, for the purpose of safeguarding property, including the motor vehicle and its load, for other similar purposes or for police purposes.

(2) For the purposes of paragraph 1(*e*), the unladen weight of a vehicle shall be treated as including the weight of any object for the time being attached to the vehicle, being an object specially designed to be so attached for the purpose of temporarily increasing the vehicle's gross weight.

(3) In paragraph 1(*f*) and in this paragraph—

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

"registered" means registered for the time being by the Training Committee in accordance with the relevant provisions 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 for training young drivers of hgvs and which provides for—

(**a**) S.I. 1939/1304
(**b**) 1959 c. 19
(**c**) 1964 c. 38