1978 No. 209

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1978

Made . . . . . *25th July* 1978

Coming into operation . . . *1st September* 1978

The Department of the Environment in exercise of the powers conferred by sections 2, 15 and 189 of the Road Traffic Act (Northern Ireland) 1970(**a**) as amended by Article 3 of, and paragraph 6 of Schedule 1 and paragraph 1 of Schedule 2 to, the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976(**b**) and now vested in it(**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 Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1978 and shall come into operation on 1st September 1978.

Revocation

2. Regulation 3 of the Motor Vehicles (Minimum Age for Driving) Regulations (Northern Ireland) 1969(**d**) and the Motor Cycles (Minimum Age for Driving) Regulations (Northern Ireland) 1971(**e**) are hereby revoked.

Regulations amended

3. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965(**f**) shall be amended as follows:

(1) In regulation 2(1):

(*a*) after sub-paragraph (*a*) there shall be inserted the following:

"(*aa*) "controlled by a pedestrian" in relation to a vehicle means that the vehicle either—

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

(ii) 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;";

(*b*) for sub-paragraph (*g*) there shall be substituted the following:

"(*g*) "moped" means—

(a) 1970 c. 2 (N.I.)
(b) S.I. 1976/581 (N.I. 11)
(c) S.R. & O. (N.I.) 1973 No. 504 art. 5(*b*) (II, p. 2992)
(d) S.R. & O. (N.I.) 1969 No. 103 (p. 408)
(e) S.R. & O. (N.I.) 1971 No. 384 (p. 1727)
(f) S.R. & O. (N.I.) 1965 No. 42 (p. 203) as amended by S.R. & O. (N.I.) 1968 No. 43 (p. 165), S.R. & O. (N.I.) 1970 No. 35 (p. 200) and other amending instruments not relevant for the purpose

(*a*) in the case only of motor cycles which are first used on or after 1st September 1978, 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 cylinder capacity not exceeding 50 cc and is equipped with pedals by means of which the cycle is capable of being propelled;";

(*c*) after sub-paragraph (*k*) there shall be inserted the following:

"(*l*) "kerbside weight", in relation to 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;

(*m*) "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.".

(2) After regulation 2(1) there shall be inserted the following:

"(1A) In determining for the purpose 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(**g**), the Vehicles (Excise) Act (Northern Ireland) 1972(**h**), the Roads Act 1920(**i**), the Vehicles (Excise) Act 1949(**j**), the Vehicles (Excise) Act 1962(**k**) or the Vehicles (Excise) Act 1971(**l**), 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(**m**) applies;

(**g**) 1954 c. 17 (N.I.)
(**h**) 1972 c. 10 (N.I.)
(**i**) 1920 c. 72
(**j**) 1949 c. 89
(**k**) 1962 c. 13
(**l**) 1971 c. 10
(**m**) S.I. 1965/1536 (1965 II, p. 4462)