1974. No. 109 **[C]**

ROAD TRAFFIC AND VEHICLES

Motor Cars: Driving Instruction

REGULATIONS, DATED 6TH JUNE 1974, MADE BY THE DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND UNDER SECTIONS 117, 117C AND 189 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970.

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SCHEDULES

1 Examination of ability to give instruction

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The Department of the Environment for Northern Ireland in exercise of the powers vested in it by sections 117, 117C and 189 of the Road Traffic Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1974.

Revocation

2. The Motor Vehicles (Approved Driving Instructors) Regulations (Northern Ireland) 1968(b) are hereby revoked.

(a) 1970. c. 2 (N.I.). (b) S.R. & O. (N.I.) 1968, No. 274.

Interpretation

3. In these Regulations the expression—

"the Act" means the Road Traffic Act (Northern Ireland) 1970 as amended by the Road Traffic (Amendment) (Northern Ireland) Order 1973(c);

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

"examination" means the examination referred to in Regulation 19 and prescribed in Schedule 1;

"licence" means a licence granted under section 117C of the Act;

"Register" means the Register of approved driving instructors referred to in section 117(1) of the Act.

Application for registration or a licence

4. Applications for registration in the Register or for a licence shall be made in such form and contain such information as the Department may determine.

Register

5. The Register shall contain the names and addresses of persons approved by the Department as qualified to give instruction in the driving of motor cars and shall be compiled on behalf of the Department and maintained by an officer of the Department (hereinafter referred to as "the Registrar").

Registration

6.—(1) The Registrar shall enter in the Register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar—

(*a*) that he has passed the examination;

(*b*) that he fulfills the conditions laid down in Regulation 10(1)(*a*) and (*b*); and

(*c*) that apart from fulfilment of the foregoing conditions he is a fit and proper person to have his name entered in the Register.

(2) The Registrar shall, on making a decision on an application under paragraph 1, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.

(3) The entry or renewal thereof of a person's name in the Register shall be subject to the condition that so long as the name is therein that person will, if at any time so required by the Registrar, undergo a practical test of his continued ability and fitness to give instruction in the driving of motor cars as set out in Schedule 2.

Period of registration

7. The period of registration shall be four years beginning with the date on which the entry of the name was made.

(c) S.I. 1973, No. 1229 (N.I. 17).

Renewal of registration

8.—(1) A person shall be entitled on payment of the fee specified in Regulation 18 to have the entry of his name in the Register renewed for a further period of four years if he satisfies the Register that—

(*a*) he has not refused to undergo a practical test such as is mentioned in Regulation 6(3) during the previous period of registration;

(*b*) his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test which he has undergone during the said period, to be of a satisfactory standard;

(*c*) he has not during any part of the said period been disqualified for holding or obtaining a licence to drive a motor vehicle;

(*d*) apart from the fulfilment of the foregoing conditions he continues to be a fit and proper person to have the entry of his name in the Register renewed; and

(*e*) he is the holder of a current licence of one of the kinds mentioned in Regulation 10(1)(*a*)(i) and (ii).

(2) Where the Registrar decides to refuse to renew an entry of a name in the Register he shall give written notice of the decision to the person concerned and shall state the grounds for the refusal.

Removal of names from Register

9.—(1) The Registrar may remove the name of a person from the Register if the Registrar is satisfied in a case where the entry has not been renewed under Regulation 8 that at any time since the entry of the name was made, or in a case where the entry of the name has been renewed that at any time since it was last renewed any of the following conditions were fulfilled in the case of that person—

(*a*) that he was disqualified under section 167 of the Act from holding or obtaining a licence to drive a motor vehicle granted under the said Act;

(*b*) that he refused to undergo a practical test such as is mentioned in Regulation 6(3);

(*c*) that he failed to pass such a test;

(*d*) that he ceased to be a fit and proper person to have his name included in the Register;

(*e*) that the entry of his name in the Register, or the renewal of the entry was made by mistake or procured by fraud;

(*f*) that he did not hold a current licence of one of the kinds mentioned in Regulation 10(1)(*a*)(i) and (ii).

(2) Where the Registrar decides to remove the name of a person from the Register he shall give written notice of the decision to the person concerned and shall state the grounds for the removal.

(3) The name of a person shall be removed from the Register at the end of a period of four years from the date on which the entry was made unless an application for renewal is made before the end of that period.

Licence

10. An applicant for a licence shall apply to the Registrar who subject to Regulation 11 shall grant a licence on being satisfied that the applicant—

(1)(*a*) is the holder of a current licence of one of the following kinds, that is to say—

(i) a licence to drive a motor car granted under section 9 of the Act;

(ii) a licence to drive a motor car granted under the corresponding law in force in Great Britain

and that, during the period of six years ending with the day on which the application is made, he has held for periods amounting in the aggregate to at least four years a current licence of one of the kinds aforesaid or a current foreign licence, that is to say a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor car in that country;

(*b*) has not, during any part of the period of four years ending with the day on which the application is made been disqualified under section 167 of the Act or under the corresponding law in Great Britain from holding or obtaining a licence to drive a motor vehicle nor been subjected to the restrictions imposed by the Motor Vehicles (Restrictions on Drivers) Regulations (Northern Ireland) 1968(**d**) for more than 12 months; and

(*c*) is a fit and proper person to hold a licence; and

(2)(*a*) is eligible under Regulation 19(2) to submit himself for the practical part of the examination; or

(*b*) has made application to submit himself for the written part of the examination; or

(*c*) is prevented from submitting himself for that written part only by virtue of Regulation 19(3).

11.—(1) The Registrar may refuse to grant a licence to an applicant to whom two or more such licences have previously been issued.

(2) Where the Registrar refuses to grant a licence under Regulation 10 or paragraph (1) he shall give written notice of the decision to the applicant and shall state the grounds for the refusal.

Duration of licence

12. Subject to Regulation 15 a licence shall remain in force for a period of six months from the date of issue:

Provided that where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire until the commencement of the new licence, or, if the Registrar decides to refuse the application, until the time limited for an appeal under Regulation 16 against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

Form of licence

13. A licence shall be in the form set out in Schedule 4.

(d) S.R. & O. (N.I.) 1968, No. 42.

Conditions of licence

14. A licence shall be granted subject to the following conditions:

(1) The holder thereof shall give instruction thereunder in the driving of a motor car only from an establishment of which the name and address is specified in the licence, or such other establishment previously authorised in writing to the holder of the licence by the Registrar.

(2) If any such establishment is a driving school or a branch thereof, the holder of the licence shall give such instruction only if the relevant condition as to the employment of instructors at that school or branch is complied with.

In this sub-paragraph "the relevant condition as to the employment of instructors" means that, for each holder of a licence in which the school or branch thereof is specified, there is employed thereat one or more persons whose names are in the Register at the rate of one such person for each holder of a licence.

(3) In the case of any licence other than the second of two licences issued in respect of consecutive periods, the holder thereof shall, while giving instruction in the driving of a motor car, receive direct personal supervision from a person whose name is in the Register for at least one-fifth of the total time the holder spends giving such instruction during the first three months for which the licence is in force.

(4) The holder shall maintain in respect of each working day during the first three months of a licence to which paragraph (3) applies a record of the time he spends giving such instruction containing the particulars specified in paragraph (5), shall preserve such record for three months from the date of expiry of that licence and shall produce such record on request to an officer authorised by the Department to inspect such a record who shall be entitled to retain it, if he so desires.

(5) The particulars referred to in paragraph (4) are:

(*a*) the name of the holder of the licence;

(*b*) its number;

(*c*) the name of the establishment from which the holder of the licence has given instruction;

(*d*) the name of the person under whose direct personal supervision the holder of the licence has given instruction;

(*e*) in respect of each working day—

(i) the date;

(ii) the total number of hours spent giving instruction from the establishment;

(iii) the periods spent under the direct personal supervision of the person referred to at (*d*);

(iv) the signature of the holder of the licence;

(v) the counter-signature of the person referred to at (*d*).

Revocation of licence

15.—(1) The Registrar may revoke a licence at any time during the currency of the said licence if he is satisfied that the licence holder—

(*a*) did not hold a current licence of one of the kinds mentioned in Regulation 10(1)(*a*)(i) and (ii); or