STATUTORY INSTRUMENTS

1991 No. 197 (N.I. 3)

The Road Traffic (Amendment) (Northern Ireland) Order 1991

- - - - - - *5th February 1991*

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Amendment) (Northern Ireland) Order 1991.

(2) This Order shall come into operation on such days as the Head of the Department may by order appoint.

Subordinate Legislation Made

P1 Art. 1(2) fully exercised: 1.4.1991 appointed by S.R. 1991/32, **art. 2**; 21.2.2011 appointed by S.R. 2011/19, **art. 2**

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the Department" means the Department of the Environment;

"the principal Order" means the Road Traffic (Northern Ireland) Order 1981.

PART II

DRIVER LICENSING

Article 3—Amendments

Abolition of special licences for driving heavy goods vehicles and public service vehicles

4.—(1) On the appointed day Articles 70 to 79 of the principal Order (which require special driving licences to be held for driving heavy goods vehicles and public service vehicles) shall cease to have effect but the repeal of those provisions does not imply that it is lawful for a person to drive

a heavy goods vehicle or a public service vehicle of any class on or after that day on the authority of an existing licence under Part II of the principal Order (ordinary licences) and, for the purposes of Article 3 of that Order (offence of driving without Part II licence), his licence shall not be taken to authorise him to drive vehicles of those classes.

(2) Paragraph (1) shall not, however, invalidate existing licences for driving heavy goods vehicles or public service vehicles and the holder of such a licence may, during the currency of that licence and his existing licence under Part II of the principal Order continue to drive any heavy goods vehicle or public service vehicle which the first-mentioned licence authorises him to drive or a goods vehicle of any class or, as the case may be, a passenger-carrying vehicle of any class prescribed for the purposes of this paragraph without obtaining a new licence under the said Part II.

(3) In paragraph (2) the reference to the vehicles which the holder of a heavy goods vehicle driver's licence is authorised to drive includes a reference to the vehicles which he is authorised to drive by virtue of regulations under paragraph 7(2)(a) of Schedule 2 and the reference to prescribed classes of goods vehicles is a reference to classes of goods vehicles (within the meaning of the principal Order) prescribed under that paragraph of that Schedule.

(4) Any proceedings pending at the appointed day with respect to an application under Article 78 of the principal Order questioning the conduct of a test of competence to drive a heavy goods vehicle may be continued and, as the case may be, any order relative to the test (or fees) made or licence issued notwithstanding the repeals made by this Order and any order of eligibility to take a test so made shall be treated as relating to a corresponding test and any heavy goods vehicle or public service vehicle driver's licence so issued shall be treated as an existing licence.

(5) Where, during the currency of a person's existing licence for driving heavy goods vehicles or public service vehicles, his existing licence under Part II of the principal Order is revoked or surrendered, it shall be his duty to surrender his first-mentioned licence to the Department.

(6) A person who without reasonable excuse fails to comply with the duty under paragraph (5) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) The provisions of Part I of Schedule 2 have effect for the purpose of re-enacting with modifications and assimilating the provisions of Articles 70 to 79 of the principal Order for the purposes of licences under those Articles continued in force by paragraph (2) and the transitory provisions of Part II of that Schedule shall also have effect.

(8) In this Article "existing" in relation to a licence, means in force immediately before the appointed day.

(9) In this Article and Article 5 "the appointed day" means the day appointed under Article 1(2) for the coming into operation of Articles 3 to 6.

Modifications etc. (not altering text)

C1 Art. 4: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

Special provisions relating to licensing of drivers of large goods vehicles and passenger-carrying vehicles

5. There shall be inserted as Articles 70 to 79 of the principal Order the special provisions set out in Part I of Schedule 3 which—

(a) apply both to the licensing of the drivers of large goods vehicles and to the licensing of the drivers of passenger-carrying vehicles (as there defined); and

(b) re-enact and assimilate certain of the provisions of Articles 70 to 79 of the principal Order (as originally enacted) to take account of the abolition by Article 4 of special licences to drive heavy goods vehicles and public service vehicles and the granting after the appointed day of licences to drive such vehicles under Part II of the principal Order.

Licensing of taxi drivers

[F1]6. . . . . . .

F1 Art. 6 repealed (31.10.2014) by Taxis Act (Northern Ireland) 2008 (c. 4), s. 59, **Sch. 3**; S.R. 2014/238, art. 2(2), Sch.

Compulsory training courses for riders of motor cycles

7.—(1) As from the day appointed under Article 1(2) for the coming into operation of this Article, Part II of the principal Order (as substituted by Schedule 1) shall have effect as follows.

(2) In Article 5 (tests of competence to drive)—

(a) after paragraph (2) there shall be inserted the following paragraph—

"(2A) Except as provided under paragraph (5A), no person submitting himself for a test of competence to drive a motor**[**[F2] bicycle**]** shall be permitted to take the test unless he furnishes the prescribed certificate of completion by him of an approved training course for motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test." ; and

(b) after paragraph (5), there shall be inserted the following paragraph—

"(5A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by paragraph (2A); and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement." .

(3) In paragraph (1) of Article 13 (licences to be granted on fulfilment of certain conditions) for the words "paragraph (2)" there shall be substituted the words " the following provisions of this Article ".

(4) In paragraph (3) of that Article (provisional licences), after sub-paragraph (c), there shall be inserted the following—

"Sub#para. (d) rep. by 1995 NI 18

(e) except as provided under paragraph (3B), shall not authorise a person, before he has passed a test of competence to drive, to drive on a road a motor**[**[F2] bicycle**]** except where he has successfully completed an approved training course for motor cyclists or is undergoing training on such a course and is driving the motor**[**[F2] bicycle**]** on the road as part of the training." .

(5) After paragraph (3) of that Article, there shall be inserted the following paragraphs—

"(3A) Regulations may make provision as respects the training in the driving of motor cycles of persons wishing to obtain licences authorising the driving of such motor cycles by means of courses of training provided in accordance with the regulations; and the regulations may in particular make provision with respect to—

(a) the nature of the courses of training;

(b) the approval by the Department of the persons providing the courses and the withdrawal of its approval;

(c) the maximum amount of any charges payable by persons undergoing the training;

(d) certificates evidencing the successful completion by persons of a course of training and the supply by the Department of the forms which are to be used for such certificates; and

(e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Department under the regulations.

(3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by paragraph (3)(e) on their driving under the licence; and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing the holder's exemption from the restriction.” .

Para. (6) rep. by 1995 NI 18

(7) In Article 14 (form of issue)—

Sub-para. (a) rep. by 1995 NI 18

(b) at the end of that paragraph there shall be added the following—

“Sub#para. (b) rep. by 1995 NI 18

(c) unless he has passed a test of competence to drive, a motor**[**F2 bicycle**]** on a road in circumstances in which, by virtue of Article 13(3)(e), a provisional licence would not authorise him to drive it before he had passed that test.” .

(8) In Article 19D (Interpretation) after paragraph (1) there shall be inserted the following paragraph—

“(1A) In this Part “approved training course for motor cyclists” and, in relation to such a course, “prescribed certificate of completion” mean respectively any course of training approved under, and certificate of completion prescribed in, regulations under Article 13(3A).” .

F2 SR 1996/426

Art. 8 rep. by 1996 NI 10

PART IV

GENERAL

Article 9—Amendments and repeals

SCHEDULES

Schedule 1—Amendments

SCHEDULE 2

Article 4.

EXISTING HEAVY GOODS VEHICLES AND PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

Modifications etc. (not altering text)

C2 Sch. 2: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

PART I

EXISTING HEAVY GOODS VEHICLES AND PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

Preliminary

1. In this Part—

"conduct" means—

(a) in relation to the holder of an existing heavy goods vehicle licence, his conduct as a driver of a motor vehicle, and

(b) in relation to the holder of an existing public service vehicle licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a public service vehicle licence,

including, in either case, such conduct in Great Britain;

"existing licence" means a licence to drive heavy goods vehicles or public service vehicles (as the case may be) continued in force by Article 4(2), and "existing heavy goods vehicle licence" and "existing public service vehicle licence" shall be construed accordingly;

"full", in relation to an existing heavy goods vehicle licence, indicates a licence other than a provisional licence;

"heavy goods vehicle" has the same meaning as it had for the purposes of Article 79 of the principal Order before its repeal by Article 4 and "large goods vehicle" has the same meaning;

"notice" means notice in writing and "notify" shall be construed accordingly;

"passenger-carrying vehicle" has the same meaning as it has in Article 78;