1970. No. 40 **[C]**

HEAVY GOODS VEHICLES (DRIVERS' LICENCES)

REGULATIONS, DATED 2ND MARCH 1970, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 66(3)(*c*), 67(1), 68(1), 70(1), 70(2), AND 71 OF AND SCHEDULE 1 TO THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970.

ARRANGEMENT OF REGULATIONS

PART I—GENERAL

Regulation

Citation and commencement 1
Interpretation 2

PART II—LICENCES

Applications for licences 3
Qualifications of applicants 4
Issue of licences 5
Form of licences 6
Signature of licences 7
Fees for licences 8
Provisional licences 9
Suspension or revocation 10
Withdrawal of licence under Part X of the Act 11
Lost, defaced and exchanged licences 12
Production of licences 13

PART III—TESTS

Applications for tests 14
Qualifications of applicants for a test of competence . . . 15
Persons who may conduct tests 16
Nature of tests 17
Results of tests 18
Evidence of results of tests 19
Production of vehicle for test, etc. 20
Fees for tests 21
Refund of fees 22

PART IV—SUPPLEMENTARY

Exemptions 23
Transitional licences 24

SCHEDULES

			Page
1.		Classes of heavy goods vehicles	13
2.	PART I	Form of heavy goods vehicle full driver's licence .	14
	PART II	Form of heavy goods vehicle provisional driver's licence	14
3.		Diagram of distinguishing mark to be displayed on a vehicle driven under a provisional licence . .	15
4.		Nature of tests—operations	16
5.	PART I	Form of certificate of passing a test of competence to drive a heavy goods vehicle	16
	PART II	Form of statement of failure to pass a test of competence to drive a heavy goods vehicle . .	16

The Ministry of Home Affairs in exercise of the powers vested in it by Sections 66(3)(*c*), 67(1), 68(1), 70(1), 70(2) and 71 of and Schedule 1 to the Road Traffic Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf, with the approval of the Ministry of Finance for Northern Ireland in regard to the provisions contained in Regulations 8 and 21, hereby makes the following Regulations:—

PART I—GENERAL

Citation and commencement

1. These Regulations may be cited as the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970 and shall come into operation on 2nd June 1970.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"the Act" means the Road Traffic Act (Northern Ireland) 1970;

"articulated vehicle" means a motor car or heavy motor car as defined in section 30(1) of the Act so constructed that a trailer 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 thereby and which has a trailer so attached;

"Examiner" means an Inspector of Vehicles or Driving Examiner in the Ministry of Home Affairs;

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

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

"the Ministry" means the Ministry of Home Affairs for Northern Ireland;

"test" means a test of competence to drive heavy goods vehicles of any class conducted under section 67(2) of the Act;

"vehicle with automatic transmission" shall mean 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.

(a) 1970. c. 2 (N.I.).

(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 1;

(*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 Ministry all relevant particulars and make any relevant declaration specified in such form as the Ministry may require,

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

(*c*) if he is a person to whom Regulation 24(1) applies, submit his application not more than six months prior to the time of expiry of his licence granted under Part I of the Act which, at the beginning of the appointed day, authorised him to drive a heavy goods vehicle, and

(*d*) send with his application—

(i) if required by the Ministry, a certificate in such form as the Ministry may require signed by a registered medical practitioner not more than three months prior to the date on which the licence is to have effect,

(ii) if he is an applicant for a hgv driver's licence under paragraph 1 of Schedule 1 to the Act, a certificate in such form as the Ministry may require,

(iii) his licence granted under Part I of the Act, and

(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 a hgv driver's licence under paragraph 1 of Schedule 1 to the Act or where he has held a full hgv driver's licence authorising him to drive such vehicles within the relevant period.

In this sub-sub-paragraph "relevant period" means the period specified in section 67(2) of the Act ending on the date of the coming into force of the hgv driver's licence applied for.

(2) Any application for a hgv driver's licence which does not comply with the foregoing paragraph may be treated by the Ministry as of no effect, but where the Ministry so treats such an application or refuses the grant of a licence any fee and any documents required by sub-paragraph (*d*) 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,

(*b*) he is disqualified for holding or obtaining a hgv driver's licence,

(*c*) he is disqualified by a court for holding or obtaining a licence to drive a motor vehicle granted under Part I of the Act, or

(*d*) in the event of the application being granted he would hold more than one 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 paragraph (3) of the last preceding Regulation applies;

(*b*) he shall not suffer from any disease or physical disability likely to cause the driving by him of a heavy goods vehicle to be a source of danger to the public;

(*c*) he shall on the date of commencement of the hgv driver's licence applied for be aged 21 years or over in the case of an applicant for a hgv driver's licence for class 1, 1A, 2, 2A, 3, or 3A, of heavy goods vehicles or 17 years or over in the case of an applicant for a hgv driver's licence for class 4 or 4A of such vehicles; and

(*d*) he shall hold a licence granted under Part I of the Act authorising him to drive a vehicle or vehicles in the class of heavy goods vehicles in respect of which he desires to obtain the grant of a licence.

Issue of licences

5. If the licence held by the applicant under Part I of the Act contains a provision under section 4(2)(*b*) of the Act limiting the applicant to the driving of vehicles of a particular construction or design only, any full licence granted to the applicant to drive a heavy goods vehicle shall contain a corresponding limitation.

Form of licences

6.—(1) Hgv drivers' licences shall be issued in the form of a book containing—

(*a*) in the case of a full licence, particulars in the form set out in Part I of Schedule 2,

(*b*) in the case of a provisional licence, particulars in the form set out in Part II of that Schedule.

(2) Where an applicant for a hgv driver's licence is already a holder of a hgv driver's licence the Ministry may, instead of issuing him with a new book, issue the appropriate hgv driver's licence by affixing in the book already held a page or pages containing such particulars as would fall to be included in any new book issued to the applicant.

Signature of licences

7. Every person to whom a hgv driver's licence is granted shall forthwith sign it in ink with his usual signature.

Fees for licences

8. The fee for the grant of a full licence shall be £1 and the fee for the grant of a provisional licence shall be 10s. 0d.:

Provided that the fee for a full licence granted for a period less than three years by virtue of paragraph 5 of Schedule 1 to the Act shall be reduced proportionately.

Provisional licences

9.—(1) A full licence to drive any class of heavy goods vehicles shall also be treated for the purposes of sections 66 to 74 of the Act as a provisional licence to drive heavy goods vehicles of any other class which the holder is not prohibited under section 2 of the Act by reason of his age from driving.

(2) Subject to paragraph (3), a provisional licence, including a full licence which is treated as a provisional licence under the foregoing paragraph, shall be subject to the following conditions, that is to say the holder shall not drive a heavy goods vehicle of any class which he may drive by virtue of the provisional licence—

(*a*) otherwise than under the supervision of a person who is present with him in the vehicle and who either holds a full licence to drive that class of vehicle or is a person who by virtue of Regulation 24(1) is the holder of a licence issued under Part I of that Act, other than a provisional licence, authorising him to drive heavy goods vehicles of that class;

(*b*) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark in the form set out in Schedule 3;

(*c*) which is being used to draw a trailer, except where the trailer is part of an articulated vehicle being driven by the holder.

(3) The condition specified in paragraph 2(*a*) shall not apply whilst the holder of a provisional licence is undergoing a test.

Suspension or revocation

10.—(1) A hgv driver's licence may at any time be suspended or revoked by the Ministry on the ground that the licence has been obtained by misrepresentation or by reason of his conduct as a driver of a motor vehicle or of physical disability the holder is not a fit person to hold such a licence; and during any time of suspension such a licence shall be of no effect.

(2) A corresponding licence issued in Great Britain, in so far as under section 69(1) of the Act it permits the driver while he is in Northern Ireland to drive such a vehicle on a road therein, may at any time be suspended or revoked by the Ministry in like manner to Northern Ireland licences under the provisions of paragraph (1).

(3) Where in pursuance of paragraph (1) or (2) the Ministry revokes such a licence the Ministry may order the holder to be disqualified indefinitely or for such period as the Ministry thinks fit for holding or obtaining a hgv driver's licence or, if the licence is a full licence, the Ministry may order the holder to be disqualified for holding or obtaining a full licence until he has, since the date of the order, passed the test.

(4) The holder of a hgv driver's licence which has been suspended or revoked by the Ministry shall on receipt of notice either delivered to the holder personally or sent by the recorded delivery service to the holder's last known address of the decision of the Ministry to suspend or revoke the licence forthwith deliver it to the Ministry for endorsement or cancellation.

(5) If a hgv driver's licence is suspended, the Ministry shall endorse particulars of the suspension on the hgv driver's licence and shall return it to the holder at the end of the period of suspension on a demand in writing being made by that person.