1968. No. 274 **[C]**

ROAD TRAFFIC

Approved Driving Instructors

REGULATIONS, DATED 11TH DECEMBER 1968, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 51 AND 56 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1967.

The Ministry of Home Affairs in exercise of the powers vested in it by Sections 51 and 56 of the Road Traffic Act (Northern Ireland) 1967(**a**) and all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Motor Vehicles (Approved Driving Instructors) Regulations (Northern Ireland) 1968 and shall come into operation on the 31st December 1968.

Interpretation

2. In these Regulations the expression—

"Ministry" means the Ministry of Home Affairs.

"Register" means the Register of persons approved by the Ministry as qualified to give instruction in the driving of motor cars.

"Examination" means the examination of ability to give instruction in the driving of motor cars referred to in Regulation 11 and prescribed in Schedule 1.

3. An application for Registration shall be made in such form and contain such information as the Ministry may determine.

4. The Register shall be in such form and contain such particulars as the Ministry may determine and shall be compiled and maintained by an officer of the Ministry of Home Affairs (hereinafter referred to as the "Registrar").

Registration

5. 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 that the following conditions are fulfilled in his case:—

(*a*) that he has passed the examination and test of ability to give instruction in the driving of motor cars as specified in Schedule 1;

(*b*) that he 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 13 of the Road Traffic Act (Northern Ireland) 1955(**b**);

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

(**a**) 1967. c. 38 (N.I.). (**b**) 1955. c. 27.

and at no time during the period of four years ending with the day on which the application is made did he not hold one or other of the aforesaid licences, 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 vehicle in that country;

(*c*) that he has not during any part of the said period been disqualified under Section 57 of the Road Traffic Act (Northern Ireland) 1955 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(c) for more than 12 months;

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

Period of Registration

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

Extension of Duration of Registration

7. A person shall be entitled on payment of the fee specified in Regulation 10(3) to have his name retained in the Register for a further period of two years if he satisfies the Registrar that the following conditions are fulfilled in his case, that is to say—

(*a*) that he has not refused to undergo a practical test such as is mentioned in Regulation 12 during the previous period of registration;

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

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

Removal of Names from Register

8.—(1) The Registrar may remove the name of a person from the Register if the Registrar is satisfied that at any time since it was last retained any of the following conditions were fulfilled in the case of that person—

(*a*) that he was disqualified under Section 57 of the Act of 1955 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 12;

(*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 retention of his name therein, was made by mistake or procured by fraud.

(2) The Registrar shall not remove the name of a person from the Register under this Regulation unless he has given notice to the person concerned and

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

has considered any representations the person has made within sixteen days from the date of the notice or such longer period as the Registrar may in special circumstances allow.

Appeals

9. A person who is aggrieved by a decision of the Registrar—

(*a*) to refuse an application for the entry of his name in the Register,

(*b*) to refuse an application for the retention of his name in the Register, or

(*c*) to remove his name from the Register

may by notice in writing appeal to the Minister of Home Affairs within a period of thirty days from the date of the notice of the decision or such longer period as the Minister may in special circumstances allow, and the Minister may make such order as he thinks fit having regard to the circumstances.

Fees

10.—(1) A person applying to submit himself to the written part of the examination shall pay a fee of £5.

(2) A person applying to submit himself to the practical part of the examination shall pay a fee of £5.

(3) The fee to be paid by a person who applies for the retention of his name in the Register for a further period of two years shall be £5.

Examinations and Tests of Ability to Give Driving Instruction

11.—(1) The examination shall consist of a written part and a practical part as set out in Schedule 1.

(2) Unless the person who is applying to have his name entered in the Register is exempted under Regulation 13 from the written part of the examination, he must pass such written part before he takes the practical part thereof and he must have passed such written part not earlier than three years before the date on which he takes the practical part thereof.

Tests of Continued Ability to Give Instruction

12. The entry 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.

Exemption from Regulations

13.—(1) The Registrar may exempt from the condition specified in Regulation 5(*a*) a person who satisfies the Registrar that his name was, on or after 31st December 1966, in the corresponding Register established under the law of Great Britain and that he is resident in Northern Ireland.

(2) The Registrar may exempt from the written part of the examination as prescribed in Regulation 11(1) a person who satisfies the Registrar that at the date of the coming into operation of these Regulations his name was in the Register of Instructors maintained either by the Motor Schools Association of Great Britain Limited or the Royal Automobile Club.

Official Title

14. The official title or description for use by persons registered in the Register shall be "Ministry of Home Affairs Approved Driving Instructor".

Certificate

15. The certificate which may be displayed by such persons shall be in the form set out in Schedule 3.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 11th day of December 1968.

(L.S.) *W. G. Robinson,*
Assistant Secretary.

The Ministry of Finance hereby approves of paragraphs (1), (2) and (3) of Regulation 10.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of December 1968.

(L.S.) *James V. Morrison,*
Assistant Secretary.