1965. No. 42 [C1

MOTOR VEHICLES

Driving Licences

REGULATIONS, DATED 2ND MARCH, 1965, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 21, 66 AND 72 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1955 AND SECTIONS 32 AND 48 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1964.

The Ministry of Home Affairs, in exercise of the powers vested in it by Sections 21, 66 and 72 of the Road Traffic Act (Northern Ireland) 1955(**a**), Sections 32 and 48 of the Road Traffic Act (Northern Ireland) 1964(**b**), and of all other powers in that behalf enabling it, hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965 and shall come into operation on the 1st day of April, 1965.

Interpretation, Revocations, and Transitional Provisions

2.—(1) In these Regulations the expression—

(*a*) "The Act" means the Road Traffic Act (Northern Ireland) 1955;

(*b*) "Convention Driving Permit" has the meaning assigned to it by Article 1(6) of the Motor Vehicles (International Circulation) (Road Traffic) (Northern Ireland) Order 1957(**c**), as amended(**d**);

(*c*) "Domestic Driving Permit" has the meaning assigned to it by Article 1(6) of the Motor Vehicles (International Circulation) (Road Traffic) (Northern Ireland) Order 1957;

(*d*) "Licence" includes a driving licence issued under Section 13 of the Act and a provisional licence within the meaning of the Act;

(*e*) "Licensing authority" means the council of a county or county borough in Northern Ireland;

(*f*) "Local Taxation Officer" means the selected officer or officers of a council of a county or county borough to whom powers and duties relating to the registration and licensing of motor vehicles have been delegated by the Council;

(*g*) "Moped" means a motor cycle whereof the cylinder capacity of the engine does not exceed 50 cubic centimetres, being a cycle equipped with pedals by means whereof it is capable of being propelled;

(*h*) "The test" means the test of competence to drive a motor vehicle provided for by Section 13(1) of the Act;

(*i*) "Vehicle propelled by electrical power" means a vehicle the motive power of which is solely derived from any electrical storage battery carried on the vehicle and not connected to any source of power when the vehicle is in motion.

(**a**) 1955. c. 27.
(**b**) 1964. c. 20 (N.I.).
(**c**) S.R. & O. (N.I.) 1957, No. 113.
(**d**) S.R. & O. (N.I.) 1962, No. 216.

(2) The Local Taxation Officer of a Licensing Authority is empowered to perform any duty or exercise any power of the Licensing Authority for the purposes of carrying these Regulations into effect.

(3) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1956(a) and the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1958(b) are hereby revoked, provided however that a licence issued with reference to the vehicle groups set out in the Second Schedule of the first-mentioned Regulations shall not be invalidated by this revocation.

Issue of Licences

3.—(1) Any person resident in Northern Ireland who desires to obtain a licence shall apply to the licensing authority of the area in which he resides in the form set out in Part I of the First Schedule and shall furnish the particulars and make the declaration specified therein.

(2) Any person not resident in Northern Ireland who, not being the holder of a valid Convention Driving Permit or a Domestic Driving Permit, desires to obtain a licence on his arrival in Northern Ireland shall apply to any licensing authority and supply such documents or other information as the licensing authority may require.

(3) Any application for a licence shall be accompanied by two unmounted duplicate photographs of the applicant of recent date, approximately 2″ × 1½″ in size and endorsed with the applicant's name and address. Provided that a licence may be granted to a member of the Naval, Military or Air Forces of Her Majesty without requiring him to furnish any photographs, but such licence shall empower him to drive a motor vehicle only when he is in uniform and the motor vehicle is the property of the Crown.

(4) The licensing authority shall affix one of the photographs furnished by the applicant to the licence granted to him and the other photograph to the form of application furnished by him.

(5) A licence, other than a provisional licence or a licence issued to a person as resident outside the United Kingdom, shall be valid for three years from the date on which it takes effect and thereafter may be renewed for one further period of three years if application is made to the licensing authority in whose area the applicant resides in the form set out in Part II of the First Schedule within one month of the expiration of the licence.

(6) A licence, other than a provisional licence, issued to a person as resident outside the United Kingdom shall be valid for not more than twelve months and thereafter may be renewed from time to time for a further period of twelve months if application is made to a licensing authority within one month of the expiration of the licence or of the last period of renewal thereof:

Provided that if the licence has already been renewed four times the applicant shall make a fresh application for a licence in accordance with paragraph (2).

(7) An application for the grant or renewal of a licence may be declined if it is received more than one month before the date on which the licence or renewal is required to take effect.

(8) The fee to be paid to a licensing authority for the grant of a provisional licence shall be 10/-.

(a) S.R. & O. (N.I.) 1956, No. 142. (b) S.R. & O. (N.I.) 1958, No. 29.

(9) The fee to be paid to a licensing authority for the grant or renewal of a licence, other than a provisional licence or a licence issued to a person as resident outside the United Kingdom, shall be 15/-.

(10) The fee to be paid to a licensing authority for the grant or renewal of a licence (other than a provisional licence) to a person as resident outside the United Kingdom shall be 5/-.

(11) Where a licence, other than a provisional licence or a licence issued to a person as resident outside the United Kingdom, is granted on the surrender of another such licence and the licence granted is to remain in force only for the unexpired period of the surrendered licence, the fee payable on the grant shall be 5/-.

Driving Tests

4.—(1) For the purposes of the Act and of these Regulations, a person shall be deemed to have passed the test of competence to drive a motor vehicle of a particular class or description if he has been tested by a testing authority on a motor vehicle of that class or description and if he has satisfied the person conducting the test—

(*a*) that he is fully conversant with the contents of the Highway Code;

(*b*) generally, that he is competent to drive without danger to and with due consideration for other users of the road, a motor vehicle of the same class or description as that on which he is tested; and

(*c*) that he is able to comply with such of the additional requirements specified in the Third Schedule as are enumerated in the third column of the Second Schedule opposite to the Group containing the class or description of motor vehicle in respect of which he is being tested:

Provided that if in the case of a disabled driver his test proves his ability to drive motor vehicles of a particular construction or design only, he shall not be deemed to have failed to pass the test by reason only of the fact that he was not tested on a motor vehicle of that construction or design.

(2) A person who has passed the test of competence to drive a class or description of motor vehicle comprised in any one of the Groups specified in the first two columns of the Second Schedule shall be deemed also to have passed the test of competence to drive any other class or description of motor vehicle comprised in that Group or in a Group specified opposite to the first-mentioned Group in the fourth column of the said Second Schedule.

(3) A licence (not being a provisional licence) or a certificate of competence to drive issued by a competent authority in Great Britain shall, for the purposes of the granting of licences in Northern Ireland to persons holding such documents, be regarded as having been issued under the Road Traffic Acts (Northern Ireland) 1926 to 1964.

(4) A driving licence issued under Section 3 of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926(a) to a person then aged 21 years or over shall be deemed to have authorised that person to drive all classes of motor vehicles.

(5) An applicant for a driving licence who has before the coming into operation of these Regulations passed a test of competence to drive shall for the purposes of the Act and of these Regulations:—

(*a*) be deemed to have passed a test in respect of vehicles of any class or description which he was deemed to be competent to drive before that date by virtue of any Regulations then in force;

(a) 16 & 17 Geo. 5. c. 31 (N.I.)

(*b*) if the test he passed was in respect of vehicles of a class or description comprised in Group 1 specified in the Second Schedule, be deemed to have passed a test in respect of a class or description of vehicles which includes mopeds and motor tricycles not equipped with means of reversing;

(*c*) if the test he passed was in respect of vehicles of a class or description comprised in Group 7 specified in the Second Schedule, be deemed to have passed a test in respect of a class or description of vehicles which includes motor tricycles equipped with means of reversing.

(6) Nothing in the foregoing paragraph shall be deemed to authorise the grant of a licence to any person authorising him to drive a vehicle of a class or description or construction or design in a case where he is not entitled to the grant of such a licence by virtue of the provisions of Section 16 of the Act either as a result of his failing to pass a test to which he has claimed to be subjected under the said Section 16 (whether taken before or after the coming into operation of these Regulations) or as the result of any such test proving his fitness to drive vehicles of a particular construction or design only.

Diseases and Disabilities

5. The following shall be the diseases and disabilities in the case of which a person shall not be entitled to claim under sub-section (2) or sub-section (5) of Section 16 of the Act to be subjected to the test prescribed in the preceding Regulation:—

(*a*) epilepsy;

(*b*) mental disorder for which the applicant for the licence or, as the case may be, the holder of the licence, is under treatment in a hospital or private hospital or liable to be detained in a hospital or private hospital under the provisions of the Mental Health Act (Northern Ireland) 1961(**a**);

(*c*) mental disorder for which the applicant for the licence or, as the case may be, the holder of the licence, being a person who has been ascertained as requiring special care under the provisions of the Mental Health Act (Northern Ireland) 1961 and certified by a medical officer of the Northern Ireland Hospitals Authority to be incapable of living an independent life or of guarding himself against serious exploitation;

(i) has been placed under guardianship under the provisions of that Act; or

(ii) is resident in accommodation provided by, or by arrangement with, a local authority under the provisions of the Health Services Act (Northern Ireland) 1948(**b**) or the Welfare Services Act (Northern Ireland) 1949(**c**); or

(iii) is resident in accommodation provided by an organisation having for its objects, or among its principal objects, the promotion of mental health or the welfare of persons suffering from mental disorder; or

(iv) is otherwise receiving care under the provisions of the Mental Health Act (Northern Ireland) 1961;

(*d*) any form of mental disorder as a result of which the applicant or, as the case may be, the holder of the licence is considered incapable of managing his affairs and:—

(**a**) 1961. c. 15.
(**b**) 1948. c. 3.
(**c**) 1949. c. 1.

(i) in respect of which mental disorder a notice has been sent to the Department for the Affairs of Patients under Part V of the Mental Health Act (Northern Ireland) 1961 and such notice has not ceased to have effect, or

(ii) in respect of whose person or estate a committee, receiver, guardian, curator bonis or judicial factor has been appointed and lawfully continues to act as such;

(*e*) liability to sudden attacks of disabling giddiness or fainting;

(*f*) inability to read in good daylight (with the aid of glasses, if habitually worn) a series of letters and figures in white, silver or light grey on a black ground of the same size and arrangement as those prescribed for the identification mark of a motor-car, at a distance of 75 feet when the size and arrangement are those appropriate to an identification mark consisting of six letters and figures, or at a distance of 67 feet when the size and arrangement are those appropriate to an identification mark consisting of seven letters and figures.

Testing Authorities

6. The following shall be testing authorities for the purpose of these Regulations:—

(*a*) The Ministry.

(*b*) The Admiralty, the Army Council, the Air Council, the Postmaster General and the Inspector General of the Royal Ulster Constabulary, in so far as concerns persons employed or to be employed by one or other of them to drive motor vehicles.

(*c*) The Automobile Association and the Royal Automobile Club, in so far as concern persons resident outside the United Kingdom who intend to make only a temporary stay in Northern Ireland.

(*d*) Any person or body appointed by the Ministry in respect of such categories of persons as the Ministry may specify.

Driving Examiners

7.—(1) Any person or body authorised by paragraphs (*b*), (*c*) or (*d*) of the preceding Regulation to conduct tests may, subject to the approval of the Ministry, authorise suitable persons to act as Examiners of those who submit themselves for test.

(2) The Ministry may at any time revoke an appointment made by it under paragraph (*d*) of the preceding Regulation and the authority to conduct tests shall thereupon cease.

Certificates of Competence and of Failure

8.—(1) Any person passing the test shall be furnished with a certificate in the form set out in Part I of the Fourth Schedule, and any person failing to pass the test shall be furnished with a statement in the form set out in Part II of the said Schedule.

(2) The certificate referred to above shall be surrendered to the licensing authority when a driving licence is subsequently issued.

(3) The person to whom a certificate or statement was furnished under this Regulation may obtain a duplicate copy from the testing authority on payment of a fee of one shilling.