[DRAFT] EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (SPECIFIED RESTRICTIONS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

2026 No.

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Articles 19AB(3), (5) and (11), 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations covered by this Memorandum is to facilitate the introduction of key elements of Graduated Driver Licensing ("GDL") in Northern Ireland.

2.2. GDL comprises a series of measures designed to provide new drivers with experience and skills, over time, and in low risk environments. GDL will apply to learner and newly qualified drivers of category B motor vehicles (mostly cars and light goods vehicles) and riders of category A1, A2 and A motor bicycles.

2.3. These Regulations amend the Motor Vehicles (Specified Restrictions) Regulations (Northern Ireland) 1998 ("the 1998 Specified Restrictions Regulations") to reflect the introduction of revised restrictions for newly qualified drivers of the above-mentioned vehicle categories. In particular, they prescribe the new distinguishing mark ("R plate") which must be displayed by newly qualified drivers/riders.

3. Background

3.1. Part 3 of the Road Traffic (Amendment) Act (Northern Ireland) 2016 ("the 2016 Act") amends the Road Traffic (Northern Ireland) Order 1981 and the Road Traffic Offenders (Northern Ireland) Order 1996 to provide for the introduction of GDL. Upon commencement of the relevant provisions, they will introduce the following key elements -

- Introduction of a mandatory minimum learning period ("MMLP") of 6 months, i.e. a learner driver cannot sit their practical test until at least six months after their provisional licence date of entitlement to drive a category B vehicle has commenced (this will not apply to motorcyclists). The 2016 Act does not require a minimum number of lessons or hours training. Effectively, the learner may take as long as they wish to complete each

module within the Programme of Training. There is no requirement to take paid lessons.

- Requirement for learner drivers/riders to complete a Programme of Training. This training must be completed and recorded in a Logbook before a learner driver/rider can sit their practical test. The Logbook is completed by the learner and verified by an Approved Driving/Motorcycle Instructor or a qualified driver as defined in the 2016 Act.

- The removal of the current 45mph speed restriction for new drivers and learners, which will allow lessons to be taken up to the posted speed limits including, where appropriate, on a motorway.

- The extension of the current 12-month restricted period, where a new driver must display R plates, for a 24-month 'new driver' period in line with the existing probationary period set by the Road Traffic (New Drivers) (NI) Order 1998. This will require new drivers to display a distinguishing mark (R plate) on the vehicle for two years after receiving a full licence.

- The introduction of post-test passenger carrying restrictions whereby, for the first six months, new drivers aged 17-23 will be restricted from carrying more than one passenger aged 14-20 between the hours of 11pm and 6 am. Some exceptions apply, including for family members.

3.2. The 2016 Act also provides for transitional arrangements covering the first six months following the introduction of GDL and for exemptions from the requirements of GDL in certain circumstances.

3.3. The introduction of GDL will be facilitated by the making of four Statutory Rules which will come into operation at the same time –

- The Road Traffic (Amendment) (2016 Act) (Commencement No. 4) Order (NI) 2026

- Motor Vehicles (Driving Licences) (Amendment) Regulations (NI) 2026

- The Motor Vehicles (Specified Restrictions) (Amendment) Regulations (NI) 2026

- The Motorways Traffic (Amendment) Regulations (NI) 2026

3.4. These particular Regulations update references in the 1998 Specified Restrictions Regulations to reflect the introduction of passenger restrictions and new R plate requirements that apply to newly qualified drivers of category B motor vehicles and category A, A1 and A2 motor bicycles.

3.5. They specifically update references to apply the requirement to display the new distinguishing mark and substitute the Schedule to the 1998 Specified Restrictions Regulations to prescribe the new distinguishing mark. The new distinguishing mark will be a two-stage post-test R plate which newly qualified

drivers/riders are required to display. Part 1 of the Schedule prescribes the initial R plate to be displayed during the first 6 months of the new driver period and Part 2 of the Schedule prescribes the R plate to be displayed during the remaining 18 months of the new driver period.

3.6. The Regulations make consequential amendments to regulation 4 to provide that the new passengers restrictions and new post-test R plate do not apply to the same group of drivers and in the same circumstances as was previously the case for the now superseded amber R plate and 45mph speed limit restriction. While regulation 4(2) does not cover the non-application of passenger restrictions to the drivers provided for, that non-application is covered by Article 19AB(7) of the Road Traffic (Northern Ireland) Order 1981.

3.7. While not related to GDL, the opportunity is being taken to update references to "Police Service of Northern Ireland" and "His Majesty".

4. Consultation

4.1. The Department of the Environment (now the Department for Infrastructure) carried out an extensive consultation process on the introduction of GDL including holding a series of focus groups. The results of this consultation informed the policy development and the enabling Primary legislation that became the 2016 Act.

4.2. The Driver and Vehicle Agency ("DVA") carried out a further consultation exercise between November 2017 and January 2018 which focused on the additional measures required to implement GDL and the review of the driving test and this informed the development of the subordinate legislation.

4.3. There was a total of 297 responses to that consultation, 23 of which represented organisations and interested bodies and overall the majority of the proposals received a positive response.

4.4. The proposed exemption of carers from the MMLP was opposed by 56% of respondents. However, as it is intended that the exemption will only be available to those who are entitled to claim carers allowance and who are, essentially, full-time carers, the Department decided to implement that proposal. Carers will still be required to complete the Programme of Training and Logbook as evidence that they are considered ready to take the practical driving test.

4.5. The 2016 Act provides for an exemption from MMLP for those drivers who have had their licence revoked or those who have been disqualified until retest. The proposed exemption for this group from the requirement to produce a Logbook was opposed by 55% of respondents. The Department considered that requiring such drivers to also complete a Logbook might be seen as an additional punitive measure being imposed in relation to an existing offence.

5. Equality Impact

5.1. The Statutory Rule does not impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998.

5.2. Section 75 category impacts were considered when developing the legislative framework for GDL as part of the passage of the 2016 Act, and, where possible, mitigations and exemptions have been put in place. Supplementary screening was conducted in 2025 and confirmed that there is no adverse impact for any category of people and no further mitigations have been identified at this time. Accordingly, the Department does not envisage or consider that there are likely to be any significant negative, adverse or unequal impacts associated with the introduction of GDL. A full Equality Impact Assessement is not therefore required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment on the general principles of GDL was completed in 2013 and a further RIA on the GDL scheme as set out in the 2016 Act is not considered necessary. There was, however, a need to consider whether an RIA was required on those aspects of the GDL measures which are now to be prescribed in Regulations pursuant to the 2016 Act. A screening exercise found that a full RIA was not warranted as it is not anticipated that the introduction of the suite of GDL Regulations will result in any significant direct or indirect financial impact on the voluntary/community sector or businesses.

6.2. There will be some impact on learner drivers, i.e. £17 for access to the digital Programme of Training and Logbook, and potentially, although not necessarily, an increased number of paid for driving lessons – there is no requirement to take paid lessons.

7. Financial Implications

7.1. To deliver a structured approach to learning to drive and provide a means to evidence that learning, the Department opted for a digital application ("app") to deliver the Programme of Training and Logbook. The associated costs, in total, for the design, development and operational delivery of the app is approximately £2 million. This includes modifications to DVA's online booking system for the practical driving test which interfaces with the app. Departmental capital funding has been made available for this expenditure.

7.2. Post-implementation, ongoing operational costs will mainly relate to system support costs for the app and the cost of a small DVA administrative team to support GDL. These resource costs will be funded from a charge of £17 to GDL applicants for access to the digital Programme of Training and Logbook via the DVA app.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department is satisfied that the Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. European Union Withdrawal and Windsor Framework Implications

9.1. The Regulations do not relate to the withdrawal of the United Kingdom from the European Union.

9.2. There are no implications in relation to the Windsor Framework and the Regulations do not engage Article 2(1) of that Framework.

10. Parity or replicatory measure

10.1 There is currently no equivalent legislation in GB. However, the Department for Transport ("DfT") has recently sought views on introducing a minimum learning period and/or number of hours supervised tuition between passing a theory test and taking a practical driving test. The consultation exercise also considered driver training programmes and a logbook. DfT are currently considering the responses received to their consultation. New drivers in GB are already considered 'on probation' for 2 years post-test. They are not required to display a distinguishing plate, although 'P' plates are optional in GB at this time.

11. Additional information

11.1. None