STATUTORY INSTRUMENTS

1971 No. 736

ROAD TRAFFIC

The Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1971

Made - - -	3*rd May* 1971
Laid before Parliament	11*th May* 1971
Coming into Operation	12*th May* 1971

The Secretary of State for the Environment, in exercise of his powers under section 194(2) of the Road Traffic Act 1960(**a**) and sections 20 and 21 of the Road Safety Act 1967(**b**) and of all other enabling powers, and after consultation with representative organisations in accordance with section 29(6) of the said Act of 1967 and section 260(2) of the said Act of 1960, hereby makes the following Regulations:—

1. These Regulations shall come into operation on the 12th May 1971 and may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations 1971.

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations 1969(**c**) shall be amended so as to have effect in accordance with the following provisions of these Regulations.

3. In Regulation 2 (Interpretation), after the definition of "licensing authority" there shall be inserted the following definitions:—

" "Northern Ireland (ordinary) driving licence" means a licence to drive a motor vehicle granted under the law for the time being in force in Northern Ireland that corresponds to Part II of the Act of 1960 not being a licence granted under an enactment of the Parliament of Northern Ireland in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom;

"Northern Ireland hgv driver's licence" means a licence to drive heavy goods vehicles granted under the law for the time being in force in Northern Ireland that corresponds to Part V of the Act of 1960 not being a licence granted under an enactment of the Parliament of Northern Ireland in consequence of a dispensation from passing a test of competence to drive by reason of the applicant's residence outside the United Kingdom;".

4. In Regulation 3 (Applications for licences)—

(*a*) in paragraph (1)(*c*), after the words "Act of 1960 applies" there shall be inserted the words "(unless the appropriate licensing authority is satisfied that he has an immediate need to drive heavy goods vehicles in Northern Ireland)";

(**a**) 1960 c. 16. (**b**) 1967 c. 30. (**c**) S.I. 1969/903 (1969 II, p. 2582).

(*b*) in paragraph (1)(*d*)(i), for the reference to section 5(2) of the Medical Act 1956 there shall be substituted a reference to section 52(2) of that Act ;

(*c*) in paragraph (1)(*d*)(iii), at the end there shall be added the words "or his Northern Ireland (ordinary) driving licence," ; and

(*d*) in paragraph (3)—

(i) in sub-paragraph (*a*), at the end there shall be added the words "or a Northern Ireland hgv driver's licence which has been suspended whether (in either case) the suspension has effect under Part V of the Act of 1960 or under the law for the time being in force in Northern Ireland that corresponds to the said Part V,",

(ii) in sub-paragraph (*b*), at the end there shall be added the words "or a Northern Ireland hgv driver's licence whether (in either case) the disqualification has effect under Part V of the Act of 1960 or under the law for the time being in force in Northern Ireland that corresponds to the said Part V,",

(iii) in sub-paragraph (*c*), at the end there shall be added the words "is disqualified by a court in Northern Ireland for holding or obtaining a Northern Ireland (ordinary) licence, or", and

(iv) in sub-paragraph (*d*), at the end there shall be added the words "or (on and after 1st July 1971) would hold a hgv driver's licence and a Northern Ireland hgv driver's licence.".

5. In Regulation 4 (Qualifications of applicants)—

(*a*) for paragraph (*b*) there shall be substituted the following paragraph :—

"(*b*) he shall not—

(i) at any time since he attained the age of three years, have had an epileptic attack, or

(ii) suffer from any disease or disability likely to cause the driving by him of a heavy goods vehicle to be a source of danger to the public ;" ; and

(*b*) in paragraph (*d*), after the words "Act of 1960" there shall be inserted the words "or a Northern Ireland (ordinary) driving licence in either case".

6. For Regulation 5 (Issue of licences) there shall be substituted the following Regulation :—

"5. Where an applicant for a hgv driver's licence—

(*a*) holds a licence granted under Part II of the Act of 1960 which contains a provision under section 100(4) of that Act limiting the applicant to the driving of vehicles of a particular construction or design only ; or

(*b*) holds a Northern Ireland (ordinary) licence which contains a similar provision under the law for the time being in force in Northern Ireland that corresponds to the said section 100(4),

any full licence granted to the applicant to drive a heavy goods vehicle shall contain a corresponding limitation.".

7. In Regulation 9 (Provisional licences), at the end of paragraph (3) there shall be added the words "and none of the conditions specified in the said

paragraph (2) shall apply in relation to the driving of a heavy goods vehicle of any class where the holder of the licence has passed a test for a vehicle of that class.".

8. In Regulation 10 (Suspension or revocation), after paragraph (2) there shall be inserted the following paragraph :—

"(3) The holder of a Northern Ireland hgv driver's licence which, on and after 1st July 1971, has been suspended or revoked by a licensing authority shall on receipt of notice delivered or sent to the holder as mentioned in paragraph (1) of this Regulation of the decision of the licensing authority to suspend or revoke the licence forthwith deliver the licence to the licensing authority who shall send it to the authority in Northern Ireland by whom it was issued together with particulars of the suspension or, as the case may be, of the revocation.".

9. In Regulation 12 (Withdrawal of licence under Part II of the Act of 1960)—

(*a*) in the heading, at the end there shall be added the words "*or of a Northern Ireland (ordinary) driving licence*" ;

(*b*) in paragraph (1), after the words "Act of 1960", where they secondly occur, there shall be inserted the words "or if he is disqualified under the law for the time being in force in Northern Ireland for holding or obtaining a Northern Ireland (ordinary) driving licence or if such a licence is refused or revoked under any provision of that law that corresponds to the said section 100" ; and

(*c*) in paragraph (2), after the words "the said Part II" there shall be inserted the words "or, as the case may be, of his Northern Ireland (ordinary) driving licence".

10.—(1) In Regulation 14 (Production of licences)—

(*a*) in paragraph (1)(*b*), for the word "accompanies" there shall be substituted the word "supervises" and after the words "provisional licence" there shall be inserted the words "(including a full licence which is treated as a provisional licence under Regulation 9(1) of these Regulations)" ;

(*b*) in paragraph (2), after sub-paragraph (*b*) there shall be inserted the following sub-paragraph :—

"or

(*c*) a person whom a police constable has reasonable cause to believe was supervising the holder of a provisional licence (including a full licence which is treated as a provisional licence under Regulation 9(1) of these Regulations) while driving a heavy goods vehicle at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on a road," ;

(*c*) after paragraph (3) there shall be inserted the following paragraph :—

"(3A) Subject to paragraph (5) of this Regulation, where (on and after 1st July 1971) a Northern Ireland hgv driver's licence has been suspended or revoked by a licensing authority, then if the holder of the licence fails to deliver it to that authority as required by Regulation 10(3) of these Regulations, a police constable or an examiner appointed under section 183 of the Act of 1960 may

require him to produce it, and upon its being produced may seize it and deliver it to that authority." ; and

(*d*) in paragraph (6), after the words "Act of 1960" there shall be inserted the words "or, as the case may be, his Northern Ireland (ordinary) driving licence".

(2) The provisions of paragraphs (1), (2), (5) and (6) of the said Regulation 14 shall, on and after 1st July 1971, apply in relation to the holder of a Northern Ireland hgv driver's licence as they apply in relation to the holder of a hgv driver's licence and accordingly any reference in those paragraphs to a hgv driver's licence shall, on and after that date, be treated as including a reference to a Northern Ireland hgv driver's licence.

11. In Regulation 15(4) (Applications for tests), for the words "shall not submit himself for a test" there shall be substituted the words "shall not be eligible to submit himself for another test".

12. In Regulation 16 (Qualifications of applicants for a test of competence)—

(*a*) for the words "licences granted under Part II and Part V of the Act of 1960" there shall be substituted the words "a licence granted under Part II of the Act of 1960 or a Northern Ireland (ordinary) driving licence together with a hgv driver's licence or (on and after 1st July 1971) a Northern Ireland hgv driver's licence" ; and

(*b*) for the words "a licence under Part V of the Act of 1960" there shall be substituted the words "a hgv driver's licence or (on and after 1st July 1971) a Northern Ireland hgv driver's licence".

13. In Regulation 21 (Production of vehicle for test, etc), in paragraph (1)(*b*)—

(*a*) for the words from "his driving licence" to "that Act" there shall be substituted the words "such licences as are required to be held by him by Regulation 16 of these Regulations" ; and

(*b*) the proviso shall be omitted.

14. In Regulation 24(1) (Additional qualification)—

(*a*) in sub-paragraph (*a*) (as following sub-paragraph (*b*)(ii)), after the words "the said Part II", there shall be inserted the words "or a Northern Ireland (ordinary) driving licence being a licence corresponding to a provisional licence so granted," ; and

(*b*) in sub-paragraph (*b*) (as following the said sub-paragraph (*a*)), for the words "a full licence under the said Part II" there shall be substituted the words "a licence under the said Part II not being a provisional licence or a Northern Ireland (ordinary) driving licence not being a licence corresponding to a provisional licence under that Part".

15. In Regulation 26(2) (Northern Irish licences) for the words "a magistrates' court which" there shall be substituted the words "such a magistrates' court or sheriff as".

16. In Regulation 27 (Offences), the reference to Regulations 9(2) and 15(4) shall be omitted.

17. In Regulation 28 (Exemptions), in paragraph (3)(*f*), for the reference to sub-paragraph (*n*) there shall be substituted a reference to sub-paragraph (*o*).

Signed by authority of the Secretary of State 3rd May 1971.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations amend the Heavy Goods Vehicles (Drivers' Licences) Regulations 1969, the principal amendments being to provide—

(*a*) that a person who has had an epileptic attack since the age of three shall not be qualified to apply for a heavy goods vehicle (hgv) driver's licence (Regulation 5(*a*));

(*b*) that the holders of driving licences granted under the law of Northern Ireland that corresponds to Part II of the Road Traffic Act 1960 shall be qualified to apply for hgv drivers' licences (Regulation 5(*b*) and the related amendments in Regulations 4(*c*) and (*d*), 6, 9, 12 and 14);

(*c*) that the conditions subject to which a provisional hgv driver's licence is granted cease to apply where the licence-holder has passed the appropriate test (Regulation 7);

(*d*) that a person shall not apply for a hgv driver's licence if he holds, or is disqualified from holding or obtaining, a hgv driver's licence granted under the corresponding law of Northern Ireland (Regulation 4(*d*));

(*e*) that the requirements of the 1969 Regulations as to the production of hgv drivers' licences shall, on and after 1st July 1971, apply also to hgv drivers' licences granted under the corresponding law of Northern Ireland (Regulation 10(1)(*c*) and (2)) and that requirements similar to those applicable on suspension or revocation of hgv drivers' licences shall, so far as relevant, apply to licences so granted (Regulation 8); and

(*f*) that a person supervising the holder of a provisional licence shall, if required by a police constable, produce his hgv driver's licence where an accident has occurred or the constable suspects that an offence has been committed in relation to the use of the vehicle (Regulation 10(1)(*b*)).