1971. No. 137 **[C]**

HEAVY GOODS VEHICLES (DRIVERS' LICENCES)

REGULATIONS, DATED 14TH MAY 1971, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 70(1), 70(2) AND 71 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970.

The Ministry of Home Affairs in exercise of the powers vested in it by sections 70(1), 70(2) and 71 of the Road Traffic Act (Northern Ireland) 1970(**a**) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1. These Regulations may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1971.

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970(**b**) shall have effect as though—

(1) in Regulation 2(1) there were added the following definitions:—

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

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

(2) in Regulation 3—

(*a*) in paragraph (1)(*c*), after the words "Regulation 24(1) applies", there were inserted the words "(unless the Ministry is satisfied that he has an immediate need to drive heavy goods vehicles in Great Britain)";

(*b*) in paragraph (1)(*d*)(iii) at the end there were added the words "or his Great Britain (ordinary) driving licence"; and

(*c*) in paragraph (3)—

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

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

(a) 1970. c. 2 (N.I.). (b) S.R. & O. (N.I.) 1970, No. 40.

(iii) in sub-paragraph (*c*) at the end there were added the words "is disqualified by a court in Great Britain for holding or obtaining a Great Britain (ordinary) driving licence, or," and

(iv) in sub-paragraph (*d*) at the end there were added the words "or (on and after 1st July 1971) would hold a hgv driver's licence and a Great Britain hgv driver's licence,";

(3) in Regulation 4, in paragraph (*d*), after the words "Part I of the Act" there were inserted the words "or a Great Britain (ordinary) driving licence in either case";

(4) for Regulation 5 there were substituted the following Regulation:—

"*Issue of licences*

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

(*a*) holds a licence granted under Part I of the Act which 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; or

(*b*) holds a Great Britain (ordinary) driving licence which contains a similar provision under the law for the time being in force in Great Britain that corresponds to the said section 4(2)(*b*),

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

(5) after Regulation 5 there were added the following Regulation:—

"*Conditions of issue of licence*

5A. If it appears reasonable the Ministry may require the production of a medical certificate at any time during the currency of a hgv driver's licence.";

(6) in Regulation 6, at the end of paragraph (2), there were added the words "provided that application is made to the Ministry within one month of the expiration of the licence.";

(7) in Regulation 9, at the end of paragraph (3), there were 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 11—

(*a*) in the heading at the end there were added the words "*or of a Great Britain (ordinary) driving licence*";

(*b*) in paragraph (1) after the words "section 4 of the Act" there were inserted the words "or if he is disqualified under the law for the time being in force in Great Britain for holding or obtaining a Great Britain (ordinary) driving licence or if such a licence is refused or revoked under any provision of that law that corresponds to the said section 4"; and

(*c*) in paragraph (2) after the words "under Part I" there were inserted the words "or, as the case may be, of his Great Britain (ordinary) driving licence";

(9) in Regulation 13—

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

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

"or

(*c*) a person whom a 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)) 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 the road,";

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

"(3A) Subject to paragraph (5), where (on and after 1st July 1971) a Great Britain hgv driver's licence has been suspended or revoked by the Ministry then if the holder of the licence fails to deliver it to the Ministry as required by Regulation 10(6), a constable or an examiner may require him to produce it, and upon its being produced may seize it and deliver it to the Ministry"; and

(*d*) in paragraph (6) after the words "Part I of the Act" there were inserted the words "or, as the case may be, his Great Britain (ordinary) driving licence";

(10) the provisions of paragraphs (1), (2), (5) and (6) of Regulation 13 shall, on and after 1st July 1971, apply in relation to the holder of a Great Britain 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 Great Britain hgv driver's licence;

(11) in Regulation 14(4) for the words "shall not submit himself for a test" there were substituted the words "shall not be eligible to submit himself for another test";

(12) in Regulation 15—

(*a*) for the words "licences granted under Part I and sections 66 to 74 of the Act" there were substituted the words "a licence granted under Part I of the Act or a Great Britain (ordinary) driving licence together with a hgv driver's licence or (on and after 1st July 1971) a Great Britain hgv driver's licence"; and

(*b*) for the words "a licence under sections 66 to 74 of the Act" there were substituted the words "a hgv driver's licence or (on and after 1st July 1971) a Great Britain hgv driver's licence";

(13) in Regulation 20 in paragraph 1(*b*)—

(*a*) for the words from "his driving licence" to "that Act" there were substituted the words "such licences as are required to be held by him by Regulation 15"; and

(*b*) the proviso were omitted.

(14) in regulation 23(1) after sub-paragraph (*q*) there were added the following sub-paragraph:—

"(*r*) wheeled armoured vehicles being the property of, or for the time being under the control of, the Secretary of State for Defence."

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 14th day of May 1971.

(L.S.)

G. Buchanan,
Assistant Secretary.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations amend the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970, the principal amendments being to provide—

(*a*) that the limit on the period within which application for heavy goods vehicle (hgv) drivers' licences may be made by the holders of current driving licences granted under Part I of the Road Traffic Act (Northern Ireland) 1970 shall not apply in the case of persons who need to be licensed to drive heavy goods vehicles in Great Britain (Regulation 2(2)(*a*));

(*b*) that the holders of driving licences granted under the law of Great Britain that corresponds to Part I of the Act of 1970 shall be qualified to apply for hgv drivers' licences (Regulation 2(3) and the related amendments in Regulations 2(2)(*b*) and (*c*), (4), (8) and (12));

(*c*) for a medical certificate to be produced other than at the time of application for a licence (Regulation 2(5));

(*d*) 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 2(7));

(*e*) 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 Great Britain (Regulation 2(2)(c));

(*f*) that the requirements of the 1970 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 Great Britain, 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 2(9));

(*g*) that a person supervising the holder of a provisional licence shall, if so required by a 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 2(9)(*b*)); and

(*h*) that exemption be extended to members of the armed forces when driving wheeled armoured vehicles, as is the case in Great Britain (Regulation 2(14)).