**1986 No. 368**

# ROAD TRAFFIC AND VEHICLES

## Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1986

*Made* . . . . . *30th December 1986*

*Coming into operation* . . . *9th February 1987*

The Department of the Environment in exercise of the powers conferred on it by Articles 71(3)(*c*), 72(1), 75(1), 76, 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers enabling it in that behalf and with the approval of the Department of Finance and Personnel(**b**) as regards regulations 2(2), (5) and (7) makes the following Regulations:

*Citation and commencement*

**1.** These Regulations may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 9th February 1987.

*Amendment of the 1981 Regulations*

**2.** The Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981(**c**) shall be amended as follows:

(1) In regulation 4 (qualifications of applicants)—

(*a*) after "4." insert "—(1)";

(*b*) for sub-paragraph (*b*) substitute—

"(*b*) he has not at any time since he attained the age of 5 years had an epileptic attack;

(*bb*) he is fit to hold the licence having regard to his health and any disability which he may suffer;

(*bbb*) he is, having regard to his conduct (including conduct in Great Britain) as the driver of a motor vehicle, a fit person to hold such a licence;";

(*c*) for sub-paragraph (*d*) substitute—

"(*d*) in the case of an applicant for a hgv trainee driver's licence he is a registered employee of a registered employer and—

(i) if he has not previously held a hgv driver's licence, the licence referred to in sub-paragraph (*c*) shall not have—

(A) if it is an ordinary driving licence, any relevant endorsements on it, or

(B) if it is a Great Britain ordinary driving licence, any penalty points or disqualifications endorsed on it, or

(ii) in any other case, the licence referred to in sub-paragraph (*c*) shall not have—

(A) if it is an ordinary driving licence, more than one endorsement on it, or

---

(**a**) S.I. 1981/154 (N.I. 1)
(**b**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(**c**) S.R. 1981 No. 240 as amended by S.Rs. 1982 Nos. 130 and 430 and 1984 No. 86

(B) if it is a Great Britain ordinary driving licence, more than 3 penalty points or any disqualification endorsed on it, so, however, that there shall be disregarded any penalty points exceeding 3 endorsed on it on or after 1st November 1982 but before 13th September 1983 provided that they were endorsed as a consequence of the commission on one occasion of one or more offences.''.

(*d*) at the end add—

''(2) In this regulation—

''penalty points'' means penalty points endorsed on an ordinary driving licence pursuant to section 19 of and Schedule 7 to the Transport Act 1981 c. 56 or counted as having been so endorsed pursuant to section 19(7)(*a*) of that Act.''.

(2) For regulation 9 (fees for licences) substitute—

''*Fees for licences*

**9.** The fee for the grant of a full licence shall be £8·50 and the fee for the grant of a provisional licence shall be £4·00.''.

(3) At the end of regulation 10 (provisional standard licences) add—

''(5) A person to whom a full standard licence has been issued which states that the holder is entitled to drive vehicles in Class 4 only, vehicles in Class 4A only, or vehicles in both those classes, shall be treated as holding a provisional standard licence to drive vehicles in Classes 1, 1A, 2, 2A, 3 and 3A for such time as the full standard licence enures.''.

(4) In regulation 11 (hgv trainee drivers' licences)—

(*a*) for paragraphs (1) and (2) substitute the following paragraph—

''(1) Save as provided in paragraph (8), every hgv trainee driver's licence shall be subject to the condition that the holder shall not drive a heavy goods vehicle of any class for which the licence is issued or for which, by virtue of paragraph (3), the licence is treated as a provisional licence, unless the holder is the registered employee of a registered employer named in the licence and either—

(*a*) (i) the vehicle is a heavy goods vehicle of a class to which the holder's training agreement applies and which is stated in the licence, and

(ii) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named in the licence; or

(*b*) the holder is a part-time member of the armed forces of the Crown and the vehicle is owned by the Secretary of State for Defence and used for naval, military or air force purposes.'';

(*b*) delete paragraph (6)(*a*)(i).

(5) In regulation 14(3) (exchanged licences) for ''25p'' substitute ''£1·50''.

(6) At the end of regulation 22 (production of vehicle for test, etc.) add—

''(3) A person submitting himself for a test shall allow to travel in the vehicle—

(*a*) the examiner, and

(*b*) any person authorised by the Department to attend the test for the purpose of supervising it.''.

(7) In regulation 23 (fees for tests) for ''£65·00'' substitute ''£40·00''.

(8) In regulation 25 (exemptions)—

(*a*) in paragraph (1)—

(i) for sub-paragraph (*g*) substitute—

"(*g*) industrial tractors;";

(ii) for sub-paragraph (*h*) substitute—

"(*h*) agricultural motor vehicles;";

(iii) for sub-paragraph (*l*) substitute—

"(*l*) public service vehicles;";

(iv) in sub-paragraph (*n*) for "1st January 1940" substitute "1st January 1960";

(v) in sub-paragraph (*o*) after the word "headquarters" add the words "as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965(**a**);";

(vi) in sub-paragraph (*r*) for "760 kilograms" substitute "2040 kilograms";

(vii) for sub-paragraph (*t*) substitute—

"(*t*) any vehicle (not being an articulated vehicle combination) which—

(i) has an unladen weight not exceeding 10170 kilograms,

(ii) is being operated by the holder of a road service licence granted under Part II of the Transport Act (Northern Ireland) 1967 c. 37,

(iii) is being driven by the holder of a public service vehicle driver's licence under Article 70 of the Order, and

(iv) is being used for the purpose of—

(A) proceeding to, or returning from, a place where assistance is to be, or has been, given to a disabled public service vehicle, or

(B) giving assistance to or moving a disabled public service vehicle or moving a wreck which, immediately before it became a wreck, was a public service vehicle;".

(*b*) for paragraph (2) substitute—

"(2) In this regulation—

"agricultural motor vehicle" means a motor vehicle which is constructed or adapted for use off roads for the purpose of agriculture, horticulture or forestry and which is primarily used for one or more of those purposes, but does not include a dual-purpose vehicle;

"digging machine" has the same meaning as in paragraph 3 of Part 1 of Schedule 3 to the Vehicles (Excise) Act (Northern Ireland) 1972;

"engineering plant", "industrial tractor", "track-laying" and "works truck" have the same meanings as in regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976;

"play equipment for children" includes articles required in connection with the use of such equipment by children; and

"road construction machinery" and "road construction vehicle" have the same meanings as in section 4(2) of the Vehicles (Excise) Act (Northern Ireland) 1972.".

(9) In regulation 27 where "10 tonnes" occurs substitute "10170 kilograms".

(10) In Schedule 2 (Classes of Heavy Goods Vehicles)—

(*a*) for the items relating to Class 1 and Class 1A respectively substitute—

| | | |
|---|---|---|
| "Class 1 | An articulated vehicle combination not with automatic transmission | Classes 1A, 2, 2A, 3 and 3A |

(a) S.I. 1965/1536

| | |
|---|---|
| Class 1A An articulated vehicle combination with automatic transmission'' | Classes 2A and 3A |

(*b*) the last two items shall be deleted; and

(*c*) in the footnote, for ''18 inches'' substitute ''460 millimetres''.

(11) In Schedule 3 Part I (Form of Heavy Goods Vehicle Full Drivers' Licence) and Part II (Form of Heavy Goods Vehicle Provisional Drivers' Licence) references to Classes 4 and 4A shall be deleted.

(12) In Schedule 6 (Nature of Tests — Operations) for paragraph G there shall be substituted—

''G. Drive the vehicle backwards and whilst doing so cause it to enter a limited opening to the left or to the right and then bring it to rest in a predetermined position.''.

Sealed with the Official Seal of the Department of the Environment on 30th December 1986.

(L.S.) *J. M. Irvine*
Assistant Secretary

The Department of Finance and Personnel approves of regulation 2(2), (5) and (7).

Sealed with the Official Seal of the Department of Finance and Personnel on 30th December 1986.

(L.S.) *R. G. Smartt*
Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981. The changes of substance are—

(1) in assessing whether an applicant for a hgv driver's licence has the necessary qualifications, experience and knowledge, the Department shall have regard to his conduct (including conduct in Great Britain) as the driver of a motor vehicle. In this respect account will be taken of driving offences resulting in endorsement or disqualification of an ordinary driving licence and additionally in the case of a Great Britain ordinary driving licence, of penalty points or disqualifications (regulation 2(1));

(2) the fees for hgv drivers' licences are increased viz;

(i) for a full licence from £5·50 to £8·50;

(ii) for a provisional licence from £2·50 to £4·00;

(iii) for an exchanged licence from 25p to £1·50 (regulation 2(2) and 2(5));

(3) a person to whom a full standard licence has been granted for obsolete Class 4 or 4A licence shall be treated as holding a provisional standard licence to cover Classes 1, 1A, 2, 2A, 3 and 3A (regulation 2(3));

(4) a part-time member of the armed forces of the Crown may drive certain vehicles for defence purposes in addition to the class of vehicle for which his trainee's licence was issued (regulation 2(4));

(5) a person submitting himself for the test shall allow to travel in the vehicle the examiner and any person appointed by the Department to supervise the test (regulation 2(6));

(6) the fee payable by a person who applies for a hgv test is reduced from £65·00 to £40·00 (regulation 2(7));

(7) the exemption for vehicles used unladen and not drawing a laden trailer is amended to apply to such vehicles if manufactured before 1st January 1960 instead of 1st January 1940 and certain obsolete references in relation to exemptions have been replaced (regulation 2(8));

(8) Classes 4 and 4A are abolished (regulation 2(10) and (11));

(9) one of the operations in the test is changed to a reversing manoeuvre (regulation 2(12)); and

(10) metrication of certain imperial units of measurement to comply with Council Directive 80/181/EEC of 20th December 1979 (O.J. L39, page 40) on the approximation of laws of Member States relating to units of measurement.