STATUTORY RULES OF NORTHERN IRELAND

2004 No. 179

ROAD TRAFFIC AND VEHICLES

Motor Cars (Driving Instruction) Regulations (Northern Ireland) 2004

Made - - - - - *9th April 2004*

Coming into operation *5th May 2004*

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The Department of the Environment, in exercise of the powers conferred upon it by Articles 132(2), 135 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**b**) as regards regulation 25, hereby makes the following Regulations:

(**a**) S.I. 1981/154 (N.I. 1); *see* Article 2(2) for the definition of "the Department"
(**b**) Formerly the Department of Finance. *see* S.I. 1982/338 (N.I. 6) Art. 3

PART 1
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 2004 and shall come into operation on 5th May 2004.

Interpretation

2.—(1) In these Regulations –

"approved driving instructor" means a person whose name is entered in the register;

"community licence" means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being –

(a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than a member State, or

(b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968;

"continued ability and fitness test" means the test of continued ability and fitness to give instruction in the driving of motor cars referred to in regulation 5(3) and the nature and content of which is prescribed in regulation 15;

"Department" means the Department of the Environment;

"driving ability and fitness test" means the practical test of ability and fitness to drive referred to in the definition of "examination" and the nature of which is prescribed in regulation 11;

"examination" means the examination of ability to give instruction in the driving of motor cars and for the purpose of these Regulations shall consist of the test of driving theory and hazard perception, the driving ability and fitness test and the instructional ability and fitness test;

"examiner", in relation to part of the examination or the continued ability and fitness test, means an officer of the Department appointed to conduct that part of the examination or that test;

"instructional ability and fitness test" means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in the definition of "examination" and the nature of which is prescribed in regulation 12;

"the Order of 1981" means the Road Traffic (Northern Ireland) Order 1981;

"the Order of 1996" means the Road Traffic Offenders (Northern Ireland) Order 1996(**a**);

"the register" means the register of approved driving instructors referred to in Article 132(1) of the Order of 1981;

"the Registrar" means the officer of the Department by whom the register is, on behalf of the Department, compiled and maintained;

"theory test" means the test of driving theory and hazard perception referred to in the definition of "examination" the nature of which is prescribed in regulation 10; and

"trainee licence" means a licence to give driving instruction granted under Article 135(1) of the Order of 1981;

(**a**) S.I. 1996/1320 (N.I. 10)

(2) In these Regulations a reference to a part of the examination is a reference to one of the 3 parts of the examination set out in the definition of "examination" in paragraph (1).

PART 2
REGISTRATION

Application for registration

3. Applications for registration in the register shall be made in such form and contain such information as the Department may determine.

Register

4. The register shall contain the names and addresses of persons approved by the Department as qualified to give instruction in the driving of motor cars and shall be compiled on behalf of the Department and maintained by the Registrar.

Registration

5.—(1) The Registrar shall enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar in relation to the following conditions –

(a) that he has passed the examination;

(b) that application is made within one year of passing the examination;

(c) that he is the holder of a current licence of one of the following kinds, that is to say –

(i) a current licence to drive a motor car granted under Article 13(1) of the Order of 1981(**a**);

(ii) a current licence to drive a motor car granted under the corresponding law in force in Great Britain; or

(iii) a Community licence by which he is authorised to drive a motor car in Northern Ireland,

and that, during the period of six years ending with the day on which the application is made, one or more of the following requirements have been satisfied in relation to him for the periods amounting in the aggregate to at least four years –

(aa) he has held a current licence of one of the kinds aforesaid,

(bb) after having passed the test of competence prescribed under Article 5(1) of the Order of 1981 or, as the case may be, the law for the time being in force in Great Britain corresponding to that Article, to drive a motor vehicle, he has held a current provisional licence to drive a motor vehicle,

(cc) he has held a current foreign licence, that is to say, a document issued under the law of a country or territory other than an EEA state (within the meaning of the Order of 1981) authorising the holder to drive a motor vehicle in that country;

(d) that he has not, during any part of the period of four years ending with the day on which the application is made been disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain; and

(e) apart from the fulfilment of the foregoing conditions that he is a fit and proper person to have his name entered in the register.

(**a**) Articles 3 to 19E were substituted by Sch. 1 to the Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991 No. 197 (N.I. 3))

(2) The Registrar shall, on making a decision on an application under paragraph (1), give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.

(3) The entry or retention or renewal thereof of a person's name in the register shall be subject to the condition that so long as the name is therein that person will, if at any time so required by the Registrar, undergo a practical test of his continued ability and fitness to give instruction in the driving of motor cars as set out in regulation 15.

Period of registration

6. The period of registration shall be four years beginning with the date on which the entry of the name was made.

Renewal of registration

7.—(1) A person shall be entitled on payment of the fee specified in regulation 25 to have the entry of his name in the register renewed for a further period of four years if he satisfies the Registrar that –

(a) he has not refused to undergo a test such as is mentioned in regulation 15 during the previous period of registration;

(b) his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test which he has undergone during the said period, to be of a satisfactory standard;

(c) he has not during any part of the said period been disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence to drive a motor vehicle granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain;

(d) he is the holder of a current licence of one of the kinds mentioned in regulation 5(1)(c); and

(e) apart from the fulfilment of the foregoing conditions he continues to be a fit and proper person to have the entry of his name in the register renewed.

(2) Where the Registrar decides to refuse to renew an entry of a name in the register he shall give written notice of the decision to the person concerned and shall state the grounds for the refusal.

Removal of names from the register

8.—(1) The Registrar may remove the name of a person from the register if the Registrar is satisfied in a case where the entry has not been renewed under regulation 7 that at any time since the entry of the name was made, or in a case where the entry of the name has been renewed that at any time since it was last renewed any of the following conditions were fulfilled in the case of that person –

(a) that he did not hold a current licence of one of the kinds mentioned in regulation 5(1)(c);

(b) that he was disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence to drive a motor vehicle granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain;

(c) that he refused to undergo a test such as is mentioned in regulation 15;

(d) that he failed to appear for such a test on more than two occasions;

(e) that he failed to pass such a test;

(f) that he ceased to be a fit and proper person to have his name included in the register; or

(g) that the entry of his name in the register, or the renewal of the entry was made by mistake or procured by fraud.

(2) Where a person whose name has been removed from the register under this regulation applies under regulation 3 for his name to be entered again in the register and either –

(a) the application is made after the end of the period of one year beginning with the date on which his name was removed; or

(b) his name was removed on the grounds that he has failed to pass such a test as is mentioned in regulation 5(3),

the Registrar shall not regard the condition specified in paragraph (a) of regulation 5(1) as fulfilled unless he is satisfied that that person has again passed the examination mentioned in that paragraph since the date on which his name was removed from the register.

(3) Where the Registrar decides to remove the name of a person from the register he shall give written notice of the decision to the person concerned and shall state the grounds for the removal.

(4) The name of a person shall be removed from the register at the end of a period of four years from the date on which the entry was made unless an application for renewal is made before the end of that period.

PART 3

EXAMINATION OF ABILITY TO GIVE INSTRUCTION

General provisions

9.—(1) A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Department may determine.

(2) Where a person has passed the theory test (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

(3) Where a person has failed the theory test on his third attempt he shall not be eligible to take it again for a period of 2 years commencing on the date of the first attempt.

(4) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case –

(a) he has passed the three parts of the examination in the following order:

(i) the theory test;

(ii) the driving ability and fitness test; and

(iii) the instructional ability and fitness test;

(b) he passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;

(c) within two years after passing the theory test and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test; and

(d) he passed the instructional ability and fitness test on his first, second or third attempt after he had passed the theory test, and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(5) For the purposes of this regulation –

(a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;

(b) subject to sub-paragraph (c), a reference to the passing of the theory test or the driving ability and fitness test (including paragraph (4)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions; and

(c) if a person takes the theory test on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(6) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

Theory test

10.—(1) The theory test shall be conducted in two parts, one part being the test of driving theory described in paragraph (3) and the other being the hazard perception test described in paragraph (5).

(2) The candidate must take the test of hazard perception immediately after taking the test of driving theory.

(3) The test of driving theory shall consist of a theoretical examination, in which the candidate is required to answer from his own knowledge, on all or any of the following subjects –

(a) the principles of road safety generally and their application in particular circumstances;

(b) the techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing with pedestrians and other road users and the use of safety equipment;

(c) the tuition required to instruct a pupil on the matters set out in sub-paragraph (b), the correction of the pupil's errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers;

(d) the theory of learning and the theory and practice of teaching and assessment;

(e) the Highway Code for Northern Ireland and other matters in the booklet in which it is published;

(f) the booklet "The Official Driving Test " issued by the Department for Transport and published by The Stationery Office;

(g) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence prescribed by regulation 36(2)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**a**);

(h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and

(i) the book " Driving – The Essential Skills ", issued by the Department for Transport and published by The Stationery Office.

(4) The test of driving theory shall be conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate.

(5) The hazard perception test shall –

(a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and

(b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.

(6) A candidate taking the test of hazard perception must satisfy the examiner that his performance in the test of hazard perception demonstrates an ability to perceive hazards on the road.

(7) For the purposes of this regulation "film clip" means a sequence of visual images displayed electronically.

Driving ability and fitness test

11.—(1) The driving ability and fitness test shall consist of tests of eyesight and driving technique and the candidate shall be required to reach the qualifying standard in both tests on the same occasion.

(2) The test of eyesight shall be a test of the candidate's ability to read in good daylight (with the aid of glasses or contact lenses if worn), a motor vehicle registration mark containing letters and figures –

(**a**) S.R. 1996 No. 542

(a) 79 millimetres in height and 50 millimetres wide at a distance of 26.5 metres; or

(b) 79 millimetres in height and 57 millimetres wide at a distance of 27.5 metres.

(3) The test of driving technique shall, so far as possible, be conducted both on urban roads and on roads of different classes outside built-up areas and a candidate must satisfy the examiner that he has an adequate knowledge of the principles of good driving and road safety and that he can apply them in practice.

(4) The candidate taking the test of driving technique shall be required to satisfy the examiner of his ability to perform on 5 occasions (or at the discretion of the person conducting the test, show how to perform) a check on the condition and safety of one component of the vehicle, chosen at the discretion of the person conducting the test, from the list of components specified in paragraph (5), and conduct an actual check on the condition of a second component, similarly chosen from the list.

(5) For the purposes of paragraph (4) the list of components of the vehicle is as follows: tyres, steering, brakes, fluids (e.g. engine oil, coolant, washer fluid), lights, reflectors, direction indicators and audible warning device.

(6) A candidate taking the test of driving technique shall in particular be required to satisfy the examiner on –

(a) his expert handling of controls;

(b) his use of correct road procedure;

(c) his anticipation of the actions of other road users and taking of appropriate action;

(d) his sound judgement of distance, speed and timing; and

(e) his consideration for the convenience and safety of other road users.

(7) The candidate taking the test of driving technique shall be required to demonstrate his ability to perform all or any of the following manoeuvres –

(a) moving away straight ahead or at an angle;

(b) overtaking, meeting or crossing the path of other vehicles and taking an appropriate course;

(c) turning right-hand and left-hand corners;

(d) stopping the vehicles as in an emergency; and

(e) carrying out manoeuvres involving the use of reverse gear.

(8) The candidate shall, during the test, allow to travel in the vehicle –

(a) the person authorised to conduct the test; and

(b) any person authorised by the Department for the purpose of supervising the test.

Instructional ability and fitness test

12.—(1) The instructional ability and fitness test shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were –

(a) a novice or partly-trained pupil, and then

(b) a pupil who is approaching driving test standard.

(2) The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction –

(a) explaining the controls of the vehicle,

(b) moving off,

(c) making normal stops,

(d) reversing, and while doing so entering limited openings to the right or to the left,

(e) turning to face the opposite direction, using forward and reverse gears,

(f) parking close to the kerb, using forward and reverse gears,

(g) using mirrors and explaining how to make an emergency stop,

(h) approaching and turning corners,

(i) judging speed, and making normal progress,
(j) road positioning,
(k) dealing with road junctions,
(l) dealing with cross roads,
(m) dealing with pedestrian crossings,
(n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles, other road users, and
(o) giving correct signals.

(3) The candidate's knowledge and ability shall be assessed on –
(a) the method, clarity, adequacy and correctness of his instruction,
(b) the observation and correction of the examiner's driving errors, and
(c) his manner generally.

(4) The candidate shall, during the test, allow to travel in the vehicle –
(a) the person authorised to conduct the test; and
(b) any person or persons authorised by the Department for the purpose of supervising the test or otherwise.

Motor car to be provided for practical part of examination

13.—(1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of that test, in respect of which the following conditions are satisfied.

(2) The vehicle must have four wheels and be either –
(a) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel, or
(b) a dual purpose vehicle as defined in Article 2(2) of the Order of 1981.

(3) The vehicle must –
(a) have a readily adjustable driving seat and a seat for a forward-facing front passenger;
(b) have a steering wheel on its off-side;
(c) be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels;
(d) have fitted for use with the driver's seat and front passenger seat a properly anchored and functioning three-point seat belt;
(e) in the case of a vehicle with a front passenger seat, have fitted as an integral part of that seat a head restraint which satisfies the requirements of Council Directive 78/932/EEC(**a**), and be fitted with head restraints on the driver's seat and the forward facing front seats;
(f) in the case of a vehicle with forward facing seats behind the driver's seat an inertia reel belt for one of those seats nearest either side of the vehicle and a three point belt, a lap belt, a disabled person's belt or a child restraint for at least one other of those seats;
(g) be fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat; and
(h) be otherwise suitable for the purposes of the test.

(4) The vehicle must not, during any driving ability and fitness test display the distinguishing mark referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(**b**) or anything resembling such a distinguishing mark.

(5) In the case of a vehicle provided for the purposes of an instructional ability and fitness test, there must be in force in relation to the use of the vehicle a policy of insurance that –

(**a**) Council Directive of 16 October 1978 on the approximation of laws relating to head restraints of seats of motor vehicles (O.J. No. L325, 20.11.78, p. 1)
(**b**) S.R. 1996 No. 542; relevant amending Regulations are S.R. 1999 No. 358

(a) complies with the requirements of Article 92 of the Order of 1981 in relation to the candidate as driver of the vehicle;

(b) complies with the requirements of that Article in relation to the examiner as the driver of the vehicle; and

(c) insures the examiner as the driver of the vehicle in respect of liability for damage to the vehicle during the test,

and throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.

Further requirements at test

14.—(1) A person who submits himself for a test under regulations 11 or 12 shall, before the test commences –

(a) produce an appropriate licence authorising him to drive a motor vehicle of the class in which the test is to be taken for inspection; and

(b) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 4 as evidence of his identity.

(2) In this regulation "appropriate licence" means a licence which fulfils the conditions laid out in regulation 5(1)(c).

PART 4

TEST OF CONTINUED ABILITY AND FITNESS TO GIVE INSTRUCTION

Nature of test and provision of a motor car

15.—(1) The following provisions shall have effect where a person is required to undergo the continued ability and fitness test.

(2) The test shall consist of the attendance of the examiner, while the person is giving instruction to a pupil or pupils.

(3) Unless the examiner otherwise directs, the test shall be carried out in a motor car on a road while the examiner is in the vehicle and a pupil is under instruction.

(4) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities –

(a) his method, clarity, adequacy and correctness of instruction;

(b) his observation and proper correction of the pupil's errors;

(c) his manner, patience and tact in dealing with the pupil; and

(d) his ability to inspire confidence.

(5) The candidate shall provide a motor car which is a passenger vehicle and which conforms to the requirements as laid out in Regulation 13(2) and (3) and in respect of which there shall be in existence at the time of the test a policy of insurance which shall include the liability of the driver and the person in charge of the vehicle to passengers in the vehicle.

(6) The candidate shall, during the test, allow to travel in the vehicle –

(a) the person authorised to conduct the test; and

(b) any person or persons authorised by the Department for the purpose of supervising the test or otherwise.

(7) Where a candidate has undergone a test of continued ability and fitness to instruct and has not been successful and where another opportunity at the test is given, he shall be required to undergo the test within fourteen weeks from the date of being unsuccessful.

PART 5

TRAINEE LICENCE SCHEME

Application for a licence

16.—(1) Applications for a licence shall be made in such form and contain such information as the Department may determine.

(2) A person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

Licence

17.—(1) An applicant for a licence shall apply to the Registrar who, subject to regulation 18, shall grant a licence on being satisfied that the applicant –

(a) fulfils the conditions laid out in regulation 5(1)(c) and (d);

(b) is a fit and proper person to hold a licence;

(c) has passed the theory test and the driving ability and fitness test;

(d) has passed the driving ability and fitness test after passing the theory test;

(e) has passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;

(f) makes the application within two years after passing the theory test;

(g) has not failed the instructional ability and fitness test more than twice since he passed the theory test;

(h) submits with his application for a licence the name, address and registration number of the approved driving instructor who has consented to take responsibility for his supervision in accordance with regulation 21(2) (and the counter-signature of the application by that approved driving instructor shall be taken as sufficient evidence of such consent).

(2) The Registrar shall also be satisfied that the approved driving instructor referred to in paragraph (h) is fit and able to undertake responsibility for the supervision, and in determining whether or not he is able to undertake that responsibility the Registrar shall have regard to the number of licence holders in respect of whom he has already consented to undertake similar responsibility.

Refusal to grant a licence

18.—(1) The Registrar may refuse to grant a licence to an applicant to whom two or more such licences have previously been issued.

(2) Where the Registrar refuses to grant a licence under regulation 17 or paragraph (1) he shall give written notice of the decision to the applicant and shall state the grounds for the refusal.

Duration of licence

19.—(1) Subject to paragraph (2) and regulation 21 a licence shall remain in force until –

(a) the expiration of a period of six months commencing on the date of issue, or

(b) the day immediately following the day on which the holder of the licence failed the instructional ability and fitness test at the third attempt, whichever shall first occur.

(2) Where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire until –

(a) the commencement of the new licence, or

(b) if the Registrar decides to refuse the application, until the time limited for an appeal under regulation 24 against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

Form of licence

20. A licence shall be in the form set out in Schedule 1.

Conditions subject to which licences are granted

21.—(1) A licence shall be granted subject to such of the conditions specified in paragraphs (2) to (4) as apply to it.

(2) A licence which is not a substitute licence shall be subject to the following conditions, namely that the licence holder must –

(a) for one-fifth of the total time he spends giving instruction in the driving of a motor car, receive direct supervision from an approved driving instructor present with him in the car;

(b) maintain, for each working day while the licence is in force, a record in the form specified in Schedule 2 of the time he spends giving such instruction;

(c) sign the record at the end of every working day and, if he has received supervision from an approved driving instructor on any day, ensure that the instructor also signs the record for that day;

(d) produce on request, for examination by a person authorised by the Registrar in that behalf, all the records maintained under sub-paragraph (b) during the period ending on the day before the date of the request and further, if required to do so, deliver those records to such a person for retention by him; and

(e) not later than 7 days after the expiry of the licence, deliver to a person authorised by the Registrar in that behalf all the records maintained under sub-paragraph (b) during the period when the licence was in force, other than such records as have been delivered under sub-paragraph (d) and not returned to him.

(3) The holder may give instruction in the driving of a motor car only on behalf of the approved driving instructor identified in the licence.

(4) Every licence is subject to the condition that, in the event of the licence holder arranging to have the supervision referred to above, or any part thereof, undertaken by a different approved driving instructor from the person named in his application, he must submit to the Registrar full details of any consequential changes to the particulars submitted under regulation 17(h) resulting from the new arrangement together with the consent (in any form permitted under regulation 17(h)) of the new approved driving instructor to that arrangement.

(5) In this regulation –

"substitute licence" means a licence granted pursuant to an application made in accordance with regulation 19(2) so as to come into effect immediately upon the expiry of the previous licence; and

"working day" means any day during which the licence holder gives paid instruction in the driving of a motor car.

Revocation of licence

22.—(1) The Registrar may revoke a licence at any time during the currency of the said licence if he is satisfied that the licence holder –

(a) did not hold a current licence of one of the kinds mentioned in regulation 5(1)(c);

(b) was disqualified under Article 35 of the Order of 1996;

(c) has ceased to be a fit and proper person to hold a licence;

(d) was granted a licence by mistake or obtained a licence by fraud; or

(e) has failed to comply with any of the conditions subject to which the licence was granted.

(2) Where the Registrar decides to revoke a licence he shall give written notice to the holder stating the grounds for revocation.

PART 6
SUPPLEMENTARY

Decisions

23. A decision of the Registrar under regulations 7, 8 or 22 shall take effect –

(a) where no appeal under regulation 24 is brought against the decision within the time limited for the appeal, on the expiration of that time;

(b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;

(c) where such an appeal is brought and not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and not otherwise.

Appeals

24. A person who is aggrieved by a decision of the Registrar –

(a) to refuse an application for the entry of his name in the register;

(b) to refuse an application for the renewal of an entry in the register;

(c) to remove his name from the register;

(d) to refuse his application for a trainee licence; or

(e) to revoke his trainee licence;

may by notice in writing appeal to the Department within a period of twenty-eight days in the case of (a), (b) or (c) or fourteen days in the case of (d) or (e) from the date of the notice of the decision or such longer period as the Department may in special circumstances allow, and the Department may make such determination as it thinks fit having regard to the circumstances.

Fees

25.—(1) A person applying to submit himself to the theory test shall pay a fee of £72.

(2) A person applying to submit himself to the driving ability and fitness test shall pay a fee of £130.

(3) A person applying to submit himself to the instructional ability and fitness test shall pay a fee of £138.

(4) The fee to be paid by a person who applies for the entry of his name on the register shall be £240.

(5) The fee to be paid by a person who applies for the renewal of an entry of his name in the register for a further period of four years shall be £240.

(6) The fee to be paid by a person who applies for the re-entry of his name in the register shall be £240 if that person's name has been removed from the register and, by virtue of regulation 28(2) he is not required again to pass the examination.

(7) The fee to be paid by a person exempted under regulation 28(1) applying for the entry of his name on the register shall be £240.

(8) The fee to be paid by a person applying for a trainee licence or a renewal thereof shall be £120.

Repayment of fees

26.—(1) The fees paid in pursuance of paragraphs (1) to (6) of regulation 25 shall be repaid –

(a) if no appointment for a test is made or the appointment made is subsequently cancelled by the Department;

(b) if the person for whom the appointment is made gives to the Department notice cancelling the appointment of not less than three clear days before the date of the appointment;

(c) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle in which the test was to take place;

(d) if the person for whom the appointment is made satisfies the Department that he cannot, or, as the case may be, could not reasonably be present for testing on the date of the appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given within 3 days of the occurrence thereof to the Department at the test centre where the test is, or as the case may be, was to be held; or

(e) if a person whose name has been on the register decides to have their name removed from the register, then a part refund may be paid based on the number of full years left to run on the certificate.

(2) In this regulation "exceptional circumstances" means an accident, a fire, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).

Official title of registered person and certificate of registration

27.—(1) The official title for use by persons whose names are in the register shall be "Department of the Environment Approved Driving Instructor".

(2) The certificate for issue to persons whose names are in the register as evidence of their names being therein shall be in the form set out in Schedule 3.

Exemption from regulations

28.—(1) The Registrar may exempt from the condition specified in regulation 5(1)(a) a person who satisfies the Registrar that his name is in the corresponding register established under the law of Great Britain and that he is resident in Northern Ireland.

(2) A person whose name has been removed from the register under regulation 8(4) who applies for his name to be re-entered in the register shall be required again to pass the examination unless his application is made before the end of a period of one year from the date of removal of his name from the register.

Revocations and transitional provisions

29.—(1) The Regulations specified in Schedule 5 are revoked.

(2) Part II of Schedule 5 contains transitional provisions relating to applications for the entry of a person's name in the register and for the grant of a licence made before 5th May 2004.

Sealed with the Official Seal of the Department of the Environment on 8th April 2004.

(L.S.) *Wesley Shannon*
A senior officer of the Department of the Environment

The Department of Finance and Personnel approves regulation 25.

Sealed with the Official Seal of the Department of Finance and Personnel on 9th April 2004.

(L.S.) *Michael Brennan*
A senior officer of the Department of Finance and Personnel

SCHEDULE 1 Regulation 20

FORM OF LICENCE

Photograph

DEPARTMENT OF THE ENVIRONMENT

REGISTER OF APPROVED DRIVING INSTRUCTORS

TRAINEE DRIVING INSTRUCTOR

Licence to give instruction in driving motor cars

Licence number .....

Name of holder.....

Name of supervising Approved Driving Instructor .....

ADI Number .....

Address.....

.....

.....

Date of expiry of licence.....

Issued under the Road Traffic (Northern Ireland) Order 1981

Signature.....

Registrar

Date of Issue.....

SCHEDULE 2

Regulation 21

RECORD OF INSTRUCTION GIVEN BY LICENCE HOLDER

1. The name and address of the holder of the licence.

2. The number of the licence.

3. The name and address of the approved driving instructor responsible for supervision of the licence holder.

4. In respect of each working day –

(a) the date;

(b) the total number of hours spent giving instruction from the establishment;

(c) the periods spent under the supervision of the approved driving instructor;

(d) the signature of the holder of the licence; and

(e) the counter-signature of the person referred to in paragraph 3 of regulation 21.

SCHEDULE 3

Regulation 27

FORM OF CERTIFICATE OF REGISTRATION

DEPARTMENT OF THE ENVIRONMENT APPROVED DRIVING INSTRUCTOR

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

Certificate of Registration

Photograph

On behalf of the Department of the Environment I certify that

is included in the Register of Approved Driving Instructors as qualified to give instruction in the driving of motor cars.

Date of Issue

Valid Until

Signed

Registrar

Certificate Number .....

SCHEDULE 4

Regulation 14

EVIDENCE OF IDENTITY OF TEST CANDIDATES

1. The documents referred to in regulation 14 are –

(a) a current passport;

(b) a current cheque guarantee card or credit card bearing a photograph and signature of the person;

(c) an employer's identity card bearing a photograph and signature of the person;

(d) a trade union card bearing a photograph and signature of the person;

(e) a current electoral identity card issued by the Chief Electoral Officer for Northern Ireland and bearing a photograph and signature of the person; and

(f) a photograph of the person which has been endorsed with a certificate in the prescribed form signed by an acceptable person.

2. In this Schedule –

"acceptable person" means a Member of Parliament, district council councillor, Justice of the Peace, minister of religion, barrister, solicitor, teacher, medical practitioner, bank official, established civil servant or police officer.

"the prescribed form", in relation to a certificate, means the following –

"I, [Name of acceptable person], certify that this is a true likeness of [Name of candidate], who has been known to me for [Number of Years] Years in my capacity as [Specify capacity].

Signed .....

Date .....

Business or profession .....

Telephone Number ....."

SCHEDULE 5

Regulation 29

REVOCATIONS AND TRANSITIONAL PROVISIONS

PART I

REGULATIONS REVOKED

Title	*Year and Number*
Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991	S.R. 1991 No. 373
Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 1995	S.R. 1995 No. 154
Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2000	S.R. 2000 No. 148
Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2003	S.R. 2003 No. 65

PART II

TRANSITIONAL PROVISIONS

1. The enactments repealed by Part I shall continue to apply in relation to the conditions to which a licence granted pursuant to an application made before 5th May 2004 is subject and nothing in these Regulations shall affect those enactments in so far as they apply by virtue of this Part.

2. For the purposes of this Part an application shall not be regarded as having been made before 5th May 2004 unless the application is received by the Registrar before that date.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations consolidate with amendments the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991 and the Regulations which amended them as specified in Schedule 5 to these Regulations.

2. The principal amendments are as follows –

(a) a Community Licence which authorises its holder to drive a motor car in Northern Ireland is an acceptable licence for registration purposes (regulation 5(1)(c)(iii));

(b) a person may have his name removed from the register of approved driving instructors if he fails to appear for the test of continued ability and fitness to give instruction on more than two occasions (regulation 8(1));

(c) where a person has failed the theory test on his third attempt he shall not be eligible to take it again for a period of two years commencing on the date of the first attempt (regulation 9(3));

(d) the test of driving technique shall, so far as possible, be conducted both on urban roads and on roads of different classes outside built-up areas (regulation 11(3));

(e) in the test of driving ability the candidate taking the test of driving ability is required to demonstrate their ability to carry out activities relating to vehicle safety (regulation 11(4));

(f) the vehicle used in the driving ability and fitness test or the instructional ability and fitness test must have appropriate seat belts fitted to the front and rear seats and be fitted with an interior rear view mirror providing adequate rearward vision from the front passenger seat. The vehicle must also have head restraints fitted and must have an additional interior rear view mirror which can be used from the passenger seat (regulation 13);

(g) a person submitting himself for the driving ability and fitness test or the instructional ability and fitness test must produce an appropriate licence specified in regulation 5(1)(c) or photographic identification specified in Schedule 4 (regulation 14);

(h) a candidate failing to pass the continued ability and fitness test shall be required to undergo a further such test within fourteen weeks from the date of that failure (regulation 15(7));

(i) additional conditions to be satisfied for the grant of a licence are imposed; namely that an applicant should have passed the theory test and the driving ability and fitness test and not failed the instructional ability and fitness test on two occasions in order to be granted a licence (regulation 17);

(j) a new condition is imposed subject to which a licence may be granted, namely that the record of one fifth supervision be maintained for the entire six month period of the trainee licence (but not a substitute licence) (regulation 21); and

(k) new provision is made relating to the repayment of fees under certain circumstances (regulation 26).

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