EXPLANATORY MEMORANDUM TO

The Motor Vehicles (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2015

SR 2015 No. 5

1. Introduction

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

1.2. The Statutory Rule is made under Articles 48(4), 50(1), 52(2), (4), (6) and (7), 61, 62, 70(1) and 76 of the Road Traffic (Northern Ireland) Order 2007 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations amend the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010 in order to improve the existing approved driving / motorcycle instructor schemes in Northern Ireland.

3. Background

3.1. The Driver & Vehicle Agency (DVA) maintains the Registers of approved driving instructors and approved motorcycle instructors on behalf of the Department of the Environment (DoE) under the Road Traffic (Northern Ireland) Order 2007.

3.2. These Regulations amend the requirements for cars used for the ADI qualifying tests and for the test of continued ability and fitness, so that a driver with a medically restricted driving licence may take the tests in an automatic car if they wish. The Regulations specify that where an ADI has passed the ADI qualifying tests in an automatic car, they may only give instruction in an automatic car.

3.3. The Regulations introduce a requirement that all ADIs must sign a declaration that they would be able to safely take control of a vehicle in an emergency situation, and make this a condition of registration.

3.4. The Regulations extend the mandatory registration requirement for driving instructors to include those providing training in category B+E (car and trailer). A 12-month transitional period is provided for in the Regulations, during which time existing B+E trainers who are not already ADIs may continue instructing while they complete the ADI qualification and registration process.

3.5. The Regulations specify the list of documents that are to be regarded as 'guidance issued by the Registrar', and which must therefore be adhered to by ADIs and AMIs as a condition of their continued registration. The list of documents is set out in a new schedule to the Regulations.

3.6. Lastly, the Regulations reduce the fee for the ADI and AMI theory test which is prescribed in Schedule 6 to the Regulations. The fee will be

reduced from £72 to £66 , with a further reduction to £64 to apply to ADI and AMI theory tests booked on or after 1st October 2015.

4. Consultation

4.1. Consultation was carried out from 31 May 2013 until 16 September 2015 and the responses were in favour of the proposals.

5. Equality Impact

5.1. In accordance with its duty under Section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise of the legislative proposals and has concluded that they do not have significant implications for equality of opportunity. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. A full Regulatory Impact Assessment was carried out and no impacts were identified. The DVA is satisfied that the proposals are proportionate and contribute to an improved registration scheme.

7. Financial Implications

7.1. N/A

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that there are no matters of concern.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. The requirements for driving instruction in Britain are specified in Part V of the Road Traffic Order 1988 and in SI 2005/1902.

11. Additional Information

11.1. Not applicable