EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING INSTRUCTION) REGULATIONS (NORTHERN IRELAND) 2010

SR No. 227

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(1), (2), (4) and (6), 50, 51(1), 52(1), (2), (3), (4), (6) and (7), 55(4), 56(1) and (3), 57(1) and (2), 62(1) and (2), 70(1), 75, 76 and 77 of the Road Traffic (Northern Ireland) Order 2007 and is subject to the negative resolution procedure.

1.3. The rule is due to come into operation on 2nd August 2010.

2. Purpose

2.1. These Regulations revoke and re enact with several amendments those provisions of the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2004 dealing with the registration of Approved Driving Instructors.

3. Background

3.1. The Road Traffic (Northern Ireland) Order 2007 introduces new provisions dealing with driving instruction. As a consequence these Regulations partially revoke the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 2004 and re enact with several amendments.

3.2. The Regulations provide for the establishment and maintenance of a Register of driving instructors and prescribe the requirements necessary for registration.

3.3. In particular, the Regulations—

3.3.1. prescribe the time limits within which a person must apply for an extension of his registration and the requirements as to which the Registrar must be satisfied before granting an extension (regulation 5);

3.3.2. prescribe the conditions as to which the Registrar must be satisfied before terminating a person's registration and the conditions which must be satisfied when a person again applies to be registered after having previously had their registration terminated (regulation 6);

3.3.3. make it a requirement for an approved driving instructor to display his certificate when giving driving instruction (regulation 15);

3.3.4. prescribe the circumstances under which driving instruction provided free of charge is deemed to be given for the payment of money (regulation 16);

3.3.5. prescribe the fees to be paid with regard to the registration process and the circumstances under which those fees paid are to be refunded (regulations 17 and 18 and Schedule 6);

3.3.6. provide for exemptions from the requirement for registration for certain persons (regulations 20, 21 and 22); and

3.3.7. make transitional provisions in respect of—

(i) applications made but not determined, and

(ii) persons registered as driving instructors,

before these Regulations come into operation (regulation 23).

4. Matters of Special Interest to the Environment Committee

4.1. None.

5. Consultation

5.1. The Driver and Vehicle Agency consulted on the proposed changes in 2002. In addition, the provisions were included in the 2005/06 consultation process that accompanied the draft Road Traffic (NI) Order. No objections were received to the proposed introduction of the mandatory display regulations.

6. Position in Great Britain

6.1. In Great Britain it is mandatory for approved driving instructors to display their certificate of registration and for trainee driving instructors to display their trainee licence while giving driving instruction. In Northern Ireland there are no primary powers to require trainee driving instructors to display their licence, so the requirement will only apply to approved driving instructors.

6.2. In Great Britain, the position in which the driving instructor certificate or licence must be displayed is specified in the regulations (SI 2005 / 1902). In Northern Ireland the requirement will be to wear or display the certificate in such as way as to be plainly and distinctly visible. This flexibility was introduced in response to industry requests.

7. Equality Impact

7.1. There are no equality issues associated with the proposed legislation.

8. Regulatory Impact

8.1. No regulatory impacts have been identified as the implications both for the Driver and Vehicle Agency and the ADI industry are negligible.

9. Financial Implications

9.1. There are no financial implications associated with these Regulations.

10. Section 24 of the Northern Ireland Act 1998

10.1. The Rule does not discriminate on grounds of religious belief or political opinion nor does it modify the European Communities Act 1972, the Human Rights Act 1998 or other statutory provisions listed in section 7 of the 1998 Act.

11. EU Implications

11.1. Not applicable.

12. Additional Information

12.1. Not applicable.