EXPLANATORY MEMORANDUM TO

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

SR 2015 No. 4

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 132(2), 135(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. These Regulations amend the Motor Vehicles (Driving Instruction) (Trainee Licence) Regulations (Northern Ireland) 2010, to improve the trainee licence scheme.

3. Background

3.1. The Driver & Vehicle Agency (DVA) maintains the Register of approved driving instructors (ADIs) on behalf of the Department of the Environment (DoE). It also operates a trainee licence scheme, offering part-qualified driving instructors the opportunity to obtain a licence permitting them to give paid instruction while obtaining supervision from a registered ADI. This enables them to gain practical experience before taking the final qualifying test of instructional ability.

3.2. These Regulations will make it mandatory for trainee licence holders to display their trainee licence at all times while they are instructing. Failure to do so will result in the trainee licence being revoked.

3.3. In addition, the Regulations specify that trainee licence holders must return expired trainee licences to the Department within 14 days of the expiry of the licence.

3.4. The Regulations also amend the requirements for cars used for the ADI qualifying tests so that a driver with a medically restricted licence may take the tests in an automatic car if they wish. The Regulations specify that where a trainee licence holder has passed the ADI practical test in an automatic car, they may only give instruction in an automatic car.

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 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. Not applicable.

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. These Regulations will align Northern Ireland with the current position in Great Britain, where the display of a trainee licence is required by SI 2005 / 1902.

11. Additional Information

11.1. Not applicable.