EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT No. 3) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 129

1. Introduction

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

1.2. The Statutory Rule is made under Articles 5(3) and (4A), 5A(6), (7) and (8), 13B, 19C(1) and 2(b) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Regulations covered by this Memorandum is to facilitate the introduction of key elements of Graduated Driver Licensing ("GDL") in Northern Ireland and to make minor amendments to elements of the practical driving test as a result of an associated review of the test by the Driver and Vehicle Agency ("DVA").

2.2. GDL comprises a series of measures designed to provide new drivers with experience and skills, over time, and in low risk environments. GDL will apply to learner and newly qualified drivers of category B motor vehicles (cars and light goods and passenger vehicles) and category A1, A2 and A motor bicycles.

2.3. The main purpose of these Regulations is to amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 ("the 1996 Driving Licences Regulations") to provide for the introduction of the Programmes of Training and Logbooks for learner drivers/riders which are key elements of GDL.

3. Background

3.1. Part 3 of the Road Traffic (Amendment) Act (Northern Ireland) 2016 ("the 2016 Act") amends the Road Traffic (Northern Ireland) Order 1981 and the Road Traffic Offenders (Northern Ireland) Order 1996 to provide for the introduction of GDL. Upon commencement of the relevant provisions, they will introduce the following key elements -

- Introduction of a mandatory minimum learning period ("MMLP") of 6 months, i.e. a learner driver cannot sit their practical test until at least six months after their provisional licence date of entitlement to drive a Category B vehicle has commenced (this will not apply to motorcyclists). The 2016 Act does not require a minimum number of lessons or hours training. Effectively, the learner may take as long as they wish to complete

each module within the Programme of Training. There is no requirement to take paid lessons.

- Requirement for learner drivers/riders to complete a Programme of Training. This training must be completed and recorded in a Logbook before a learner driver/rider can sit their practical test. The Logbook is completed by the learner and verified by an Approved Driving/Motorcycle Instructor or a qualified driver as defined in the 2016 Act.

- The removal of the current 45mph speed restriction for new drivers and learners, which will allow lessons to be taken up to the posted speed limits including, where appropriate, on a motorway.

- The extension of the current 12-month restricted period, where a new driver must display R plates, to a 24-month 'new driver' period in line with the existing probationary period set by the Road Traffic (New Drivers) (NI) Order 1998. This will require new drivers to display a distinguishing mark (plate) on the vehicle for two years after receiving a full licence.

- The introduction of a post-test passenger carrying restrictions whereby, for the first six months, new drivers aged 17-23 will be restricted from carrying more than one passenger aged 14-20 between the hours of 11pm and 6 am. Some exceptions apply, including for family members.

3.2. The 2016 Act itself provides for transitional arrangements covering the first six months following the introduction of GDL and for exemptions from the requirements of GDL in certain circumstances.

3.3. The introduction of GDL will be facilitated by the making of four Statutory Rules which will come into operation at the same time-

- The Road Traffic (Amendment) (2016 Act) (Commencement No. 4) Order (NI) 2026

- Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (NI) 2026

- The Motor Vehicles (Specified Restrictions) (Amendment) Regulations (NI) 2026

- The Motorways Traffic (Amendment) Regulations (NI) 2026

3.4. These Regulations amend the 1996 Driving Licences Regulations to provide for key elements of GDL specifically the introduction of the Programmes of Training and Logbooks. They also make minor amendments to elements of the practical driving test as a result of the associated review of the test by DVA.

3.5. Regulation 2(2) and (3) provide an exemption from the six-month Mandatory Minimum Learning period required by the 2016 Act for carers who are entitled to claim carers allowance, enabling them to complete the Programme of

Training and have the opportunity to undertake a practical driving test within 6 months.

3.6. Regulation 2(4) amends the definition of an "appropriate licence" to ensure that those holding a provisional licence issued in Great Britain (with a few exceptions) have no entitlement to be tested for category B motor vehicles or category A, A1 and A2 motor bicycles without completing the appropriate GDL process.

3.7. Regulation 2(5) provides for the approved Programmes of Training for learner drivers and motorcyclists mandated by the 2016 Act. The Programmes of Training are set out in Schedule 2 of the draft and include modules on road sharing; vulnerable and other road users; speed awareness; driving/riding at night and in all weather conditions. The module on motorway driving/riding is optional as the road network is such that access to a motorway is not always possible within the duration of a lesson.

3.8. In relation to the Logbook, which is also required by the 2016 Act, Regulation 2(5) provides for exemptions from the need to complete a logbook in certain circumstances and sets the period of validity of a logbook at two years. In accordance with the 2016 Act, a charge of £17 is also set for access, which will be provided via an app, to the approved Programme of Training and Logbook.

3.9. As a result of a GDL related review of the driving test, regulation 2(6) amends Parts 1, 2 and 5 of Schedule 7 to allow for the eyesight check to be carried out under artificial light.

3.10. While not directly related to GDL, the opportunity is being taken to reinstate Parts 5 to 7 of Schedule 7 of the Motor Vehicle (Driving Licences) (NI) Regulations 1996 which were omitted unintentionally due to a technical error in the drafting of a previous set of amending Regulations. Parts 5 to 7 set out the requirements for unitary tests for categories F, G, H and K vehicles (respectively: agricultural tractors and trailers; road rollers; tracked vehicles and mowing machines or other pedestrian controlled vehicle used on a public road).

4. Consultation

4.1. The Department of the Environment (now the Department for Infrastructure) carried out an extensive consultation process on the introduction of GDL including holding a series of focus groups. The results of this consultation informed the policy development and the enabling Primary legislation that became the 2016 Act.

4.2. DVA carried out a further consultation exercise between November 2017 and January 2018 which focused on the additional measures required to implement GDL and the review of the driving test and this informed the development of the subordinate legislation.

4.3. There was a total of 297 responses to the consultation, 23 of which represented organisations and interested bodies and overall the majority of the proposals received a positive response.

4.4. The proposed exemption of carers from the MMLP was opposed by 56% of respondents. However, as it is intended that the exemption will only be available to those who are entitled to claim carers allowance and who are, essentially, full-time carers the Department decided to implement that proposal. Carers will still be required to complete the Programme of Training and Logbook as evidence that they are considered ready to take the practical driving test

4.5. The 2016 Act provides for an exemption from MMLP for those drivers who have had their licence revoked or those who have been disqualified until retest The proposed exemption for this group from the requirement to produce a Logbook was opposed by 55% of respondents. The Department considered that requiring such drivers to also complete a Logbook might be seen as an additional punitive measure being imposed in relation to an existing offence.

5. Equality Impact

5.1. The Statutory Rule does not impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998.

5.2. Section 75 category impacts were considered when developing the legislative framework for GDL as part of the passage of the 2016 Act, and, where possible, mitigations and exemptions have been put in place. Supplementary screening was conducted in 2025 and confirmed that there is no adverse impact for any category of people and no further mitigations have been identified at this time. Accordingly, the Department does not envisage or consider that there are likely to be any significant negative, adverse or unequal impacts associated with the introduction of GDL. A full Equality Impact Assessement is not therefore required.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment on the general principles of GDL was completed in 2013 and a further RIA on the GDL scheme as set out in the 2016 Act is not considered necessary. There was, however, a need to consider whether an RIA was required on those aspects of the GDL measures which are now to be prescribed in Regulations pursuant to the 2016 Act. A screening exercise found that a full RIA was not warranted as it is not anticipated that the introduction of the suite of GDL Regulations will result in any significant direct or indirect financial impact on the voluntary/community sector or businesses.

6.2. There will be some impact on learner drivers, i.e. £17 for access to the digital Programme of Training and Logbook, and potentially, although not necessarily, an increased number of paid for driving lessons – there is no requirement to take paid lessons.

7. Financial Implications

7.1. To deliver a structured approach to learning to drive and provide a means to evidence that learning, the Department opted for a digital application ("app") to deliver the Programme of Training and Logbook. The associated costs, in total, for the design, development and operational delivery of the app is approximately £2 million. This includes modifications to DVA's online booking system for the practical driving test which interfaces with the app. Departmental capital funding has been made available for this expenditure.

7.2. Post-implementation, ongoing operational costs will mainly relate to system support costs for the app and the cost of a small DVA administrative team to support GDL. These resource costs will be funded from a charge of £17 to GDL applicants for access to the digital Programme of Training and Logbook via the DVA app.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department is satisfied that the Regulations are compatible with section 24 of the Northern Ireland Act 1998.

9. European Union Withdrawal and Windsor Framework Implications

9.1. The Regulations do not relate to the withdrawal of the United Kingdom from the European Union.

9.2 There are no implications in relation to the Windsor Framework and the Regulations do not engage Article 2(1) of that Framework.

10. Parity or replicatory measure

10.1 There is currently no equivalent legislation in GB. However, the Department for Transport ("DfT") has recently sought views on introducing a minimum learning period and/or number of hours supervised tuition between passing a theory test and taking a practical driving test. The consultation exercise also considered driver training programmes and a logbook. DfT are currently considering the responses received to their consultation. New drivers in GB are already considered 'on probation' for 2 years post-test. They are not required to display a distinguishing plate, although 'P' plates are optional in GB at this time.

11. Additional information

11.1. None