1991 No. 98

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1991

Made	*20th March 1991*
Coming into operation . .	*1st April 1991*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 5(1) and (3), 11(4), 13(1) and (3), 17(2), 19C(1), and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**b**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**c**) as regards regulation 2(4) and 2(10), makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

Regulations amended

2. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(**d**) are amended as follows—

(1) In regulation 2(1) (interpretation) in the definition of "licence" after the word "Order" insert "other than a large goods vehicle or passenger-carrying vehicle driver's licence as defined in Article 70 of the Order".

(2) In regulation 3 (minimum ages for holding or obtaining licences)—

(*a*) in paragraph (1)(*g*)(ii) insert after the words ''heavy goods vehicle (hgv) of a class'' the words ''or a large goods vehicle (lgv) of a category'', after the word ''owned'' the words ''or operated'' and after the term ''hgv'' the term ''or lgv'';

(*b*) in paragraph (1)(i) for the words ''heavy goods vehicles of any class in preparation for a test of competence prescribed under Article 76 of the Order to drive vehicles of that class'' substitute the words ''large goods vehicles of any category in preparation for a test of competence prescribed under Article 77 of the Order to drive vehicles of that category''; and

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(**a**) *See* the definitions of "Department" and "prescribed"
(**b**) S.I. 1981/154 (N.I. 1); Articles 5(1) and (3), 11(4), 13(1) and (3), 17(2) and 19C were substituted by Sch. 1 to S.I. 1991/197 (N.I. 3)
(**c**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3
(**d**) S.R. 1989 No. 238 as amended by S.R. 1990 No. 311 and S.R. 1990 No. 412

(*c*) in paragraph (5)—

(i) in the definition of ''the Training Committee'' insert at the end the words ''or the National Joint Training Committee for Young LGV Drivers in the Road Goods Transport Industry''; and

(ii) in the definition of ''the training scheme'' insert after ''hgvs'' the words ''or lgvs'' and after ''hgv'', in each place where it occurs, the words ''or lgv''.

(3) For regulation 4 (grant of licences) substitute the following regulation—

"*Grant of licences*

4.—(1) An application for the grant of a licence may be received and dealt with at any time within two months before the date on which the grant of the licence is to take effect.

(2) For the purposes of Article 5(1)(*f*) of the Order the period of normal residence in Northern Ireland or, as the case may be, the United Kingdom, during which the holder of an exchangeable licence shall be eligible for the grant of a licence is one year.".

(4) In regulation 6 (fees for licences) —

(*a*) in paragraph (1) delete the words "on or after 7th August 1989" and for "£6·00" substitute "£8·00"; and

(*b*) in paragraph (2) for "£4·00" substitute "£6·00".

(5) In regulation 8 (conditions attached to provisional licences) in sub-paragraph (2)(*a*) delete the words "or a test of competence to drive heavy goods vehicles under Article 76 of the Order".

(6) In regulation 12 (lost or defaced licences) —

(*a*) for paragraph (1) substitute —

"(1) If the holder of a licence—

(*a*) satisfies the Department that—

(i) the licence or its counterpart has been lost or defaced; and

(ii) the holder is entitled to continue to hold the licence; and

(*b*) pays the fee prescribed in regulation 6, the Department shall on surrender of any licence or counterpart that has not been lost, issue to him a duplicate licence and counterpart and shall endorse upon the counterpart any particulars endorsed upon the original licence or counterpart as the case may be and the duplicate so issued shall have the same effect as the original."; and

(*b*) after paragraph (2) insert—

"(3) The obligation in paragraph (2) shall apply in respect of the counterpart of a licence as if for the words "original licence" in each place where they occur there were substituted the words "original counterpart"."

(7) In regulation 21 (diseases and physical disabilities) after paragraph (6) insert—

"(7) Subject to paragraph (8), the circumstances prescribed for the purposes of paragraph 5 of Article 11 of the Order, under paragraph (4) of that Article, are that the person who is an applicant for, or holder of, a licence—

(*a*) has been disqualified by an order of a court by reason that the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of Article 144 of the Order by at least two and a half times or that he failed, without reasonable excuse, to provide a specimen when required to do so pursuant to Article 146; and

(*b*) has been disqualified by an order of a court on two or more occasions within any period of 10 years by reason that the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of Article 144 of the Order or that he was unfit to drive through drink contrary to Article 143.

(8) In paragraph (7)(*a*) the order of the court shall have been made on or after 1st January 1991 and in paragraph (7)(*b*) at least the last such order shall have been made on or after 1st January 1991.".

(8) In regulation 26A(**a**) (effect of a change in classification from groups to categories), at the beginning of paragraph (1) there shall be inserted the words "Subject to paragraph (4)" and at the end of that regulation there shall be inserted the following paragraph—

"(4) Paragraph (1) shall not authorise a person to drive motor vehicles used for the carriage of passengers with more than 16 seats in addition to the driver's seat on or after 1st April 1992.".

(9) In regulation 26B(**a**) (effect of a change in classification on entitlement to drive large buses)—

(*a*) in paragraph (1) delete the words "or for hire or reward only in the circumstances set out in section 10A of the Transport Act (Northern Ireland) 1967", and

(*b*) after paragraph (5) insert the following paragraph—

"(6) Paragraph (2) shall cease to have effect on 1st April 1992.".

(10) For Schedule 2 substitute—

"SCHEDULE 2 (See regulation 6(3))

Fees for Licences

	Description of Licence	*Fee* £
1.	A 10-year driving licence	8·00
2.	A driving licence to remain in force for a period specified under Article 15(1)(*b*) of the Order	8·00

(**a**) Regulations 26A and 26B were inserted by regulation 2(10) of S.R. 1990 No. 412

3.	A driving licence to remain in force for a period determined under Article 15(1)(*c*) of the Order	1·00
4.	A 10-year provisional licence	8·00
5.	A provisional licence issued until the applicant's seventieth birthday or for 3 years whichever is the longer	8·00
6.	A 1-year provisional licence	1·00
7.	A licence where the applicant is aged 70 years or more	Nil
8.	A licence issued under regulation 5 or Article 197(7) of the Order	5·00
9.	A duplicate licence	6·00."

(11) In Schedule 4 (categories of motor vehicles for driving test purposes), in the third column headed "Additional Requirements", in the entry opposite category B, C1 and D1 delete "8" and in the entry opposite category L delete "and 8".

(12) In Schedule 5 (additional requirements for driving tests) for requirements 7 and 8 substitute–

"7. Carry out manoeuvres involving the use of reverse gear.".

Sealed with the Official Seal of the Department of the Environment on 20th March 1991.

(L.S.) *Trevor Pearson*
Assistant Secretary

The Department of Finance and Personnel approves regulation 2(4) and 2(10).

Sealed with the Official Seal of the Department of Finance and Personnel on 21st March 1991.

(L.S.) *Doreen Brown*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

1. These Regulations amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989. The amendments are made to take account of the introduction of the unified driver licensing system which comes into effect from the 1st April 1991(S.I. 1991/197 (N.I. 3)) (the "1991 Order"). The 1991 Order abolishes the requirement for special licences for drivers of lorries and buses as heavy goods vehicles and public Service vehicles under Articles 70 to 79 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981 No. 154 (N.I.) ("the 1981 Order") as an addition to the requirement for ordinary driving licences under Part II of the 1981 Order. The 1991 Order replaces this by a unified system of licensing of such vehicles as large goods vehicles and passenger-carrying vehicles by a new Part II of the 1981 Order set out in Schedule 1 supplemented by new Articles 70 to 79A set out in Schedule 3 to the 1991 Order.

2. The principal amendments are—

(1) to increase the fees for licences by an average of 33⅓ per cent (regulations 2(4) and (10));

(2) to specify the period of normal residence during which an application may be made for a licence by the holder of an exchangeable licence (regulation 2(3));

(3) to provide that a duplicate licence or counterpart may only be issued if the holder of the lost or defaced licence or counterpart satisfies the Department that he is entitled to continue to hold the licence (regulation 2(6));

(4) tp prescribe additional circumstances under which the Department may require a person to submit himself for a medical examination regarding his fitness to drive. The Department need not pay the fees involved in such prescribed circumstances, which relate to disqualifications after drinking and driving offences (regulation 2(7));

(5) to restrict the right of holders of ordinary driving licences to drive passenger-carrying vehicles with more than sixteen seats in addition to the driver's seat (regulationa 2(8)); and

(6) to replace the existing additional requirements 7 and 8 prescribed in Schedule 4 to the 1989 Regulations involving the use of reverse gear, as to which a person taking a driving test must satisfy the examiner in the case of a test for certain categories of motor vehicles with a single requirement for the carrying out of manoeuvres involving the use of reverse gear (regulation 2(12)).