1989 No. 238

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989

Made	*23rd June 1989*
Coming into operation . .	*7th August 1989*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 4(2), 5(2) and (4), 6(1) and (2), 8, 11, 12(1) and (5), 13(3), 18, 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(**a**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**b**) as regards regulation 6, makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989 and shall come into operation on 7th August 1989.

(a) S.I. 1981/154 (N.I. 1)
(b) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

Interpretation

2.—(1) In these Regulations—

"controlled by a pedestrian", in relation to a vehicle, means that the vehicle either—

(*a*) is constructed or adapted for use under such control, or

(*b*) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it;

"Department" means the Department of the Environment for Northern Ireland;

"group", in relation to a class or description of motor vehicles, means a group of motor vehicles of the classes or descriptions specified in the second column of Schedule 4 and a group identified by a letter means the group corresponding to the letter in the first column of that Schedule;

"kerbside weight" means the weight of a vehicle when it carries—

(*a*) in the case of a motor vehicle—

(i) a person; and

(ii) a full supply of fuel in its tank, an adequate supply of other liquids incidental to its propulsion and no load other than the loose tools and equipment with which it is normally equipped; or

(*b*) in the case of a trailer, no person and is otherwise unladen;

"licence" means a driving licence or provisional licence granted under Part II of the Order;

"maximum design speed", in relation to a motor cycle, means the maximum speed which the motor cycle is designed to achieve under its own power on a level road;

"moped" means—

(*a*) a motor cycle (not being a motor vehicle of group K) which has a maximum design speed which does not exceed 30 miles per hour, a kerbside weight which does not exceed 250 kilograms, and, if propelled by an internal combustion engine, an engine the cylinder capacity of which does not exceed 50 cc, or

(*b*) in the case only of motor cycles which were first used before 1st September 1978, a motor cycle which has an engine with a cylinder capacity not exceeding 50 cc and is equipped with pedals by means of which the cycle is capable of being propelled;

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"test" means a test of competence to drive conducted under Article 11 of the Order;

"vehicle propelled by electrical power" means a vehicle the motive power of which is derived solely from any electrical storage battery carried on the vehicle and not connected to any source of power when the vehicle is in motion; and

"vehicle with automatic transmission" means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(2) In determining for the purposes of these Regulations when a motor cycle is first used, the date of such first use shall be taken to be such date as is the earliest of the undermentioned relevant dates applicable to that motor cycle—

(*a*) in the case of a motor cycle registered under the Vehicles (Excise) Act (Northern Ireland) 1954(**a**), the Vehicles (Excise) Act (Northern Ireland) 1972(**b**), the Roads Act 1920(**c**), the Vehicles (Excise) Act 1949(**d**), the Vehicles (Excise) Act 1962(**e**) or the Vehicles (Excise) Act 1971(**f**), the relevant date is the date on which it was first so registered; and

(*b*) in each of the following cases—

(i) in the case of a motor cycle which is being or has been used under a trade licence as defined in section 16 of the Vehicles (Excise) Act (Northern Ireland) 1972 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);

(ii) in the case of a motor cycle which belongs or has belonged to the Crown and which is or was used or appropriated for use for naval, military or air force purposes;

(iii) in the case of a motor cycle which belongs or has belonged to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(**g**) applies;

(iv) in the case of a motor cycle which has been used on roads outside the United Kingdom and has been imported into Northern Ireland; and

(v) in the case of a motor cycle which has been used otherwise than on roads after being sold or supplied by retail and before being registered,

the relevant date is the date of manufacture of the motor cycle.

In this paragraph, "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring solely for the purpose of re-sale or re-supply for a valuable consideration.

(**a**) 1954 c. 17 (N.I.)
(**b**) 1972 c. 10 (N.I.)
(**c**) 1920 c. 72
(**d**) 1949 c. 89
(**e**) 1962 c. 13
(**f**) 1971 c. 10
(**g**) S.I. 1965/1536

(3) For the purposes of the definition of "moped" in paragraph (1) a motor cycle shall be regarded as having a maximum design speed which does not exceed 30 miles per hour if it cannot exceed that speed by more than 5 miles per hour when tested under the following conditions—

(*a*) the surface on which it is tested shall be dry asphalt or concrete;

(*b*) the rider shall be a person not exceeding 75 kilograms in weight;

(*c*) a passenger or load shall not be carried;

(*d*) the test route shall be so located that acceleration to, and deceleration from, maximum speed can take place elsewhere than on the test route itself;

(*e*) the test route shall not have a gradient exceeding 5%;

(*f*) the motor cycle shall be ridden in opposite directions along the test route and the speed recorded for the purpose of the test shall (in order to minimise the effect of wind resistance and gradient) be the average of speeds shown for each direction;

(*g*) when being driven along the test route, the motor cycle shall be driven in such manner and in such gear as to achieve the maximum speed of which it is capable; and

(*h*) if the motor cycle is fitted with a device which can, without the use of specialist tools or equipment, be readily modified or removed so as to increase its maximum speed, the test shall be carried out with the device in the modified condition or, as the case may be, without the device.

PART II

LICENCES

Minimum ages for holding or obtaining licences

3.—(1) Article 4(1) of the Order shall have effect as if in the Table therein—

(*a*) in item 2, the age of 17 were substituted for the age of 16 in relation to all motor cycles other than—

(i) mopeds,

(ii) motor cycles which are mowing machines, or

(iii) motor cycles which are vehicles controlled by a pedestrian;

(*b*) in item 3, the age of 16 were substituted for the age of 17 in the case of a person to whom an award of a mobility allowance has been made in pursuance of section 37A of the Social Security (Northern Ireland) Act 1975(**a**) provided that, where the award was made before he attained the age of 16, it is in force when he attains that age;

(*c*) in item 4, in relation to an agricultural tractor which—

(i) is so constructed that the whole of its weight is transmitted to the road surface by means of wheels,

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(**a**) 1975 c. 15 as amended by S.I. 1975/1503 (N.I. 15)

(ii) has an overall width not exceeding 2.45 metres,

(iii) is chargeable with duty under section 1 of the Vehicles (Excise) Act (Northern Ireland) 1972 by reference to paragraph 1 of Schedule 3 to that Act as being an agricultural machine or, by virtue of the provisions of section 7(1) of that Act, is not chargeable with duty thereunder,

(iv) is driven without a trailer attached to it, other than a trailer which has an overall width not exceeding 2.45 metres and which is either a two-wheeled or close-coupled four-wheeled trailer, and

(v) is driven on any road other than a special road within the meaning of the Roads (Northern Ireland) Order 1980(**a**),

the age of 16 were substituted for the age of 17, but in the case of a person who has not passed the test of competence to drive such a tractor, only while—

(A) taking, proceeding to or returning from such a test; or

(B) engaged in the course of agricultural operations on any road which is not a road where the maximum speed limit under Article 50 of the Order is 30 miles per hour or less;

(*d*) in items 5 and 6, the age of 17 were substituted for the ages of 18 and 21 respectively in the case of members of the armed forces of the Crown in relation to any vehicle when being used in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939(**b**), which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959(**c**), by section 2 of the Emergency Powers Act 1964(**d**);

(*e*) in item 6, the age of 17 were substituted for the age of 21 in relation to a road roller falling within that item if the roller—

(i) is propelled otherwise than by steam,

(ii) has an unladen weight not exceeding 11,690 kilograms,

(iii) is not constructed or adapted for the conveyance of a load other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools, loose equipment and objects such as are mentioned in paragraph (3) and if no wheel of the roller is fitted with a pneumatic, soft or elastic tyre;

(*f*) in item 6, the age of 18 were substituted for the age of 21 in the case of a person employed by a Health and Social Services Board when driving a vehicle for the purposes of an ambulance service;

(*g*) in item 6, the age of 18 were substituted for the age of 21 in the case of a person who fulfils the conditions—

(a) S.I. 1980/1085 (N.I. 11)
(b) S.I. 1939/1304
(c) 1959 c. 19
(d) 1964 c. 38

(i) that he is employed by a registered employer, and

(ii) that he is a registered employee of such an employer, and in relation to any vehicle (other than a road roller) which is a heavy goods vehicle (hgv) of a class to which his training agreement applies and is owned by his employer or by a registered hgv driver training establishment;

(*h*) in item 6, the age of 18 were substituted for the age of 21 in relation to a motor vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or danger to other road users or members of the public, for the purpose of safeguarding property, including the motor vehicle and its load, for other similar purposes or for police purposes; and

(*i*) in items 5 and 6, the age of 17 were substituted for the ages of 18 and 21 respectively in the case of a member of the armed forces of the Crown when receiving instruction in the driving of 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, or when taking, proceeding to, or returning from any such test.

(2) For the purposes of sub-paragraph (1)(*c*) any implement fitted to a tractor shall be deemed to form part of the tractor notwithstanding that it is not a permanent or essentially permanent fixture, and in that sub-paragraph—

(i) "overall width", in relation to a vehicle, means the width of the vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of any driving mirror and so much of the distortion of any tyre as is caused by the weight of the vehicle; and

(ii) "close-coupled", in relation to wheels on the same side of a trailer, means fitted so that at all times while the trailer is in motion they remain parallel to the longitudinal axis of the trailer and that the distance between the centres of their respective areas of contact with the road surface does not exceed 840 millimetres.

(3) For the purposes of sub-paragraph (1)(*e*), the unladen weight of a vehicle shall be treated as including the weight of any object for the time being attached to the vehicle, being an object specially designed to be so attached for the purpose of temporarily increasing the vehicle's gross weight.

(4) In sub-paragraph (1)(*f*)—

"ambulance service" means the carriage of persons to or from a place where they will receive or have received medical or dental treatment, in a vehicle constructed or adapted for such use.

(5) In sub-paragraph (1)(*g*) and in this paragraph—

"heavy goods vehicle" has the same meaning as in Article 79 of the Order;

"registered" means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

"the Training Committee" means the committee which has been established with a constitution approved by the Department and which is known as the Northern Ireland Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in Northern Ireland;

"the training scheme" means the scheme which has been established by the Training Committee with the approval of the Department for training young drivers of hgvs and which provides for—

(*a*) the registration by the Training Committee of employers who are willing and able to provide hgv driver training for persons employed by them,

(*b*) the registration by the Training Committee of persons operating establishments for providing hgv driver training,

(*c*) a syllabus for hgv driver training, and

(*d*) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, hgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee; and

"training agreement", in relation to an individual who is undergoing, or is to undergo, such training as aforesaid, means his agreement therefor with his registered employer in pursuance of the training scheme.

Grant of licences

4.—(1) An application for the grant of a licence may be declined if received more than two months before the licence is required to take effect.

(2) Subject to paragraph (3) any application for a licence shall be accompanied by—

(i) one clear unmounted facial photograph of the applicant of recent date, approximately 40 millimetres x 35 millimetres in size and endorsed on the back with the applicant's name and address, and

(ii) the appropriate fee as prescribed in regulation 6.

(3) A licence may be granted to a member of the naval, military or air forces of Her Majesty without requiring him to furnish a photograph but such licence shall permit him to drive or ride a motor vehicle only when he is on duty and the motor vehicle is the property of the Crown.

(4) A special provisional licence shall be in the form specified in Schedule 1.

Grant of licences to drive vehicles in additional groups

5. If a licence holder wishes to obtain a licence to drive vehicles of a class or description in addition to the class or description of vehicles specified in the licence he shall on payment of the fee prescribed in regulation 6 and subject to Article 12(1)(*b*) and (*d*)(i) of the Order be entitled to have issued to him a new licence for that purpose.

Fees for licences

6.—(1) Subject to paragraph (2) and regulation 13(3), the fee for the first licence granted to applicants on or after 7th August 1989 shall be £6·00.

(2) Where the first licence granted to applicants is in exchange for a licence, not being a provisional licence, granted under section 88 of the Road Traffic Act 1972(**a**) or section 97 of the Road Traffic Act 1988(**b**), the fee shall be £4·00.

(3) Subject to paragraph (4), the fee for any further licence shall be the amount specified in Schedule 2.

(4) Where an applicant has been granted a provisional licence, a fee shall not be payable for a licence granted to him under Article 12(1)(*d*)(i) of the Order.

Duration of licences

7.—(1) A provisional licence shall, unless revoked or surrendered, continue in force—

(*a*) for a period of 10 years;

(*b*) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer;

(*c*) in the case of an applicant appearing to be suffering from such a disease or physical disability as is prescribed by regulation 21, for a period of 1 year;

(*d*) in the case of a licence issued under regulation 5, for the unexpired period of the current licence; or

(*e*) in the case of a licence issued under Article 197(7) of the Order, for the unexpired period of the surrendered licence.

(2) Except as provided by Article 12(4)(*b*) or (*c*) of the Order, a driving licence shall remain in force—

(*a*) in the case of a person who, having been granted a provisional licence, is granted a licence under Article 12(1)(*d*)(i), for the unexpired period of the provisional licence;

(*b*) in the case of a licence issued under regulation 5, for the unexpired period of the current licence;

(*c*) in the case of a licence issued under Article 197(7) of the Order, for the unexpired period of the surrendered licence; or

(*d*) in all other cases for a period of 10 years.

Conditions attached to provisional licences

8.—(1) Subject to the provisions of paragraphs (2), (3) and (4), the holder of a provisional licence shall comply with the following conditions in relation to motor vehicles of a class or description which he is authorised to drive by

(**a**) 1972 c. 20
(**b**) 1988 c. 52

virtue of the provisional licence, that is to say he shall not drive or ride such a motor vehicle—

(*a*) otherwise than under the supervision of a qualified driver who is present with him in or on the vehicle;

(*b*) unless a distinguishing mark in the form set out in Schedule 3 is displayed on the vehicle in such manner as to be clearly visible to other persons using the road from within a reasonable distance from the front and from the back of the vehicle;

(*c*) while it is being used to draw a trailer; and

(*d*) in the case of a motor bicycle not having attached thereto a sidecar, while carrying on it a person who is not a qualified driver:

Provided that where the holder of a provisional licence has passed a test which authorises him to be granted a licence to drive or ride a particular class or description of vehicle the conditions shall cease to apply in relation to the driving or riding as the case may be by him of a motor vehicle of that class or description.

(2) The condition specified in sub-paragraph (1)(*a*) shall not apply when the holder of the provisional licence—

(*a*) is undergoing a test or a test of competence to drive heavy goods vehicles under Article 76 of the Order;

(*b*) is driving a vehicle (not being a motor car) constructed to carry only one person and not adapted to carry more than one person;

(*c*) is driving a vehicle the unladen weight of which does not exceed 815 kilograms, being a vehicle propelled by electrical power, constructed or adapted to carry only one person and constructed or adapted for the carriage of goods or burden of any description;

(*d*) is driving a road roller the unladen weight of which does not exceed 3050 kilograms, being a vehicle constructed or adapted for the carriage of goods or burden of any description; or

(*e*) is riding a motor bicycle, whether or not having attached thereto a sidecar.

(3) The condition specified in sub-paragraph (1)(*c*) shall not apply when the holder of the provisional licence is driving an agricultural tractor, nor shall it prevent the holder of a provisional licence from driving an articulated vehicle.

(4) The condition specified in sub-paragraph (1)(*d*) shall not apply when the holder of the provisional licence is riding a pedal cycle of the tandem type to which additional means of propulsion by mechanical power are attached.

(5) Any holder of a provisional licence need not comply with this regulation during any period in which—

(*a*) he is treated, by virtue of regulation 27, for the purposes of Article 3(1) of the Order, as the holder of a licence; or

(*b*) he is entitled, by virtue of Article 2(1) of the Motor Vehicles (International Circulation) (Road Traffic) Order (Northern Ireland) 1970(**a**),

(a) S.R. & O. (N.I.) 1970 No. 196

to drive motor vehicles of a class which he is authorised to drive by virtue of the provisional licence.

(6) In this regulation—

"leg disability" means a disability which consists solely of any one or more of the following:—

(*a*) the absence of a leg or legs;

(*b*) the deformity of a leg or legs; or

(*c*) the loss of use of a leg or legs.

In this paragraph, reference to a leg includes reference to a foot or part of a leg or foot, and reference to loss of use, in relation to a leg or foot, includes reference to a deficiency of movement or power in the leg or foot; and

"qualified driver" means a person who holds—

(i) in the case of the supervision of the driver of any vehicle including a motor car, a driving licence authorising him to drive as a driving licence holder the motor vehicle being driven by the holder of the provisional licence, or

(ii) in the case only of the supervision of the driver of a motor car by a person whose licence is limited under Article 6(2)(*b*) of the Order solely on account of a leg disability to motor cars of a particular construction or design, a driving licence authorising him so to drive motor cars of a class or description falling within the same group as the motor car being driven by the holder of the provisional licence.

Restricted provisional licences

9. A provisional licence shall be restricted so as to authorise only the driving of motor vehicles of a class or description included in group K in any case where the applicant is unable to read in good daylight (with the aid of glasses or contact lenses if worn) at a distance of 20.5 metres, a registration mark which is fixed to a motor vehicle and comprises letters and figures 79.4 millimetres high.

Driving licences not carrying provisional entitlement

10. A driving licence which authorises its holder to drive certain classes and descriptions of motor vehicles shall not authorise its holder to drive motor vehicles of all other classes and descriptions subject to the same conditions as if he were authorised by a provisional licence to drive the last-mentioned vehicles if it is a licence which—

(*a*) is limited to vehicles of a particular construction or design whether pursuant to an application in that behalf made by the holder of the licence or pursuant to Article 6(2)(*b*) of the Order; or

(*b*) authorises its holder to drive vehicles of a class or description included in group K only.

Signature of licences

11. A driving licence shall not be valid until signed by the person to whom it is granted.

Lost or defaced licences

12.—(1) If the holder of a licence satisfies the Department that the licence has been lost or defaced and the holder is entitled to continue to hold the licence, the Department shall, on payment of the fee prescribed in regulation 6, issue to him a duplicate licence and shall endorse thereon any particulars endorsed upon the original licence and the duplicate so issued shall have the same effect as the original.

(2) If at any time while a duplicate licence is in force the original licence is found, the person to whom the original licence was issued, if it is in his possession, shall return it to the Department, or if it is not in his possession, but he becomes aware that it is found, shall take all reasonable steps to obtain possession of it and if successful shall return it to the Department.

Defects in licences

13.—(1) Where it appears to the Department—

(*a*) that a licence is required to be endorsed in pursuance of any enactment or was granted in error or with an error or omission in the particulars specified in the licence or required to be so endorsed on it; or

(*b*) that the particulars specified in a licence do not comply with a statutory requirement,

the Department may serve notice in writing on the licence holder revoking the licence and requiring him to surrender it forthwith to the Department.

(2) Where the licence holder's name or address in the licence ceases to be correct, he shall forthwith surrender it to the Department and furnish to the Department particulars of the alterations to be made in the name or address.

(3) On the surrender of a licence in pursuance of paragraph (1) or (2), the Department—

(*a*) shall, except where the licence was granted in error or is surrendered in pursuance of paragraph (1) in consequence of an error or omission appearing to the Department to be attributable to the licence holder or in consequence of a current disqualification; and

(*b*) may in such an excepted case which does not involve a current disqualification,

issue to him free of charge a new licence for such a period that it expires on the date on which the surrendered licence would have expired had it not been surrendered, except that, where the period for which the surrendered licence was granted, was based on an error with respect to the licence holder's date of birth such that, if that error had not been made, that licence would have been expressed to expire on a different date, the period of the new licence shall be such that it expires on that different date.

(4) A person shall not by writing, drawing or in any other manner, alter, deface, mutilate or add anything to a licence and any licence so altered, defaced, mutilated or added to, shall be void.

PART III

TESTS OF COMPETENCE

Persons by whom tests may be conducted

14.—(1) Tests may be conducted by—

(*a*) examiners appointed for that purpose by the Department;

(*b*) the Secretary of State for Defence and the Chief Constable of the Royal Ulster Constabulary in so far as concerns the testing of persons employed or to be employed by one or other of them to drive motor vehicles; or

(*c*) any person or body appointed by the Department in respect of such categories of persons as the Department may specify.

(2) The Department may at any time revoke an appointment made by it under sub-paragraph (1)(*c*) and the authority to conduct tests shall thereupon cease.

15. Any person or body authorised by sub-paragraph (*b*) or (*c*) of regulation 14(1) to conduct tests may, subject to the approval of the Department, authorise suitable persons to act as examiners of those who submit themselves for test.

Appointments for tests and notice of cancellation

16.—(1) An application for an appointment to take a test to be conducted by an examiner appointed under regulation 14(1)(*a*) shall be made to the Department on a form issued by the Department.

(2) The applicant shall furnish all relevant particulars and make any relevant declaration specified in such form.

(3) An application for such an appointment as aforesaid shall be accompanied by such fee in respect of the test as is specified in regulation 17(1) and the Department shall make any arrangements necessary for the taking of the test.

(4) For the purposes of Article 11(2)(*b*) of the Order (which paragraph specifies circumstances in which a fee paid on application for an appointment for a test may be repaid), notice cancelling an appointment for such a test as is mentioned in paragraph (1) shall be given to the Department, at the centre from which the test is to be conducted, not less than 3 clear working days before the date of the appointment.

(5) For the purposes of this regulation "working day" means a day on which the centre from which the test is to be conducted is open to the public.

Fees in respect of tests

17.—(1) The fee to be paid upon application for an appointment for a test conducted by the Department shall be £18·00 except where the test relates to a motor cycle or moped where the fee shall be £16·50 or a test relating to vehicles in group J for which a fee shall not be payable.

(2) A fee shall not be payable in respect of a test conducted by persons or bodies authorised in sub-paragraph (*b*) or (*c*) of regulation 14(1).

Nature of tests

18.—(1) Subject to the following provisions, the test which a person is required to pass before a driving licence can be granted to him authorising him to drive a motor vehicle of a class or description included in any particular group shall be a test carried out on a vehicle of that class or description which satisfies the person conducting the test—

(*a*) that the person taking the test is fully conversant with the contents of the Highway Code;

(*b*) generally that the person taking the test is competent to drive, without danger to and with due consideration for other road users, the vehicle on which he is tested; and

(*c*) that the person taking the test is able to comply with such of the additional requirements specified in Schedule 5 as are referred to in the third column of Schedule 4 in relation to the group which includes the class or description of vehicle on which he is tested:

Provided that the person conducting the test may be satisfied as to the matters specified in this paragraph where he concludes that the person being tested should only be passed in relation to vehicles of a particular construction or design despite the fact that the test was not conducted on a vehicle of that construction or design.

(2) A person who has passed a test to drive vehicles of a class or description included in any particular group shall be deemed for the purposes of the Order and of these Regulations competent to drive, in addition to vehicles of a class or description included in that particular group, vehicles of a class or description included in any other group which is referred to in the fourth column of Schedule 4 as being an additional group in relation to that particular group.

Production of a vehicle for test, etc.

19.—(1) A person submitting himself for a test shall—

(*a*) provide for the purposes of the test a motor vehicle, which—

(i) is suitable for the purposes of the test, and

(ii) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed;

(*b*) produce to the examiner who is to conduct his test, his licence or other driving permit by virtue of which he is entitled to drive in Northern Ireland a motor vehicle of the class or description included in the group for which the test is to be conducted;

(*c*) sign the examiner's attendance record;

(*d*) except when the test is for a motor bicycle, allow to travel in the vehicle mentioned in sub-paragraph (1)(*a*) during the test—

(i) the person authorised to conduct the test, and

(ii) any person authorised by the Department to attend the test for the purpose of supervising it or otherwise; and

(*e*) when the test is for a motor bicycle, allow the attendance of—

(i) the person authorised to conduct the test, and

(ii) any person authorised by the Department for the purpose of supervising the test or otherwise.

(2) Where a person submitting himself for a test fails to produce a vehicle which complies with paragraph (1) or fails to produce his licence or driving permit as aforesaid or fails to sign the examiner's attendance record, the examiner may refuse to conduct the test.

Evidence of results of tests

20.—(1) A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 6.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 6.

(3) An applicant for a driving licence who before the licence is granted is required to satisfy the Department that he has passed a test shall at the time when he applies for the licence deliver the certificate furnished to him under paragraph (1) to the Department for retention.

(4) A driving licence or a certificate issued by a competent authority in Great Britain shall, for the purposes of the granting of licences in Northern Ireland to persons holding such documents, be regarded as having been issued under the Order.

PART IV

SUPPLEMENTARY

Diseases and physical disabilities

21.—(1) The following diseases and physical disabilities are prescribed for the purposes of Article 6(1) of the Order and are those in the case of which a person shall not be entitled to claim under Article 6(2) or 13(3) of the Order to be subjected to the test prescribed in regulation 18:—

(*a*) epilepsy;

(*b*) severe mental handicap;

(*c*) liability to sudden attacks of disabling giddiness or fainting, other than such attacks falling within sub-paragraph (*d*);

(*d*) liability to sudden attacks of disabling giddiness or fainting which are caused by any disorder or defect of the heart as a result of which the applicant for the licence or, as the case may be, the holder of the licence has a device implanted in his body, being a device which, by operating on the heart so as to regulate its action, is designed to correct the disorder or defect; and

(*e*) inability to read in good daylight (with the aid of glasses or contact lenses, if worn) at a distance of 20.5 metres, a registration mark fixed to a motor vehicle which comprises letters and figures 79.4 millimetres high:

Provided that in the case of an applicant for or a proposal to revoke a licence authorising the driving of vehicles of a class or description included in group K only, the reading distance shall be 12.3 metres.

(2) Epilepsy is prescribed for the purposes of Article 6(2)(*d*) of the Order and an applicant for a driving licence suffering from epilepsy shall satisfy the conditions that—

(*a*) he shall have been free from any epileptic attack during the period of two years immediately preceding the date when the licence is granted;

(*b*) in the case of an applicant who has had an epileptic attack or attacks only whilst asleep during that period—

(i) he shall have had an epileptic attack whilst asleep more than three years before the date the licence is granted, and

(ii) he shall have had no epileptic attack or attacks whilst awake but only whilst asleep since he had that attack; and

(*c*) the driving of a vehicle by him in pursuance of the licence is not likely to be a source of danger to the public.

(3) The disability prescribed in sub-paragraph (1)(*d*) is prescribed for the purpose of Article 6(2)(*d*) of the Order and an applicant for a driving licence suffering from that disability shall satisfy the conditions that—

(*a*) the driving of a vehicle by him in pursuance of the licence is not likely to be a source of danger to the public; and

(*b*) he has made adequate arrangements to receive regular medical supervision by a cardiologist (being a supervision to be continued throughout the period of the licence) and is conforming to those arrangements.

(4) The following disability is prescribed for the purposes of sub-paragraphs (*a*) and (*c*) of Article 6(2) of the Order, namely a disability which is not progressive in nature and which consists solely of any one or more of the following:—

(*a*) the absence of one or more limbs;

(*b*) the deformity of one or more limbs; and

(*c*) the loss of use of one or more limbs.

(5) The disability prescribed in sub-paragraph (1)(*e*) is prescribed for the purposes of Article 6(3) of the Order.

(6) In this regulation—

(*a*) in sub-paragraph (1)(*b*), the expression "severe mental handicap" means a state of arrested or incomplete development of mind which includes severe impairment of intelligence and social functioning;

(*b*) in sub-paragraph (3)(*b*), the expression "cardiologist" means a registered medical practitioner who specialises in disorders or defects of the heart and who, in that connection, holds a hospital appointment; and

(*c*) in paragraph (4), references to a limb include references to a part of a limb, and the reference to loss of use, in relation to a limb, includes a reference to a deficiency of limb movement or power.

Furnishing of information

22. The Department shall, upon application being made to it by any constable, provide free of charge a copy of the particulars recorded by it relating to any licence granted by it.

Notice of application for removal of disqualification

23. Where a person who has been disqualified for holding or obtaining a licence intends to apply to a court to remove the disqualification he shall, at least 10 clear days before the day on which the court sits, give notice in writing of his intention to make such application—

(*a*) where the disqualification was imposed by order of a court of summary jurisdiction, or of a county court on appeal, to the Superintendent of the Royal Ulster Constabulary for the petty sessions district in which the prosecution which resulted in the conviction was originally brought; or

(*b*) where the disqualification was imposed in any other manner, to the Superintendent of the Royal Ulster Constabulary for the petty sessions district in which was committed the offence for which the person was convicted.

Such notice shall set forth the grounds of the application and shall be given by leaving a copy thereof at the office of the Superintendent, or by forwarding the same by post to him at his office, and shall be in the form set out in Schedule 7.

Forces drivers

24. Items 5 and 6 in the Table in Article 4(1) and Article 10 of the Order shall not apply to members of the naval, military or air forces of Her Majesty while they are on duty and where the motor vehicle is the property of the Crown.

Effect of changes in classification of vehicles by reason of the changed definition of "moped"

25.—(1) In licences issued before 1st September 1978—

(*a*) any reference to motor vehicles of group E shall on and after that date be construed as a reference to motor vehicles of new group E;

(*b*) any reference to motor vehicles of group L shall on and after that date be construed as a reference to motor vehicles of new group L;

(*c*) any reference to motor vehicles of any other group the constitution of which is affected by the amendments made by the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1978(**a**) shall on and after that date be construed as a reference to motor vehicles of the group in question as so amended in constitution; and

(*d*) any reference to a moped shall on and after that date be construed by reference to the revised definition of "moped".

(a) S.R. 1978 No. 209, as amended by S.R. 1979 No. 137

(2) In relation to an application for the grant of a licence which came into force on or after 1st September 1978 by a person who—

(*a*) before that date held a licence granted under Part I of the Road Traffic Act (Northern Ireland) 1970(**a**), or under any enactment which that Part I replaced, or under Part III of the Road Traffic Act 1972(**b**) to drive motor vehicles of a class included in old group E; or

(*b*) before that date passed a test to drive motor vehicles of a class included in old group E or a test which by virtue of regulation 18(2) is regarded as a test to drive such motor vehicles,

and in relation to any licence issued in pursuance of such applications, the licence which he held, or the test which he passed, before that date shall for the purposes of Article 12(1) of the Order be regarded as a licence or test (as the case may be) to drive vehicles of a class included in new group E.

(3) In this regulation, references to "old group" and "new group" followed by a letter, are references respectively to the group in question as constituted before and after the coming into operation of the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1978(**c**), and the reference to the revised definition of "moped" is a reference to the definition of that word substituted by those Regulations.

Effect of changes in classification of vehicles by reason of changed weight limit for motor tricycles

26.—(1) In licences issued before the date of re-classification, any reference to motor vehicles of a group identified by a letter shall be construed for all purposes on and after that date as a reference to motor vehicles of the new group as well as the old group identified by that letter.

(2) In relation to an application for the grant of a licence coming into force on or after the date of re-classification by a person who—

(*a*) before that date held a licence granted under Part II of the Order, or under any enactment which that Part II replaced, or under Part III of the Road Traffic Act 1972 to drive motor vehicles of a class included in an old group; or

(*b*) before that date passed a test to drive motor vehicles of a class included in an old group or a test which by virtue of regulation 18(2) is regarded as a test to drive such vehicles,

and in relation to any licence issued in pursuance of such an application, the licence which he held, or the test which he passed, before that date shall, for the purposes of Articles 5(2) and (3) and 12(1)(*d*) of the Order (restrictions on the grant of licences, etc.) be regarded as a licence or test, as the case may be, to drive vehicles of a class included in the new group as well as the old group identified by the same letter.

(3) In this regulation, references to "old group" and "new group" are references respectively to the group in question as constituted before and after the date of re-classification and "the date of re-classification" refers

(a) 1970 c. 2 (N.I.) as amended by S.I. 1973/1229 (N.I. 17), S.I. 1976/581 (N.I. 11) and S.I. 1978/1051 (N.I. 21)
(b) 1972 c. 20
(c) The Regulations came into operation on 1st September 1978

respectively to 17th August 1981 when the weight limit for motor tricycles in group C was increased to 425 kg unladen and 14th July 1986 when that weight limit was increased to 450 kg unladen.

Persons who become resident in Northern Ireland

27.—(1) A person who becomes resident in Northern Ireland shall during the period of one year after he becomes so resident be treated for the purposes of Article 3(1) of the Order as the holder of a driving licence authorising him to drive a motor vehicle of the class or description which he is authorised to drive by any permit of which he is a holder, if he satisfies the conditions specified in paragraph (2).

(2) The conditions mentioned in paragraph (1) are—

(*a*) the person who becomes resident shall be the holder of a permit which is for the time being valid; and

(*b*) he is not disqualified for holding or obtaining a licence in Northern Ireland.

(3) The following enactments relating to licences or licence holders shall apply in relation to permits or the holders of permits (as the case may be) subject to modifications, in accordance with the following provisions—

(*a*) Article 197(8) of the Order shall apply as if for the words ''shall also on the production of the licence'' onwards there were substituted the words ''shall also on the production of the permit retain it and forward it to the Department which shall keep the permit until the disqualification has expired or been removed or the person entitled to the permit leaves Northern Ireland and in any case has made a demand in writing for its return to him'';

(*b*) Article 197(3) of the Order shall apply as if the references to a licence included a reference to a permit, but with the omission of sub-paragraph (*b*) and the words ''for the purpose of endorsement'' where they occur;

(*c*) Article 169(1) of the Order shall apply as if the reference to a driving licence included a reference to a permit, but with the omission of the words ''for the purpose of endorsement'';

(*d*) Article 194(9) of the Order shall apply in relation to the holder of a permit as if for the words ''endorsed on the licence'' onwards there were substituted the words ''notified to the Department'';

(*e*) Article 180(2), (3) and (4) of the Order shall apply as if the references to a driving licence or licence included a reference to a permit; and

(*f*) Article 174(2) of the Order shall apply as if the reference to a licence included a reference to a permit.

(4) In this regulation, ''permit'' means a ''Convention driving permit'', a ''domestic driving permit'' or a ''British Forces (BFG) driving licence'' as defined in Article 2(6) of the Motor Vehicles (International Circulation) (Road Traffic) Order (Northern Ireland) 1970(**a**) not being a domestic driving

(**a**) S.R. & O. (N.I.) 1970 No. 196

permit or a British Forces (BFG) driving licence in the case of which any order made, or having effect as if made, by the Department is for the time being in force under Article 2(5) of the said Order.

Isle of Man and Channel Islands driving licence holders

28.—(1) The holder of an effective driving licence granted in the Isle of Man or the Channel Islands who becomes resident in Northern Ireland shall be deemed to have passed the test enabling him to drive a vehicle of the class or description for which he holds that licence and, on surrender of it, may be granted a driving licence to drive a vehicle of that class or description.

(2) The fee for such licence shall be as prescribed in regulation 6(1).

Foreign driving licence holders

29.—(1) The holder of an effective driving licence granted in Australia, Austria, Barbados, Republic of Cyprus, Finland, Gibraltar, the territory of Hong Kong, Japan, Kenya, Malta, New Zealand, Norway, Singapore, Sweden, Switzerland, the territory of the British Virgin Islands or Zimbabwe who becomes resident in Northern Ireland shall be deemed to have passed the test enabling him to drive a vehicle of the class or description for which he holds that licence and, on surrender of it, may be granted a driving licence to drive a vehicle of that class or description.

(2) An application for the grant of such licence shall be made within the first year of residence.

(3) The fee for such a licence shall be as prescribed in regulation 6(1).

(4) In paragraph (1), "effective driving licence" includes a licence granted in exchange for another licence only if that other licence was granted in a country specified in paragraph (1) or in a member State of the European Community.

Revocation

30. The Regulations specified in Schedule 8 are revoked.

Sealed with the Official Seal of the Department of the Environment on 23rd June 1989.

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

The Department of Finance and Personnel approves regulation 6.

Sealed with the Official Seal of the Department of Finance and Personnel on 23rd June 1989.

(L.S.) *Derek A. Hill*
Assistant Secretary

SCHEDULE 1 (See regulation 4(4))

Special Provisional Licence

No. .....

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

Special Provisional Licence

.....

.....

of .....

.....

is hereby licensed to drive .....

from ..... 19 ..... until ..... 19 ..... inclusive, subject to the conditions and restrictions prescribed in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989 [and to the additional conditions and restrictions set out hereunder .....].

Applicant: .....

Address: .....

.....

.....

To: Superintendent,
Royal Ulster Constabulary,
at .....

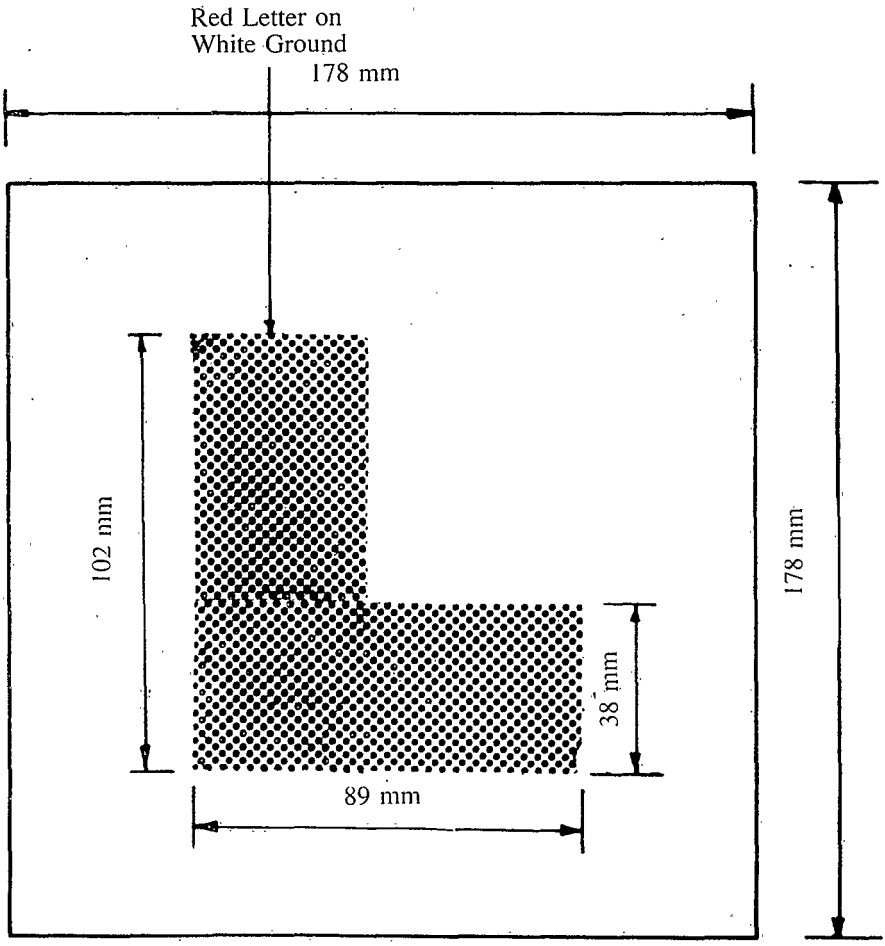
SCHEDULE 2 (See regulation 6(3))

Fees for Further Licences

	Description of Licence	*Fee*
1.	A 10-year driving licence	£6·00
2.	A driving licence to remain in force for a period specified under Article 12(4)(*b*) of the Order	£6·00
3.	A driving licence to remain in force for a period determined under Article 12(4)(*c*) of the Order	£1·00
4.	A 10-year provisional licence	£6·00
5.	A provisional licence issued until the applicant's seventieth birthday or for 3 years whichever is the longer	£6·00
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	£3·00
9.	A duplicate licence	£6·00
10.	A licence granted under regulation 13(3) (unless no fee is payable)	£4·00

SCHEDULE 3 (See regulation 8)

Diagram of Distinguishing Mark to be Displayed on a Motor Vehicle being driven under a Provisional Licence



SCHEDULE 4 (See regulation 18)

Groups of Motor Vehicles for Driving Test Purposes

Group	*Class or description of vehicle included in the group*	*Additional requirements*	*Additional groups covered*
A	A vehicle without automatic transmission, of any class not included in any other group	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B, C, E, F, K, L and N
B	A vehicle with automatic transmission, of any class not included in any other group	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	E, F, K, L and N
C	Motor tricycle weighing not more than 450 kg unladen, but excluding any vehicle included in group E, J, K or L	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	E, K and L
D	Motor bicycle (with or without side-car) but excluding any vehicle included in group E, K or L	1, 2, 3, 4, 5, 6, 9 and 10	C, E and motor cycles in group L
E	Moped	1, 2, 3, 4, 5, 6, 9 and 10	———
F	Agricultural tractor, but excluding any vehicle included in group H	1, 2, 3, 4, 5, 6, 7, 9 and 10	K
G	Road Roller	1, 2, 3, 4, 5, 6, 7, 9 and 10	———
H	Track-laying vehicle steered by its tracks	1, 2, 3, 4, 5, 6, 9, 10 and 11	———
J	Invalid carriage	1, 2, 3, 4, 5, 6, 9 and 10	———
K	Mowing machine or pedestrian controlled vehicle	1, 2, 3, 4, 5 and 6	———
L	Vehicle propelled by electrical power but excluding any vehicle included in group E, J, or K	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	K
N	Vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972	1, 2, 3, 4, 5 and 6	———

SCHEDULE 5 (See regulation 18)

Additional Requirements for Driving Tests

The additional requirements as to certain of which a candidate for a test must satisfy the person conducting the test in accordance with regulation 18 and Schedule 4 are his ability to do the following:—

1. Read in good daylight (with the aid of glasses or contact lenses if worn) a registration mark fixed to a motor vehicle and containing letters and figures 79.4 millimetres high at a distance of—

(*a*) 20.5 metres, in any case except that mentioned below; and

(*b*) 12.3 metres, in the case of a driving test carried out on a vehicle of a class included in group K only.

2. Start the engine of the vehicle.

3. Move away straight ahead or at an angle.

4. Overtake, meet or cross the path of other vehicles and take an appropriate course.

5. Turn right-hand and left-hand corners correctly.

6. Stop the vehicle in an emergency and normally, and in the latter case bring it to rest at an appropriate part of the road.

7. Drive the vehicle backwards and whilst so doing enter a limited opening either to the right or to the left.

8. Cause the vehicle to face in the opposite direction by the use of forward and reverse gears.

9. Indicate his intended actions at appropriate times by giving appropriate signals in a clear and unmistakable manner:

Provided that, in the case of a vehicle with a left-hand drive or a disabled driver for whom it is impracticable or undesirable to give signals by arm, there shall be no requirement to give signals which cannot be given by mechanical means.

10. Act correctly and promptly on all signals given by traffic signs and traffic controllers and take appropriate action on signs given by other road users.

11. Drive the vehicle backwards and cause it to face in the opposite direction by means of its tracks.

SCHEDULE 6 (See regulation 20)

Form of Certificate and Statement of Driving Test Result

PART I

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

Form of certificate of passing of test of competence to drive

.....

has been examined and has passed the test of competence to drive .....
..... prescribed for the purposes of Article 11 of the Road Traffic (Northern Ireland) Order 1981.

PART II

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

Form of statement of failure to pass test of competence to drive

.....

has this day been examined and has failed to pass the test of competence to drive prescribed for the purposes of Article 11 of the Road Traffic (Northern Ireland) Order 1981.

SCHEDULE 7 (See regulation 23)

Notice of Intention to Apply for Removal of Disqualification

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

County of .....

Petty Sessions District of .....

TAKE NOTICE that it is my intention to apply under the Road Traffic (Northern Ireland) Order 1981 to the ..... (name of court) to be held at ..... on the ..... day of ..... 19 ..... at the hour of ..... to remove the disqualification for holding or obtaining a licence under Part II of the said Order imposed on me by order of such court on the ..... day of ..... 19 .....

*Here set out grounds of application

The grounds of my application are as follows:—*

Dated this ..... day of ..... 19 .....

Applicant: .....

Address: .....

.....

.....

To: Superintendent, Royal Ulster Constabulary,
at .....

SCHEDULE 8 (See regulation 30)

Regulations Revoked

Title	*Year and Number*
Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981	S.R. 1981 No. 239
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1982	S.R. 1982 No. 129
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1983	S.R. 1983 No. 392
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1984	S.R. 1984 No. 400
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 258
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1986	S.R. 1986 No. 161
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1987	S.R. 1987 No. 211
Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1989	S.R. 1989 No. 50

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations which deal with driving licences, driving tests, and associated matters consolidate with amendments the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981 and the Regulations which amended them as specified in Schedule 8 to these Regulations.

The effect of the principal amendments is as follows:

(1) the age at which a person can drive a vehicle for the purpose of an ambulance service is reduced from 21 years to 18 years (regulation 3);

(2) ambulance service is defined for the purpose of regulation 3;

(3) a new resident to Northern Ireland who holds a valid foreign driving licence may for 12 months drive under that licence and if during that period he acquires a provisional driving licence he is exempt from compliance with provisional driving licence conditions (regulation 8);

(4) a licence must now be signed by the holder upon receipt and until it is signed the licence is not valid (regulation 11);

(5) a duplicate licence may only be issued if the holder of the lost or defaced licence satisfies the Department that he is entitled to continue to hold the licence (regulation 12);

(6) the fee to be paid upon application for an appointment for a driving test is increased to £18 except where the test relates to a motor cycle or moped where the fee remains unchanged at £16·50 (regulation 17);

(7) a person submitting himself for a driving test may be required to allow, in addition to the examiner, a person authorised by the Department to travel in the vehicle during the test (regulation 19);

(8) references to mental disorder have been replaced by severe mental handicap in accordance with recent amendments to the Mental Health (Northern Ireland) Order 1986 (regulation 21(1));

(9) the conditions which an applicant suffering from epilepsy must satisfy for grant of a licence are amended so that—

(i) the two year period during which no epileptic attacks shall have been suffered runs from the date when the licence is granted; and

(ii) the applicant who has suffered an epileptic attack or attacks only whilst asleep during the two year period must now show a pattern of asleep attacks which indicates that he had another asleep attack more than three years before the date the licence is granted and have had no awake attack or attacks since that attack (regulation 21(2));

(10) trolley vehicles are removed from the groups of motor vehicles for driving test purposes as these vehicles are now obsolete; and

(11) all dimensions are expressed in metric terms and only one height is given for the letters and figures in a vehicle registration plate as all marks are now of uniform height.

The Regulations as set out in Schedule 8 are revoked as a consequence of these Regulations.