EXPLANATORY MEMORANDUM TO

THE MOTOR VEHICLES (EXCHANGEABLE LICENCES) ORDER (NORTHERN IRELAND) 2022

2022 No. 239

1. Introduction

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

1.2. The Statutory Rule is made under Articles 19D(2)(b), (2A) and (2B) and 218 of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

2.1. The purpose of the Statutory Rule ("SR") covered by this Memorandum is to designate certain countries and territories as making satisfactory provision for the issue of certain classes of driving licences for the purpose of exchangeable driving licences. This will enable a person holding one of those licences to exchange it for a corresponding Northern Ireland licence.

2.2. The Order revokes and replaces the Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 2009 ("the 2009 Order") in order to designate countries and territories not yet designated and to redesignate those countries and territories already designated in order to take account of changes to vehicle categories.

3. Background

3.1. Under international agreements people coming to stay in Northern Ireland from outside the European Economic Area ("EEA") are allowed to drive small vehicles for up to a year on their valid national driving licence. To continue to drive after that period they must pass a NI driving test and obtain a full NI driving licence or they may exchange their driving licence for a NI licence if they hold a licence issued in a country or territory designated for the purposes of exchange of licences, subject to the normal requirements in respect of age and health.

3.2. In order to be designated the testing and licensing arrangements of the country or territory in question must have been assessed as being of a comparable standard to those in NI. Entitlement is generally only granted to drive small vehicles such as cars, small goods vehicles, vehicle combinations up to 3500kg maximum authorised mass, motorcycles, mopeds, tractors, pedestrian controlled

vehicles and mowing machines with restrictions placed on some classes of vehicles in certain cases.

3.3. The 2009 Order revoked and replaced all previous designation Orders with a consolidated Order and, unlike previous designation Orders and as a result of an amendment to Article 19D(2) of the 1981 Order, it was able to designate in respect of specific categories of licence and to specify the class of vehicle that the holder was able to drive.

3.4. The 2009 Order designated 15 countries and territories and those countries and territories have been re-designated in this Order to take account of changes to the vehicle categories for which licences may be granted. They are designated in respect of licences to drive all categories of mopeds and motorcycles, cars, small goods vehicles and vehicle combinations up to 3,500kg maximum authorised mass, tractors, pedestrian controlled vehicles and mowing machines. Andorra has now been added to the 15 countries designated in respect of these licences.

3.5. The Order also designates the Cayman Islands and the United Arab Emirates as making satisfactory provision for the issue of driving licences which authorise the driving of mopeds, smaller motorcycles, cars, small goods vehicles and vehicle combinations up to 3,500kg maximum authorised mass, tractors, pedestrian controlled vehicles and mowing machines.

3.6. The Order also designates the Republic of North Macedonia, Taiwan, and Ukraine as making satisfactory provision for the issue of driving licences which authorise the driving of smaller mopeds, cars, small goods vehicles and vehicle combinations up to 3,500kg maximum authorised mass, tractors, pedestrian controlled vehicles and mowing machines.

3.7. Licences granted in those newly designated countries or territories or granted by them by way of exchange for a licence granted in an EEA State, the United Kingdom, one of the other countries or territories designated in the Order or in Jersey, Guernsey or the Isle of Man to a person who passed the driving test in the respective State, country or territory may be exchanged for a corresponding NI licence.

3.8. Specific provision is made in the above designations in respect of driving licences which authorise the driving of certain categories of mopeds and motorcycles and are dependent on where the driving test was passed.

3.9. The Order also designates Switzerland, which is already designated in respect of smaller vehicles, in respect of licences authorising the driving of large goods vehicles and large buses (with or without a trailer). Those licences can be exchanged if the driving test was passed in Switzerland or was granted by them in exchange for a licence granted in an EEA State, Great Britain, Gibraltar, Guernsey, Isle of Man or Jersey.

3.10. In the case of all of the above designations if the licence was granted to a person who passed a driving test in a vehicle with automatic transmission the licence

shall only be exchangeable only to the extent that it authorises the driving of vehicles with automatic transmission.

4. Consultation

4.1. Targeted Consultations exercises were carried out by the Driver and Vehicle Licensing Agency. A consultation on the proposed legislative change in respect of the Cayman Islands ran from 1st August to 29th August 2017. A consultation on the proposed legislative change in respect the United Arab Emirates, North Macedonia, Taiwan and Ukraine ran between 6th November and 23rd December 2020. There was a low level of response to the Cayman Islands consultation with only 3 replies received. All were positive and supportive. The consultation for the remaining countries and territories received a higher response with 83 replies. This reflects the fact that it related to a number of countries and territories and that more holders of these licences reside in Great Britain. The majority (88%) of responses supported the proposal.

4.2. A further separate consultation exercise in NI was not considered necessary given the non-contentious nature of the proposals and the fact that the proposed Order will have no impact on businesses or public services and will reduce legislative disparity between NI and GB in the area of exchangeable driving licences.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have implications for equality of opportunity. The measures will not affect any group disproportionately. 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 not deemed necessary as there is no impact on the costs to business, the public sector or the voluntary sector.

7. Financial Implications

7.1 There are no financial implications associated with the proposals.

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 the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. There are no EU implications associated with the proposals.

10. Parity or replicatory measure

10.1 The SR is based on similar provisions contained in the GB Statutory Instruments S.I 2013 No. 22, S.I. 2016 No. 277 and S.I. 2021 No. 537.

11. Additional information

11.1. Not applicable.