EXPLANATORY MEMORANDUM TO

THE MOTORWAYS TRAFFIC (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2026

S.R. 2026 No. 143

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 Article 20(3) of the Roads (Northern Ireland) Order 1993 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.

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, for the most part, 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. These Regulations amend the Motorways Traffic Regulations (Northern Ireland) 2008 ("the 2008 Regulations") to permit learner drivers and learner motorcyclists to use motorways when under the instruction and supervision of an approved instructor.

2.4. They also introduce temporary arrangements, deferring motorway eligibility for certain existing provisional licence holders until 1 April 2027 and update several definitions in Regulation 1(2).

3. Background

3.1. The introduction of GDL will be facilitated by the amendment of the following legislation –

- The Motor Vehicles (Driving Licences) Regulations (NI) 1996;
- The Motor Vehicles (Specified Restrictions) Regulations (NI) 1998; and
- The Motorways Traffic Regulations (Northern Ireland) 2008.

3.2. Under the 2008 Regulations, provisional licence holders are currently prohibited from motorway driving.

3.3. The Department intends to allow supervised motorway driving for learner drivers and motorcyclists to enhance training.

3.4. The amendments replace Regulation 11, introduce instructor-supervised access and provide temporary arrangements for certain existing provisional licence holders who held their licence prior to 1st October 2026.

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 of 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. The Driver and Vehicle Agency ("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 were 297 responses to the consultation, 23 of which were from 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 carer's 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 from the requirement to produce a Logbook for this group 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 a 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 proposed GDL Regulations will result in any significant direct or indirect financial impact on the voluntary/community sector, charities or businesses.

6.2. There will be some impact on learner drivers, i.e. £17 for the 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 cost, 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 over a 2-year period (2024-25 and 2025-26).

7.2. Post-implementation, ongoing operational costs will mainly relate to system support for the app and 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 is currently seeking 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. It is also considering driver training programmes and use of a logbook. New drivers are already considered to be '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