



2016 CHAPTER 11

PART 3

Learner and new drivers

Minimum period of holding provisional licence in certain cases

Provisional licence to be held for minimum period in certain cases

16.—(1) The Order of 1981 is amended as follows.

(2) In Article 5 (tests of competence to drive)—

(a) after paragraph (2), insert—

“(2ZA) Except as provided by paragraph (2ZB) and under paragraph(4A), no person holding a provisional licence authorising him to drive a category B motor vehicle is to be permitted to take the part of the test of competence to drive such a vehicle that is the practical test unless he has held the licence for not less than 6 months immediately before the date on which the practical test is to be taken.

(2ZB) Paragraph (2ZA) does not apply to—

- (a) a person who, while he holds the provisional licence, also holds a licence or permit which, by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952, entitles him to drive a category B motor vehicle in Northern Ireland,
- (b) a person who is required to pass a test of competence to drive by virtue of—

- (i) an order under Article 41 of the Offenders Order (or section 36 of the Road Traffic Offenders Act 1988), or
- (ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998 (or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995).

(2ZC) The Department may by order—

(a) amend paragraph (2ZA) by—

- (i) adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there,
- (ii) substituting a different period of time for the period for the time being specified there,

(b) make any amendment of paragraph (2ZB), or Article 19D, that it considers appropriate for giving full effect to any such amendment of paragraph (2ZA).

(2ZD) An order under paragraph (2ZC) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”,

(b) after paragraph (4), insert—

“(4A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by paragraph (2ZA) and may in particular—

- (a) limit the exemption to persons in prescribed circumstances,
- (b) limit the exemption to a prescribed period,
- (c) attach conditions to the exemption.”.

(3) In Article 19D ((interpretation of Part 2), in paragraph (1) at the appropriate places insert—

““category B motor vehicle” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 3 and Schedule 1);

“practical test” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 2(1));”.