

1976 No. 581 (N.I. 11)

NORTHERN IRELAND

**The Road Traffic (Drivers' Ages and Hours of Work)
(Northern Ireland) Order 1976**

Made - - - - - 12th April 1976

Laid before Parliament - - - 14th April 1976

Coming into operation in accordance with Article 1(2) to (4)

At the Court at Windsor Castle, the 12th day of April 1976

Present,

The Queen's Most Excellent Majesty in Council

Whereas it has been made to appear to Her Majesty that by reason of urgency this Order requires to be made without a draft having been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974^(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976.

(2) Subject to paragraphs (3) and (4) this Order shall come into operation on the seventh day after the day on which it is made.

(3) The following provisions of this Order shall come into operation on such day or days as the Head of the Department of the Environment may by order appoint—

(a) Article 4;

(b) in Schedule 1, paragraph 9 and (except so far as it has effect for purposes of section 71 of the principal Act) paragraph 11;

(a) 1974 c. 28.

- (c) in Schedule 2, sub-paragraphs (1), (2), (3) and (7) of paragraph 3; and
 (d) in Article 6 and Schedule 3, the repeal of Article 4(1) of the European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972(a).

(4) Article 3(2) and Schedule 1, in so far as they amend sections 9 and 15 of the principal Act and insert section 15A in that Act, shall be treated as having had effect since the beginning of 1976 for authorising the grant of driving licences authorising the driving of motor vehicles of any class since that time by reference to the classes of vehicles and the ages specified in section 2 of that Act as substituted by Article 3(1) and for the interpretation of such licences, and any regulations made by virtue of those amendments may have effect accordingly.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“appointed day”, in relation to any provision of the Order, means the day appointed under Article 1(3) for that provision to come into operation;

“the principal Act” means the Road Traffic Act (Northern Ireland) 1970(c).

Minimum age for licensing of drivers

3.—(1) The following section shall be substituted for section 2 of the principal Act (restriction on driving by young persons):—

“Disqualification of persons under age for holding or obtaining licence.

2.—(1) A person shall be disqualified for holding or obtaining either a driving licence or a provisional licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation thereto in the second column of that Table.

TABLE

<i>Class of vehicle</i>	<i>Age (in years)</i>
1. Invalid carriage	16
2. Motor cycle	16
3. Small passenger vehicle or small goods vehicle ...	17
4. Agricultural tractor	17
5. Medium-sized goods vehicle	18
6. Other motor vehicles	21

(2) The Department may by regulations provide that subsection (1) shall have effect as if for the classes of vehicles and the ages specified in the Table thereto there were substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(a) S. R. & O. (N.I.) 1972 No. 359.

(b) 1954 c. 33 (N.I.).

(c) 1970 c. 2 (N.I.).

(3) Subject to subsection (4), regulations under subsection (2) may—

- (a) apply to persons of a class specified in or under the regulations;
- (b) apply in circumstances so specified;
- (c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions;
- (d) contain such transitional and supplemental provisions (including provisions amending section 15A or 74) as the Department considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations under subsection (2) are to apply where an approved training scheme for drivers is in force, it shall be sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In subsection (4)—

‘approved’ means approved for the time being by the Department for the purpose of regulations under subsection (2);

‘training scheme for drivers’ means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this section but apart from any such scheme is 21 years.

(6) No approved training scheme for drivers shall be amended without the approval of the Department.”.

(2) Schedule 1 (which contains consequential and other amendments, including amendments about heavy goods vehicle drivers’ licences) shall have effect.

(3) Schedule 2 (which contains saving provisions) shall also have effect.

Drivers’ hours of duty

4.—(1) In section 190(1) (interpretation) of the principal Act the definition of “the international rules” shall cease to have effect and the following definitions shall be inserted at the appropriate points in alphabetical order:—

“ ‘the applicable Community rules’ means any directly applicable Community provision for the time being in force about the driving of road vehicles;”;

“ ‘the domestic drivers’ hours code’ has the meaning given by section 49(6);”;

“ ‘relevant Community provision’ means any Community provision for the time being in force about the driving of road vehicles, whether directly applicable or not;”.

(2) In sections 74A and 74B of, and Schedule 3 to, the principal Act (offences against international rules and powers of inspection) for the words “the international rules” wherever occurring there shall be substituted the words “the applicable Community rules”; and in the said section 74A and the said Schedule 3 (in the entries relating to section 74A(2) and 74A(3)) for the words

“books or records” and “book or register” wherever occurring there shall be substituted respectively the words “books, records or documents” and “book, record or document”, and in section 74B(1) for the word “register” there shall be substituted the word “record”.

(3) For section 74C of the principal Act there shall be substituted the following section:—

“Regulations for purposes of the applicable Community rules or other relevant Community provisions.

74C.—(1) The Department may by regulations—

- (a) make provisions supplementary and incidental to the requirements of the applicable Community rules as to books, records and documents; and
- (b) make such provision by way of substitution for or adaptation of the provisions of sections 49, 57, 74A and 74B and regulations made thereunder, or supplemental or incidental to those provisions, as the Department considers necessary or expedient to take account of the operation of any relevant Community provision.

(2) Regulations under subsection (1) may in particular—

- (a) substitute different requirements for the requirements of the domestic drivers’ hours code or add to, make exceptions from or otherwise modify any of the requirements of that code;
- (b) apply to journeys and work to which no relevant Community provision applies;
- (c) include provision as to the circumstances in which a period of driving or duty to which a relevant Community provision or the domestic drivers’ hours code applies is to be included or excluded in reckoning any period for purposes of the domestic drivers’ hours code or any relevant Community provision respectively; and
- (d) contain such transitional, supplementary or consequential provisions as the Department considers necessary or expedient.”.

(4) In section 49 of the principal Act—

- (a) in subsection (3) for the words “this section and any regulations made for the purposes of this section under section 52” there shall be substituted the words “the domestic drivers’ hours code”; and
- (b) at the end there shall be added the following subsection:—

“(6) In this Act ‘the domestic drivers’ hours code’ means the provisions of subsections (1) and (2) (including those provisions as applied by section 57), any provision made by regulations under section 74C by way of substitution for or adaptation of those provisions, and the provisions of any regulations made under subsection (5) or made under section 52 for purposes of those subsections.”.

(5) In section 74B of the principal Act, at the end, there shall be inserted the following subsection:—

“(3) Any person who—

- (a) fails to comply with any requirement under subsection (1); or

(b) obstructs an inspector of vehicles in the exercise of his powers under subsection (2), shall be guilty of an offence under this Act.”.

Extension of jurisdiction over offences about drivers' hours

5. After section 157 of the principal Act there shall be inserted the following cross-heading and section:—

“Jurisdiction over offences about drivers' hours

Jurisdiction
in prose-
cutions
under
sections 49
and 74A(1).

157A. An offence under section 49 (or that section as applied by section 57) or section 74A(1) may be treated, for the purpose of conferring jurisdiction on a court (but without prejudice to any jurisdiction it may have apart from this section) as having been committed in any of the following places, that is to say:—

- (a) the place where the person charged with the offence was driving when evidence of the offence first came to the attention of a constable or an inspector of vehicles;
- (b) the place where that person resides or is, or is believed to reside or be, at the time when the proceedings are commenced; or
- (c) the place where at that time that person or, in the case of an employee-driver, that person's employer or, in the case of an owner-driver, the person for whom he was driving, has his place or principal place of business or his operating centre for the vehicle in question.”.

Repeals

6. The Act and instruments mentioned in Schedule 3 are hereby repealed to the extent specified in the third column of that Schedule.

N. E. Leigh,

SCHEDULES

SCHEDULE 1

Article 3(2).

CONSEQUENTIAL AND OTHER AMENDMENTS OF THE PRINCIPAL ACT

Introductory

1. The amendments set out in paragraphs 2 to 14 shall be made in the principal Act.

Driving licences and provisional licences

2. In section 1 (prohibition on driving without a licence) the following amendments shall be made—

- (a) in subsection (1) (offence of employing or authorising a person to drive without his holding the appropriate licence) for the words “employ or authorise any person” there shall be substituted the words “cause or permit another person”, and for the words “the person so employed or authorised” there shall be substituted the words “that other person”; and
- (b) in subsection (2) (exception for pedestrian steersman) for the words “employed or authorised” there shall be substituted the words “caused or permitted”.

3. In section 3 (form and application of licences)—

- (a) in subsection (2) (restriction on class or description of vehicle for which licence is valid) after the words “other class or description,” there shall be inserted the words “unless and except to the extent that regulations made under section 15(2) make provision to the contrary or”; and

(b) in subsection (3) (driving licence to be effective as a provisional licence for vehicles of certain classes or descriptions) for paragraph (a) there shall be substituted the following paragraph:—

“(a) a vehicle of a class for the driving of which he could not, by reason of the provisions of section 2, lawfully hold a licence; or”.

4. In section 9 (grant of driving licences) the following subsection shall be inserted after subsection (1):—

“(1A) Paragraph (d) of subsection (1) shall not prevent the grant of a licence to a person who does not satisfy the Department that his case falls within subparagraph (i), (ii) or (iii) of that paragraph, if the licence is granted in accordance with the provisions of regulations made under section 15(2).”.

5. In section 14 (provisions as to licences granted in Great Britain) in subsection (1) and in paragraphs (a) and (b) of subsection (5) for the words “employed in driving” there shall be substituted (in each case) the words “caused or permitted to drive”.

6. In section 15 (general power to make regulations about driving licences), at the end, there shall be inserted the following subsection:—

“(2) Regulations under this section may make provision with respect to—

(a) the effect of a change in the classification of motor vehicles for the purposes of any provision of this Part on licences then in force or issued or on the right to or the granting of licences thereafter; and

(b) the enabling of a person—

(i) whose entitlement to the grant of a licence to drive motor vehicles of any class is preserved by regulations under paragraph (a), and

(ii) who satisfies such conditions as may be prescribed, to drive (and be caused or permitted to drive) a motor vehicle of that class while he applies for the licence to be granted to him.”.

7. After section 15 there shall be inserted the following section:—

“Definitions 15A. In this Part—

for
purposes of
Part I.

‘agricultural tractor’ means a tractor used primarily for work on land in connection with agriculture;

‘articulated goods vehicle’ means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and ‘articulated goods vehicle combination’ means an articulated goods vehicle with a trailer so attached;

‘maximum gross weight’, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

‘maximum train weight’, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;

‘medium-sized goods vehicle’ means a motor vehicle—

(a) which is constructed or adapted to carry or haul goods, and

(b) which is not adapted to carry more than 9 persons inclusive of the driver, and

(c) the permissible maximum weight of which exceeds 3·5 but not 7·5 tonnes;

‘permissible maximum weight’, in relation to a goods vehicle (of whatever description), means—

(a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle;

(b) in the case of an articulated goods vehicle—

- (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination;**
- (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer;**
- (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer;**
- (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle;**

(c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

'relevant maximum weight', in relation to a motor vehicle or trailer, means—

- (a) in the case of a vehicle which is required by regulations under section 26 to have a maximum gross weight for the vehicle marked on a plate attached to the vehicle, the maximum gross weight marked on such a plate;**
- (b) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under section 26 if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle;**
- (c) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the vehicle, that is to say such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Department for the class of vehicle into which that vehicle falls;**

'relevant maximum train weight', in relation to an articulated goods vehicle combination, means—

- (a) in the case of an articulated goods vehicle which is required by regulations under section 26 to have a maximum train weight for the combination marked on a plate attached to the vehicle, the maximum train weight marked on the motor vehicle;**
- (b) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under section 26 if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle;**
- (c) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the combination, that is to say such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Department for the class of articulated goods vehicle combination into which that combination falls;**

'semi-trailer', in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

'small goods vehicle' means a motor vehicle (other than a motor cycle or invalid carriage)—

- (a) which is constructed or adapted to carry or haul goods, and
- (b) which is not adapted to carry more than 9 persons inclusive of the driver, and
- (c) the permissible maximum weight of which does not exceed 3.5 tonnes;

'small passenger vehicle' means a motor vehicle (other than a motor cycle or invalid carriage)—

- (a) which is constructed solely to carry passengers and their effects, and
- (b) which is adapted to carry not more than 9 persons inclusive of the driver."

Heavy goods vehicles drivers' licences

8. In section 66 (drivers of heavy goods vehicles to be licensed)—

- (a) in subsection (1) (restriction on a person driving, or employing another to drive, a heavy goods vehicle on a road without the driver holding the appropriate licence) for the word "employ" there shall be substituted the words "cause or permit"; and
- (b) in subsection (3) (exceptions) for the words "the employment of a person to drive" there shall be substituted the words "causing or permitting a person to drive".

9. In section 67(2) (restrictions on grant of heavy goods vehicle drivers' licences), at the beginning, there shall be inserted the words "Subject to the provisions of any regulations made under section 71(1)".

10. In section 71 (general power to make regulations about heavy goods vehicle drivers' licences)—

- (a) in paragraph (b), after the word "conduct" there shall be inserted the words "and, if the applicant is to be authorised to drive vehicles of any class at an age below the normal minimum age for driving vehicles of that class, with respect to participation in an approved training scheme for drivers";
- (b) after paragraph (k) there shall be inserted the following paragraph:—

"(l) make provision about the effect of a change in the meaning of 'heavy goods vehicle' or in the classification of heavy goods vehicles for the purposes of sections 66 to 72 and this section on heavy goods vehicle drivers' licences then in force or issued or on the granting of such licences thereafter."

11. In section 74 (interpretation of sections 66 to 72 and section 74) the following amendments shall be made:—

- (a) for the definition of "heavy goods vehicle" there shall be substituted the following definition:—

"'heavy goods vehicle' means any of the following vehicles:—

 - (a) an articulated goods vehicle;
 - (b) a large goods vehicle, that is to say a motor vehicle (not being an articulated goods vehicle)—
 - (i) which is construed or adapted to carry or to haul goods, and
 - (ii) the permissible maximum weight of which exceeds 7.5 tonnes;"
- (b) the following new definitions shall be inserted at the appropriate points in alphabetical order:—

- (i) "‘approved training scheme for drivers’ means a training scheme for drivers (within the meaning of section 2(4)) approved for the time being by the Department for the purposes of regulations under section 71;”;
- (ii) "‘normal minimum age for driving’, in relation to the driving of vehicles of any class, means the age which is in force under section 2 (but apart from any approved training scheme for drivers) in relation to that class of vehicle;”;
- (c) at the end there shall be inserted the following words:—
 “and ‘articulated goods vehicle’ and ‘permissible maximum weight’ have the same meanings as they have for the purposes of Part I”.

Offences

12. In section 142 (offence of applying for or obtaining a licence while disqualified) for subsection (1) there shall be substituted the following subsection:—

“(1) Any person who applies for or obtains a driving licence or a provisional licence while disqualified for holding or obtaining such a licence either—

(a) by section 2(1), or

(b) by or under any other provision of this Act,

shall be guilty of an offence under this Act.”.

13. For section 143 (offence of driving a motor vehicle while disqualified) there shall be substituted the following section:—

143.—(1) Any person who, while disqualified for holding or obtaining a driving licence or a provisional licence, either—

(a) by section 2(1), or

(b) by or under any other provision of this Act,

drives on a road—

(i) a motor vehicle, or

(ii) if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description,

shall be guilty of an offence under this Act.

(2) Subsection (1)(a) does not apply to a person who drives a vehicle of any class in circumstances in which he is permitted by virtue of regulations under section 2(2) to hold or obtain a driving licence or a provisional licence to drive a vehicle of that class and who does so in accordance with any conditions or with the terms of any exemption which would be applicable in his case by virtue of the regulations.

(3) Where a person is disqualified by section 2(1) for holding or obtaining a driving licence or a provisional licence to drive on a road a motor vehicle of any class, or would be so disqualified were it not for the provisions of, or anything done under, regulations under section 2(2), any person who causes or permits him to drive on a road a motor vehicle of that class otherwise than in circumstances, and in accordance with conditions or within the terms of an exemption, specified in or under the regulations shall be guilty of an offence.”.

14. In Schedule 3 (table of offences, penalties, etc.) there shall be made the following amendments:—

(a) in the entries relating to sections 1 and 66 for “employing” substitute “causing or permitting”;

(b) the entry relating to section 2 shall be omitted;

(c) in the entry relating to section 142, in column 1, for “142” substitute “142(1)(b)”;

(d) in the entry relating to section 143, in column 1, for “143” substitute “143(1)(b)”;

(e) the following entries shall be inserted at the appropriate places in numerical order:—

Section of Act	General nature of offence	Mode of Prosecution	Punishment
74B(3)	Failure to produce, etc., books, records or documents; obstructing inspector of vehicles	Summary	A fine of £50.
142(1)(a)	Applying for or obtaining driving licence or provisional licence while disqualified by reason of being under age.	Summary	A fine of £50.
143(1)(a)	Driving motor vehicle while disqualified by reason of being under age.	Summary	A fine of £50.
143(3)	Causing or permitting a person to drive while under age	Summary	A fine of £50.

Article 3(3).

SCHEDULE 2

SAVING PROVISIONS

Saving for existing provisions about minimum ages for driving

1. Notwithstanding the substitution by Article 3 of a new section for section 2 of the principal Act—

(a) subsection (2)(b) and (c) of section 2 as originally enacted (driving of tractors on roads by persons between the ages of 16 and 17 in certain circumstances) shall continue to have effect and (with the appropriate modification of references) shall be deemed to be contained in regulations made under subsection (2) of that section as so substituted; and

(b) regulations made under subsection (5) (motor cycles) or subsection (7) (road rollers and articulated vehicles) of section 2 as originally enacted shall have effect (with the appropriate adaptation of references) as if made under subsection (2) of that section as so substituted,

and (in each case) may be varied or revoked accordingly.

Saving in relation to certain motor cars for holders of driving licences and similar persons

2.—(1) This paragraph applies to a person who immediately before 1st January 1976 fulfilled any of the following conditions, that is to say—

(a) he held a driving licence or a provisional licence authorising him to drive a motor car;

(b) he was entitled to obtain a driving licence authorising him to drive a motor car or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a motor car or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(c) he would have been the holder of a valid driving licence or provisional licence authorising him to drive a motor car but for a current disqualification imposed by a conviction or order of a court.

(2) Subject to sub-paragraph (3), a person to whom this paragraph applies shall not, by reason only of the provisions of section 2 of the principal Act as substituted by Article 3, be disqualified for holding or obtaining a driving licence or a provisional licence authorising him to drive motor vehicles falling within the class described in paragraph 5 or 6 of the Table set out in subsection (1) of that section.

(3) A person shall not be treated, by virtue of sub-paragraph (2), as entitled to the grant of a driving licence or a provisional licence authorising him to drive a goods vehicle the permissible maximum weight of which exceeds 10 tonnes or a motor vehicle constructed solely for the carriage of passengers and their effects which is adapted to carry more than 15 passengers inclusive of the driver.

(4) This paragraph shall be construed as if it were contained in Part I of the principal Act, but in sub-paragraph (1) any reference to a driving licence or a provisional licence includes a reference to a corresponding licence granted under Part III of the Road Traffic Act 1972(a).

Saving in relation to certain goods vehicles for holders of driving licences and similar persons

3.—(1) This paragraph applies to—

(a) a goods vehicle which has by virtue of this Order become classified as a heavy goods vehicle, that is to say, a motor car which—

(i) is, by virtue of paragraph 11 of Schedule 1, a heavy goods vehicle for the purposes of sections 66 to 72 and section 74 of the principal Act (not having been a heavy goods vehicle for those purposes before the commencement of the said paragraph 11); and

(ii) is not an articulated goods vehicle (within the meaning of those sections);

(b) a person who, immediately before the making of this Order, fulfilled any of the following conditions, that is to say—

(i) he held a driving licence or a provisional licence authorising him to drive a goods vehicle to which this paragraph applies;

(ii) he was entitled to obtain a driving licence authorising him to drive a goods vehicle to which this paragraph applies or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a goods vehicle to which this paragraph applies or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(iii) he would have been the holder of a valid driving licence authorising him to drive a goods vehicle to which this paragraph applies but for a current disqualification imposed by a conviction or order of a court.

(2) Nothing in section 66(1) or (2) of the principal Act (offences arising out of driving without heavy goods vehicle drivers' licence) shall apply to or in relation to the driving during 1976 by a person to whom this paragraph applies of a goods vehicle to which this paragraph applies.

(3) Nothing in section 67(2) of the principal Act (restriction on grant of heavy goods vehicle drivers' licences) shall prevent the Department from granting a full licence to drive a heavy goods vehicle if—

(a) the application for the grant of the licence is made during 1976 by a person to whom this paragraph applies; and

(b) the Department is satisfied that in any 12 consecutive months between the beginning of 1975 and the relevant appointed day the applicant had been in the habit during any period or periods of, or amounting in the aggregate to, six months of driving a goods vehicle to which this paragraph applies of a qualifying weight;

but any licence which the Department grants by virtue of this sub-paragraph shall restrict the person to whom it is granted to the driving of a heavy goods vehicle which

is not an articulated goods vehicle (within the meaning of sections 66 to 72 and section 74 of the principal Act) and the permissible maximum weight of which does not exceed 10 tonnes.

(4) The reference in sub-paragraph (3) to the driving of a goods vehicle in any period between the beginning of 1975 and the relevant appointed day does not include a reference to the driving of a goods vehicle of a prescribed class or of a goods vehicle while it is being used in prescribed circumstances.

(5) The Department may by regulations restrict the class of goods vehicle to which this paragraph applies for the driving of which a licence may be granted by virtue of sub-paragraph (3) by reference to the class of vehicle which the applicant for the licence was driving during any period between the beginning of 1975 and the relevant appointed day.

(6) In this paragraph—

“the Department” means the Department of the Environment;

“driving licence” means a licence to drive a motor vehicle granted under Part I of the principal Act or under Part III of the Road Traffic Act 1972;

“goods vehicle” and “motor car” have the same meanings as they have in the principal Act;

“permissible maximum weight” has the same meaning as it has in sections 66 to 72 and section 74 of that Act;

“prescribed” means prescribed by regulations made by the Department;

“provisional licence” has the same meaning as it has in Part I of the principal Act or, as the case requires, in Part III of the Road Traffic Act 1972;

“qualifying weight”, in relation to a goods vehicle, means that the vehicle has an unladen weight of 3 tons or less and a permissible maximum weight in excess of 7.5 tonnes;

“relevant appointed day” means the appointed day for paragraph 11 of Schedule 1.

(7) Any reference in this paragraph to a driving licence authorising a person to drive a goods vehicle to which this paragraph applies shall, in relation to a driving licence granted under Part III of the Road Traffic Act 1972, be construed as a reference to a licence so granted authorising him to drive a goods vehicle of a class which—

(a) is, by virtue of any provision having effect in Great Britain and corresponding with paragraph 11 of Schedule 1 a heavy goods vehicle for the purposes of Part IV of the Road Traffic Act 1972 (not having been a heavy goods vehicle for those purposes before the coming into force of that provision); and

(b) is not an articulated goods vehicle within the meaning of the said Part IV.

(8) This paragraph shall be treated, for the purposes of section 189 of the principal Act (general provisions as to regulations), as if it were contained in that Act.

Saving as to immunity from penalties

4. Notwithstanding section 28(2) of the Interpretation Act (Northern Ireland) 1954 (repeals not to affect accrued liabilities and proceedings therefor), no person shall be convicted (whether in proceedings instituted before or in proceedings instituted after the making of this Order) of an offence under section 2 of the principal Act as originally enacted or any other provision of the principal Act by reason of his having at any time since the beginning of 1976 driven a motor vehicle of any class or description on a road under the age which by or under the said section 2 is the minimum age for driving a motor vehicle of that class or description, if at that time he was the holder of a driving licence issued before the day first mentioned in Article 1(2) authorising him to drive a motor vehicle of that class or description and had attained the minimum age specified in the licence for driving that class or description of vehicle.

SCHEDULE 3

Article 6.

REPEALS

Chapter or Number	Short Title	Extent of Repeal
1970 c.2	The Road Traffic Act (Northern Ireland) 1970	In Schedule 3 the entry relating to section 2.
S.R. & O. (N.I.) 1972 No. 359	The European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972	Articles 3 and 4(1).
S.R. (N.I.) 1975 No. 368	The Motor Vehicles (Minimum Age for Driving) Community Rules Regulations (Northern Ireland) 1975	The whole regulations.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Road Traffic Act (Northern Ireland) 1970 in so far as it relates to drivers' licences, the minimum age for driving certain classes of vehicles and the permissible hours of duty of drivers of certain classes of vehicles.