

1978 No. 209

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Amendment) Regulations
(Northern Ireland) 1978

Made 25th July 1978

Coming into operation 1st September 1978

The Department of the Environment in exercise of the powers conferred by sections 2, 15 and 189 of the Road Traffic Act (Northern Ireland) 1970(a) as amended by Article 3 of, and paragraph 6 of Schedule 1 and paragraph 1 of Schedule 2 to, the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976(b) and now vested in it(c) and of every other power enabling it in that behalf hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1978 and shall come into operation on 1st September 1978.

Revocation

2. Regulation 3 of the Motor Vehicles (Minimum Age for Driving) Regulations (Northern Ireland) 1969(d) and the Motor Cycles (Minimum Age for Driving) Regulations (Northern Ireland) 1971(e) are hereby revoked.

Regulations amended

3. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965(f) shall be amended as follows:

(1) In regulation 2(1):

(a) after sub-paragraph (a) there shall be inserted the following:

“(aa) “controlled by a pedestrian” in relation to a vehicle means that the vehicle either—

- (i) is constructed or adapted for use under such control, or
- (ii) 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;”;

(b) for sub-paragraph (g) there shall be substituted the following:

“(g) “moped” means—

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

(b) S.I. 1976/581 (N.I. 11)

(c) S.R. & O. (N.I.) 1973 No. 504 art. 5(b) (II, p. 2992)

(d) S.R. & O. (N.I.) 1969 No. 103 (p. 408)

(e) S.R. & O. (N.I.) 1971 No. 384 (p. 1727)

(f) S.R. & O. (N.I.) 1965 No. 42 (p. 203) as amended by S.R. & O. (N.I.) 1968 No. 43 (p. 165), S.R. & O. (N.I.) 1970 No. 35 (p. 200) and other amending instruments not relevant for the purpose

- (a) in the case only of motor cycles which are first used on or after 1st September 1978, 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 are 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;”;
- (c) after sub-paragraph (k) there shall be inserted the following:
- “(l) “kerbside weight”, in relation to motor cycle, means the weight of the cycle when it carries—
- (a) no person thereon; and
- (b) 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;
- (m) “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.”.
- (2) After regulation 2(1) there shall be inserted the following:
- “(1A) In determining for the purpose 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 cycle—
- (a) in the case of a motor cycle registered under the Vehicles (Excise) Act (Northern Ireland) 1954(g), the Vehicles (Excise) Act (Northern Ireland) 1972(h), the Roads Act 1920(i), the Vehicles (Excise) Act 1949(j), the Vehicles (Excise) Act 1962(k) or the Vehicles (Excise) Act 1971(l), 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(m) applies;

(g) 1954 c. 17 (N.I.)
 (h) 1972 c. 10 (N.I.)
 (i) 1920 c. 72
 (j) 1949 c. 89

(k) 1962 c. 13
 (l) 1971 c. 10
 (m) S.I. 1965/1536 (1965 II, p. 4462)

- (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 cycle.

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

(1B) The provisions of regulation 38A(5) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(n) shall apply for determining for the purposes of the definition of "moped" in paragraph (1), whether the maximum design speed of a motor cycle does not exceed 30 miles per hour."

(3) After regulation 2 there shall be inserted the following regulation :

"Minimum ages for holding or obtaining licences

2A.—(1) Subsection (1) of section 2 of the Act shall have effect as if in the Table in that subsection—

(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 4, the age of 16 were substituted for the age of 17 in relation to an agricultural tractor which has an unladen weight not exceeding 2½ tons and is driven on any road other than a special road within the meaning of the Special Roads Act (Northern Ireland) 1963(o) by a person—

- (i) while taking, proceeding to or returning from a test of competence;
- (ii) in the course of agricultural operations on any road which is not a road where the maximum speed at which vehicles may be driven thereon is limited under section 43 of the Act to 30 miles per hour or less;

(c) 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 11½ tons;
- (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 (2) and if no wheel of the roller is fitted with a pneumatic, soft or elastic tyre.

(2) For the purposes of paragraph 1(c), 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."

(n) S.R. 1976 No. 320 (II, p. 1537) as amended by S.R. 1978 No. 208

(o) 1963 c. 12 (N.I.)

(4) After regulation 4 there shall be inserted the following regulation:
 “Effect of changes in classification of vehicles by reason of the changed definition of “moped”

4A.—(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 references 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 shall on and after that date be construed as references 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”.
- (2) In relation to an application for the grant of a licence coming 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 Act, or under any enactment which that Part I replaced, or under Part III of the Road Traffic Act 1972(p) 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 4(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 section 9(1) of the Act 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, and the reference to the revised definition of “moped” is a reference to the substituted definition of that word inserted in regulation 2(1) by those Regulations.”
- (5) In the Second Schedule, in the description of the class of vehicle included in group L, there shall be substituted for the words “but excluding any vehicle included in group J or K” the words “but excluding any vehicle included in group E, J or K”.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 25th July 1978.

(L.S.)

J. M. Beckett

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations further amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965 as follows:

- (1) The definition of "moped" (at present a pedal assisted motor cycle with a 50 cc or smaller engine) is altered. The new definition of moped will only embrace such pedal assisted motor cycles if they are first used before 1st September 1978, but it will also embrace in the future any motor cycle (whether or not equipped with pedals) which is first used on or after 1st September 1978, has a design speed not exceeding 30 mph, a kerbside weight not exceeding 250 kg and, if equipped with an internal combustion engine, an engine with a cylinder capacity not exceeding 50 cc.

The minimum age limit of 16 will only apply to mopeds falling within the new definition (that is, pedal assisted motor cycles with a 50 cc or smaller engine, if first used before 1st September 1978, and low-powered motor cycles, having the design speed, weight and engine capacity limitations mentioned above, if first used on or after 1st September 1978).

The new definition will apply to existing and future driving licences issued under Part 1 of the Road Traffic Act (Northern Ireland) 1970.

The effect of the change will be to fix 17 as the minimum age for driving motor cycles which are first used on or after 1st September 1978 and have a design speed exceeding 30 mph, and to bring such motor cycles within group D (the group which covers standard motor cycles), thus requiring new applicants for full licences to drive such machines to undergo the motor cycle driving test. In addition the ordinary licence to drive a motor car will not automatically cover motor cycles first used on or after 1st September 1978 which have a design speed exceeding 30 mph simply because they are equipped with pedals and have a 50 cc or smaller engine.

- (2) Section 2 of the Road Traffic Act (Northern Ireland) 1970, as inserted by Article 3 of the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976, stipulates the ages under which persons are disqualified from driving certain classes of vehicles. The exemptions to this section have now been incorporated in the driving licence regulations. Regulation 3 of the Motor Vehicles (Minimum Age for Driving) Regulations (Northern Ireland) 1969 and the Motor Cycles (Minimum Age for Driving) Regulations (Northern Ireland) 1971 have been revoked.