

## 1981 No. 240

## ROAD TRAFFIC AND VEHICLES

Heavy Goods Vehicles (Drivers' Licences) Regulations  
(Northern Ireland) 1981

*Made* . . . . . 15th July 1981

*Coming into operation* . . . . . 17th August 1981

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The Department of the Environment in exercise of the powers conferred on it by Articles 4(2), 71(3)(c), 72(1), (2) and (4), 73(1), 75(1) and (2), 76, 217(5) and 218(1) of, and paragraph 3 of Schedule 6 to the Road Traffic (Northern Ireland) Order 1981(a) and of every other power enabling it in that behalf, and with the approval of the Department of Finance so far as regulations 9, 14(3) and 23 are concerned, hereby makes the following Regulations:

## PART I — PRELIMINARY

*Citation, commencement and revocation*

1.—(1) These Regulations may be cited as the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981 and shall come into operation on 17th August 1981.

(2) The Regulations specified in Schedule 1 are hereby revoked.

*Interpretation*

2.—(1) In these Regulations—

“articulated vehicle combination” 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 to which a trailer is so attached;

“Department” means the Department of the Environment for Northern Ireland;

- “examiner” means an inspector of vehicles or driving examiner in the Department;
- “full licence” means a hgv driver’s licence other than a provisional hgv driver’s licence;
- “Great Britain hgv driver’s licence” means a licence to drive heavy goods vehicles granted under the law for the time being in force in Great Britain that corresponds to Part V of the Order, not being a licence granted in consequence of a dispensation from passing a test of competence to drive by reason of the applicant’s residence outside the United Kingdom;
- “Great Britain (ordinary) driving licence” means a licence to drive a motor vehicle granted under the law for the time being in force in Great Britain that corresponds to Part II of the Order, not being a licence granted in consequence of a dispensation from passing a test of competence to drive by reason of the applicant’s residence outside the United Kingdom;
- “Great Britain restricted licence” means a Great Britain hgv driver’s licence which, by virtue of provisions of the law of Great Britain corresponding to paragraphs 2 and 3 of Schedule 6 to the Order, restricts the person to whom it is granted to the driving of heavy goods vehicles of a permissible maximum weight not exceeding 10 tonnes falling within class 3 or 3A;
- “hgv driver’s licence” means a heavy goods vehicle driver’s licence;
- “hgv trainee driver’s licence” means a hgv driver’s licence which—
- (i) is a licence to drive heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A,
  - (ii) is applied for by a person under the age of 21 on the date of the application,
  - (iii) has effect for a period during the whole or a part of which the holder is under the age of 21, and
  - (iv) is not a restricted standard licence;
- and “hgv trainee driver’s full licence” and “hgv trainee driver’s provisional licence” shall be construed accordingly;
- “the Order” means the Road Traffic (Northern Ireland) Order 1981;
- “ordinary driving licence” means a licence to drive a motor vehicle granted under Part II of the Order;
- “registered”, in relation to, or to matters arising in connection with, the training scheme, a hgv trainee driver’s licence, or an application for such a licence, means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;
- “relevant maximum weight” has the same meaning as in Article 19 of the Order;
- “restricted standard licence” means a hgv driver’s licence for vehicles of class 3 or 3A which is restricted by virtue of—
- (i) paragraph 3(2) and (4) of Schedule 6 to the Order, or
  - (ii) paragraph (1) or (2) of regulation 27,
- to vehicles having a maximum permissible weight not exceeding 10 tonnes;
- “standard hgv driver’s licence” means a hgv driver’s licence which is not a hgv trainee driver’s licence, and “standard” in relation to a full licence or a provisional licence, shall be construed accordingly;
- “test” means a test of competence to drive heavy goods vehicles of any class, being a test for which provision is made under Article 76 of the Order;
- “training agreement”, in relation to an individual who is undergoing, or is to undergo, hgv driver training, means his agreement therefor with his registered employer in pursuance of the training scheme;

“the Training Committee” means the Committee which has been established with a constitution approved by the Department and which is known as the Northern Ireland Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in Northern Ireland;

“the training scheme” means the scheme which has been established by the Training Committee with the approval of the Department (given for the purpose of regulations under Article 76 of the Order) for training young drivers of heavy goods vehicles and which provides for—

- (i) the registration by the Training Committee of employers who are willing and able to provide hgv driver training for persons employed by them,
- (ii) the registration by the Training Committee of persons operating establishments for providing hgv driver training,
- (iii) a syllabus for hgv driver training, and
- (iv) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, hgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;

“vehicle with automatic transmission” means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(2) In these Regulations, unless the context otherwise requires—

- (a) any reference to a class or classes of heavy goods vehicles is a reference to one of the classes or to the classes of heavy goods vehicles specified in Schedule 2;
- (b) any reference to a numbered class of such vehicles is a reference to the class of that number specified in that Schedule; and
- (c) any reference to additional classes, in relation to a class of heavy goods vehicles, is a reference to the classes specified in the column in that Schedule headed “Additional Classes” in relation to that class.

## PART II — LICENCES

### *Applications for licences*

3.—(1) A person who desires to obtain the grant of a hgv driver’s licence shall—

- (a) furnish to the Department all relevant particulars and make any relevant declaration specified in such form as the Department may require;
- (b) submit his application not more than two months before the date on which the licence is to have effect; and
- (c) send with his application—
  - (i) if required by the Department, a certificate in such form as the Department may require signed by a registered medical practitioner (as that expression is construed by section 52 of the Medical Act 1956(a)) not more than three months prior to the date on which the licence is to have effect,
  - (ii) his ordinary driving licence or his Great Britain (ordinary) driving licence,
  - (iii) the fee for the hgv driver’s licence,

- (iv) a pass certificate showing that he has passed the test within the relevant period for the class of heavy goods vehicles which the hgv driver's licence applied for will authorise him to drive, except in the case of an application for a provisional licence or where he has held a full licence authorising him to drive such vehicles within the relevant period, that is to say, the period specified in Article 72(2) of the Order ending on the date of the receipt by the Department of his application for the hgv driver's licence applied for,
- (v) if the application is an application for a hgv trainee driver's licence, the Training Committee's certificate as to his registration as a trainee hgv driver, as to his employer's registration under the training scheme, as to the class of heavy goods vehicles for which he is, or is to undergo, training and as to any registered hgv driver training establishment whose vehicles he may drive, and
- (vi) if the application is an application for a standard hgv driver's licence or a hgv trainee driver's licence by a person who holds a current hgv trainee driver's licence, that licence.

(2) Any application for a hgv driver's licence which does not comply with paragraph (1) may be treated by the Department as of no effect, but where the Department so treats such an application or refuses the grant of a licence any fee and any documents required by sub-paragraph (c) of that paragraph to be sent with the application shall be returned to the applicant.

(3) A person shall not apply for a hgv driver's licence if—

- (a) he holds a hgv driver's licence which has been suspended or a Great Britain hgv driver's licence which has been suspended, whether (in either case) the suspension has effect under Part V of the Order or under the law for the time being in force in Great Britain that corresponds to that Part V;
- (b) he is disqualified for holding or obtaining a hgv driver's licence or a Great Britain hgv driver's licence, whether (in either case) the disqualification has effect under Part V of the Order or under the law for the time being in force in Great Britain that corresponds to that Part V;
- (c) he is disqualified by a court for holding or obtaining an ordinary driving licence or by a court in Great Britain for holding or obtaining a Great Britain (ordinary) driving licence;
- (d) he is disqualified by reason of his age for holding or obtaining an ordinary driving licence to drive any of the vehicles in the class of heavy goods vehicles to which the hgv driver's licence is to relate; or
- (e) in the event of the application being granted he would hold more than one hgv driver's licence or would hold a hgv driver's licence and a Great Britain hgv driver's licence.

#### *Qualifications of applicants*

4. An applicant for a hgv driver's licence shall have the following qualifications, experience and knowledge—

- (a) he must not be a person to whom regulation 3(3) applies;
- (b) he shall not—
  - (i) at any time since he attained the age of three years, have had an epileptic attack, or
  - (ii) suffer from any disease or disability likely to cause the driving by him of a heavy goods vehicle to be a source of danger to the public;

- (c) he shall hold an ordinary driving licence or a Great Britain (ordinary) driving licence in either case authorising him to drive a vehicle or vehicles in the class of heavy goods vehicles in respect of which he desires to obtain the grant of a licence;
- (d) in the case of an applicant for a hgv trainee driver's licence, he shall be a registered employee of a registered employer, and—
  - (i) if he is applying for his first such licence the licence referred to in paragraph (c) shall be free from a relevant endorsement;
  - (ii) in any other case the licence referred to in paragraph (c) shall bear not more than one relevant endorsement; and
- (e) in the case of an applicant for a hgv trainee driver's licence to drive heavy goods vehicles of a class shown in column (1) of the Table set out below, a period of one year shall have expired since the date on which he passed the test to drive heavy goods vehicles of the class or classes specified in relation thereto in column (2) of that Table.

TABLE

(1) <i>Class for which licence applied for</i>	(2) <i>Class for which applicant has passed the test</i>
Class 2 Class 2A Class 1 Class 1A	Class 3 Class 3 or 3A Class 2 Class 2 or 2A

#### *Grant of licences subject to a limitation*

##### 5. Where an applicant for a hgv driver's licence—

- (a) holds an ordinary driving licence which contains a provision under Article 6(2)(b) of the Order limiting the applicant to the driving of vehicles of a particular construction or design only; or
- (b) holds a Great Britain (ordinary) driving licence which contains a similar provision under the law for the time being in force in Great Britain which corresponds to that Article,

any full licence granted to the applicant to drive a heavy goods vehicle shall contain a corresponding limitation.

#### *Conditions of grant of licences*

6. If it appears reasonable the Department may require the production of a medical certificate at any time during the currency of a hgv driver's licence.

#### *Form of licences*

7.—(1) Standard hgv drivers' licences shall be issued in the form of a book containing—

- (a) in the case of a full licence, particulars in the form set out in Part I of Schedule 3; and
  - (b) in the case of a provisional licence, particulars in the form set out in Part II of that Schedule.
- (2) Hgv trainee drivers' licences shall contain—
- (a) in the case of a full licence, particulars in the form set out in Part I of Schedule 4; and

- (b) in the case of a provisional licence, particulars in the form set out in Part II of that Schedule.

(3) Where an applicant for a hgv driver's licence is already a holder of a hgv driver's licence the Department may, instead of issuing him with a new book, issue the appropriate hgv driver's licence by affixing in the book already held a page or pages containing such particulars as would fall to be included in any new book issued to the applicant, provided that application is made to the Department within one month of the expiration of the licence.

#### *Signature of licences*

8. Every person to whom a hgv driver's licence is granted shall forthwith sign it in ink with his usual signature.

#### *Fees for licences*

9. The fee for the grant of a full licence shall be £4.60 and the fee for the grant of a provisional licence shall be £2.30.

#### *Provisional standard licences*

10.—(1) A full standard licence to drive heavy goods vehicles of any class shall also be treated for the purposes of Articles 71 to 79 of the Order as a provisional standard licence to drive heavy goods vehicles of any other class in respect of which the holder is not by reason of his age disqualified under Article 4(1) of the Order for holding or obtaining an ordinary driving licence.

(2) In applying the provisions of paragraph (1) the effect of regulation 4(1)(f) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981(a) shall be disregarded.

(3) Subject to paragraph (4), a provisional standard licence, including a full standard licence which is treated as a provisional standard licence under paragraph (1) shall be subject to the following conditions, that is to say, the holder shall not drive a heavy goods vehicle of any class which he may drive by virtue of the provisional standard licence—

- (a) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class;
- (b) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark in the form set out in Schedule 5;
- (c) if the vehicle is one to which a trailer is attached, except where the trailer is part of an articulated vehicle combination being driven by the holder, or where the relevant maximum weight of the drawing vehicle does not exceed 7.5 tonnes.

(4) The condition specified in paragraph 3(a) shall not apply whilst the holder of a provisional standard licence is undergoing a test and none of the conditions specified in paragraph (3) shall apply in relation to the driving of a heavy goods vehicle of any class where the holder of the standard licence has passed a test for a vehicle of that class.

#### *Hgv trainee drivers' licences*

11.—(1) Subject to paragraph (8), every hgv trainee driver's licence shall be subject to the following condition, namely, that the holder shall not drive a heavy goods vehicle of any class for which the licence is issued (other than a vehicle of class 4 or 4A), or for which by virtue of paragraph (3) the licence is treated as a provisional licence, unless—

- (a) the holder is the registered employee of a registered employer named in the licence;
- (b) the vehicle is a heavy goods vehicle of a class to which his training agreement applies and which is stated in the licence; and
- (c) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named in the licence.

(2) Insofar as a hgv trainee driver's full licence is not at the same time a full licence to drive heavy goods vehicles of classes 4 and 4A, it shall also be treated for the purposes of Articles 71 to 79 of the Order as a hgv driver's provisional licence to drive heavy goods vehicles of those classes.

(3) The holder of a hgv trainee driver's full licence to drive heavy goods vehicles of a class shown in column (1) of the Table set out below may, on or after the expiration of one year from the date on which he passed the test to drive heavy goods vehicles of that class and on surrendering that licence in accordance with regulation 14(3) and paying the fee prescribed thereby, be granted a hgv trainee driver's licence which will be a full licence to drive heavy goods vehicles of the class to which the surrendered licence relates and will also be treated for the purposes of Articles 71 to 79 of the Order as a hgv trainee driver's provisional licence to drive heavy goods vehicles of the class or classes specified in relation thereto in column (2) of that Table.

TABLE

(1) <i>Class for which full licence is held</i>	(2) <i>Class for which licence is to be treated as a provisional licence</i>
Class 3 Class 3A Class 2 Class 2A	Classes 2 and 2A Class 2A Classes 1 and 1A Class 1A

(4) Subject to paragraphs (5), (6) and (8), a hgv trainee driver's provisional licence, including a hgv trainee driver's full licence which is treated as a hgv trainee driver's provisional licence under paragraph (2) or (3), shall be subject to the following conditions (additional to that required by paragraph (1)), that is to say, that the holder shall not drive a heavy goods vehicle of any class which he may drive by virtue of the provisional licence—

- (a) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class;
- (b) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark in the form set out in Schedule 5;
- (c) if the vehicle is being used to draw a trailer, unless the trailer is part of an articulated vehicle combination being driven by the holder.

(5) The condition specified in paragraph (4)(a) shall not apply while the holder of a hgv trainee driver's provisional licence is undergoing a test.

(6) Where the holder of a hgv trainee driver's provisional licence (including a full licence which is treated as a provisional licence in accordance with paragraph (2) or (3)) has passed a test for a heavy goods vehicle of a class for which the licence is a provisional licence—

- (a) the condition specified in paragraph (4)(a)—

- (i) shall not apply in any case so far as regards the driving of a vehicle of



class 4 or 4A if the test is, or by virtue of regulation 20 has effect as, a test for a vehicle of that class,

- (ii) shall not apply so far as regards the driving of a vehicle of class 2, 2A, 3 or 3A if the test is, or by virtue of regulation 20 has effect as, a test for a vehicle of that class, except in a case where the vehicle is being used to draw a trailer which is not part of an articulated vehicle combination being driven by the holder and the holder is under the age of 21,
- (iii) shall not apply so far as regards the driving of a vehicle of class 1 or 1A, if the test is, or by virtue of regulation 20 has effect as, a test for a vehicle of that class, except in a case where the holder is under the age of 21, but shall remain applicable in the excepted cases mentioned in (ii) and (iii); and
- (b) the conditions specified in paragraph (4)(b) and (c) shall not apply so far as regards the driving of any vehicle of a class for which the test has been, or is by virtue of regulation 20 deemed to have been, passed.
- (7) Subject to paragraph (8), a hgv trainee driver's full licence to drive heavy goods vehicles—
  - (a) of class 1 or 1A, shall be subject to the condition that the holder, when under the age of 21, shall not drive any such vehicle otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class;
  - (b) of class 2, 2A, 3 or 3A, shall be subject to the condition that the holder, when under the age of 21 and when the vehicle is being used to draw a trailer which is not a part of an articulated vehicle combination being driven by the holder, shall not drive any such vehicle otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence to drive a vehicle of that class.
- (8) Paragraphs (1), (4) and (7) shall have effect subject to regulation 27(5) in a case where the holder of a hgv trainee driver's full or provisional licence to drive heavy goods vehicles of class 3 or 3A has held a restricted standard licence or a Great Britain restricted licence.

#### *Suspension or revocation*

12.—(1) A hgv driver's licence may at any time be suspended or revoked by the Department on the ground that—

- (a) the licence has been obtained by misrepresentation;
- (b) the holder is not a fit person to hold such a licence by reason of—
  - (i) his conduct as a driver of a motor vehicle, or
  - (ii) physical disability; or
- (c) he has failed to produce a medical certificate within 4 weeks of being required to do so in pursuance of regulation 6

and during any time of suspension such licence shall be of no effect.

(2) A corresponding licence issued in Great Britain, in so far as under Article 74(1) of the Order it permits the driver while he is in Northern Ireland to drive heavy goods vehicles on a road therein, may at any time be suspended or revoked by the Department in like manner to Northern Ireland licences under the provisions of paragraph (1).

(3) Where in pursuance of paragraph (1) or (2) the Department revokes such a licence the Department may order the holder to be disqualified indefinitely or for such period as the Department thinks fit for holding or obtaining a hgv driver's licence or, if the licence is a full licence, the Department may order the holder to be disqualified for holding or obtaining a full licence until he has, since the date of the order, passed the test.

(4) The holder of a hgv driver's licence which has been suspended or revoked by the Department shall, on receipt of notice, either delivered to the holder personally or sent by the recorded delivery service to the holder's last known address, of the decision of the Department to suspend or revoke the licence, forthwith deliver it to the Department for endorsement or cancellation.

(5) If a hgv driver's licence is suspended, the Department shall endorse particulars of the suspension on the hgv driver's licence and shall return it to the holder at the end of the period of suspension on a demand in writing being made by that person.

(6) The holder of a Great Britain hgv driver's licence which has been suspended or revoked by the Department shall, on receipt of notice, delivered or sent to the holder as mentioned in paragraph (4), of the decision of the Department to suspend or revoke the licence, forthwith deliver the licence to the Department which shall send it to the authority in Great Britain by whom it was issued together with particulars of the suspension or, as the case may be, of the revocation.

(7) The circumstances referred to in Article 72(4) of the Order (obligatory revocation of hgv driver's licence when the holder is under the age of 21) are that the holder's ordinary driving licence or Great Britain (ordinary) driving licence bears more than one relevant endorsement. In this paragraph "relevant endorsement" means endorsement of particulars of a conviction in pursuance either of Article 197 of the Order (endorsements of licences) or of that provision of the law for the time being in force in Great Britain that corresponds to the said Article 197.

*Withdrawal of ordinary driving licence or of Great Britain (ordinary) driving licence*

13.—(1) If the holder of a hgv driver's licence is disqualified for holding or obtaining an ordinary driving licence, or if such a licence is refused or revoked under Article 6(2) or 13(2) of the Order, or if he is disqualified under the law for the time being in force in Great Britain for holding or obtaining a Great Britain (ordinary) driving licence, or if such a licence is refused or revoked under any provision of that law that corresponds to the said Article 6(2) or 13(2), he shall forthwith—

(a) notify the Department of the particulars of the disqualification, refusal or revocation; and

(b) deliver his hgv driver's licence to the Department.

(2) Where a person who has delivered his hgv driver's licence to the Department in accordance with paragraph (1) ceases to be disqualified, unless the hgv driver's licence has been revoked or a period of suspension is still current, the Department on production of that person's ordinary driving licence or, as the case may be, of his Great Britain (ordinary) driving licence, shall return the hgv driver's licence to him if it has not expired.

*Lost, defaced and exchanged licences*

14.—(1) If the holder of a hgv driver's licence satisfies the Department that the hgv driver's licence has been lost or defaced the Department shall, on payment of a fee of 25p and in the case of a defaced hgv driver's licence on surrender to the Department of the licence, issue to him a duplicate hgv driver's licence and shall endorse thereon particulars of any suspension endorsed upon the original hgv driver's licence, and the duplicate so issued shall have the same effect as the original.

(2) If at any time while a duplicate hgv driver's licence (being a licence issued in the place of a lost hgv driver's licence) is in force the original licence is found and the person to whom the original licence was granted becomes aware of that fact he shall forthwith inform the Department and, if the original licence is not in his possession, he shall forthwith take all reasonable steps to obtain possession of it, and if it is in his possession or he obtains possession of it, he shall forthwith return it as soon as may be to the Department.

(3) If the holder of a hgv driver's licence surrenders it and applies for a new hgv driver's licence he shall, if he so requires and on payment of a fee of 25p, be granted a hgv driver's licence to continue in force only for the period for which the surrendered licence would have continued if not surrendered.

### *Production of licences*

15.—(1) Subject to paragraph (6), any such person as follows, that is to say,—

- (a) the driver of a heavy goods vehicle on a road; or
- (b) a person who supervises the holder of a provisional licence (including a full licence which is treated as a provisional licence under regulation 10(1) or 11(2) or (3)) or the holder of a hgv trainee driver's full licence to drive heavy goods vehicles of class 1 or 1A, or heavy goods vehicles of class 2, 2A, 3 or 3A (when being used to draw a trailer which is not part of an articulated vehicle combination), while the holder is driving a heavy goods vehicle on a road, shall, on being so required by a constable or an examiner, produce his hgv driver's licence or, as the case may be, his Great Britain hgv driver's licence for examination so as to enable the constable or examiner to ascertain the name and address of the holder of the licence, the date of its issue, and the authority by whom it was granted, and shall, on being so required by an examiner as aforesaid, give his name and address and acknowledge that such information as may be recorded by the examiner on the examiner's record sheet is correct by signing the said record sheet.
- (2) Subject to paragraph (6), any such person as follows, that is to say,—
  - (a) a person whom a constable has reasonable cause to believe to have been the driver of a heavy goods vehicle at a time when an accident occurred owing to its presence on a road; or
  - (b) a person whom a constable has reasonable cause to believe to have committed an offence in relation to the use of a heavy goods vehicle on a road; or
  - (c) a person whom a constable has reasonable cause to believe was supervising the holder of a provisional licence (including a full licence which is treated as a provisional licence under regulation 10(1) or 11(2) or (3)) or the holder of a hgv trainee driver's full licence to drive heavy goods vehicles of class 1 or 1A, or heavy goods vehicles of class 2, 2A, 3 or 3A (when being used to draw a trailer which is not part of an articulated vehicle combination), while driving a heavy goods vehicle at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the said holder in relation to the use of the vehicle on the road,

shall, on being so required by a constable, produce his hgv driver's licence or, as the case may be, his Great Britain hgv driver's licence for examination so as to enable the constable to ascertain the name and address of the holder of the licence, the date of its issue, and the authority by whom it was granted.

(3) Subject to paragraph (6), where a hgv driver's licence has been suspended or revoked by the Department, then if the holder of the hgv driver's licence fails to deliver it to the Department for endorsement or cancellation as required by regulation 12(4), a constable or an examiner may require him to produce it, and upon its being produced may seize it and deliver it to the Department for endorsement or cancellation.

(4) Subject to paragraph (6), where a Great Britain hgv driver's licence has been suspended or revoked by the Department, then if the holder of the licence fails to deliver it to the Department as required by regulation 12(6), a constable or an examiner may require him to produce it, and upon its being produced may seize it and deliver it to the Department.

(5) Subject to paragraph (6), where a constable or an examiner has reasonable cause to believe that the person to whom a licence has been granted, or any other person, has knowingly made a false statement for the purpose of obtaining the grant of the hgv driver's licence, the constable or examiner may require the holder of the hgv driver's licence to produce it to him.

(6) If any person is unable to produce his hgv driver's licence or, as the case may be, his Great Britain hgv driver's licence when required to do so in accordance with any of the foregoing paragraphs, it shall be a sufficient compliance with that paragraph if—

(a) in a case where the hgv driver's licence was required by a constable to be produced, within five days after the production of his hgv driver's licence was so required he produces the hgv driver's licence in person for examination for the same purposes at such police station as may have been specified by him at the time its production was required; or

(b) in a case where the hgv driver's licence was required by an examiner to be produced, within ten days after the production of his hgv driver's licence was so required it is produced for examination for the same purposes at the office of such examiner as may have been specified by him at the time its production was required.

(7) The holder of a hgv driver's licence or of a Great Britain hgv driver's licence shall, upon being required to do so by the Department, cause the licence or his ordinary driving licence or, as the case may be, his Great Britain (ordinary) driving licence to be produced to the Department within ten days after the day on which the requirement was made.

### PART III — TESTS OF COMPETENCE

#### *Applications for tests*

16.—(1) A person who desires to take a test to be conducted by an examiner appointed under regulation 18(1)(a) shall apply for an appointment for a test to the Department.

(2) An applicant for such an appointment shall, when making the application, specify the class of heavy goods vehicles in respect of which he desires to take the test and pay to the Department the fee prescribed by regulation 23.

(3) Upon receipt of an application and fee in accordance with this regulation from a person qualified in accordance with regulation 17 to take the test for which the application is made the Department shall make arrangements for the taking of the test and offer the applicant an appointment.

#### *Qualifications of applicants for tests*

17.—(1) An applicant for a test shall be a person who is—

(a) entitled to drive a vehicle or vehicles in the class of heavy goods vehicles in respect of which he desires to take the test by holding an ordinary driving licence or a Great Britain (ordinary) driving licence and a hgv driver's licence or a Great Britain hgv driver's licence, or

(b) entitled to drive such a vehicle or vehicles by virtue of regulations under Article 18(j) of the Order and by holding a hgv driver's licence or a Great Britain hgv driver's licence.

(2) Subject to paragraph (3), an applicant for a test in respect of a heavy goods vehicle of class 3 or 3A who is under the age of 21 when the test is taken shall, in addition to complying with the requirements of paragraph (1), be a person who—

- (a) has held a hgv trainee driver's provisional licence for, and has been regularly driving heavy goods vehicles of that class for, at least the 3 months immediately preceding the taking of the test; or
  - (b) has held an ordinary driving licence or a Great Britain (ordinary) driving licence authorising him to drive, and has been regularly driving, motor cars, small goods vehicles or small passenger vehicles for at least one year immediately preceding the taking of the test.
- (3) Paragraph (2) shall not apply to an applicant for a test who holds a restricted standard licence or a Great Britain restricted licence.
- (4) In this regulation "small goods vehicle" and "small passenger vehicle" have the same meaning as in Article 19 of the Order.

*Persons who may conduct tests*

18.—(1) Tests may be conducted by—

- (a) examiners appointed for that purpose by the Department,
  - (b) examiners appointed for that purpose by the Secretary of State in so far as concerns the testing of persons subject to the Naval Discipline Act 1957(a), to military law or to air force law, or of persons employed in the driving of motor vehicles for the purposes of the naval, military or air forces of Her Majesty raised in the United Kingdom,
  - (c) the Chief Constable of the Royal Ulster Constabulary and the Chief Fire Officer of the Fire Authority for Northern Ireland in so far as concerns persons employed or to be employed by one or other of them to drive motor vehicles.
- (2) Any person authorised by virtue of paragraph 1(c) to conduct tests may, subject to the approval of the Department, authorise suitable persons to act as examiners of those who submit themselves for a test.

*Nature of tests*

19. The test which a person is required to pass before a full licence can be granted to him authorising him to drive a heavy goods vehicle of a particular class shall be a test carried out on a vehicle of that class, being a test which satisfies the examiner—

- (a) that the candidate is fully conversant with the contents of the Highway Code;
- (b) that he has sufficient knowledge of the mechanical operation of the vehicle on which he is tested, including at the discretion of the examiner the effect of distribution of load on the performance of the vehicle, to enable him to drive it safely;
- (c) that he is competent to drive, without danger to and with due consideration for other users of the road, the vehicle on which he is tested; and
- (d) that he is able to perform safely and competently the operations specified in Schedule 6.

*Additional classes of vehicles covered by tests*

20. A person who has passed a test to drive heavy goods vehicles of a particular class shall be deemed for the purposes of Articles 71 to 79 of the Order also to have passed the test to drive heavy goods vehicles of any additional class.

*Evidence of results of tests*

21.—(1) A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 7.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 7.

*Production of vehicle for test, etc.*

**22.**—(1) A person submitting himself for a test shall—

(a) provide for the purpose of the test a vehicle which—

- (i) is suitable for the purpose of the test and, in the case of a test in respect of a vehicle of class 2, 2A, 3 or 3A, is not an articulated vehicle combination or the tractive unit thereof,
- (ii) is not carrying goods or burden of any description,
- (iii) is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner is able properly to conduct the test from it and is afforded adequate protection from bad weather when conducting the test,
- (iv) is not a vehicle in respect of which any person is required to be employed as a driver or attendant in addition to the applicant under regulation 128 of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976(a),
- (v) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed; and

(b) produce to the examiner who is to conduct the test such licences as are required to be held by him by regulation 17 and shall sign the examiner's attendance record.

(2) Where a person submitting himself for a test provides a vehicle which does not comply with paragraph (1), or fails to produce his licence as aforesaid or fails to sign the examiner's attendance record the examiner may refuse to conduct the test.

*Fees for tests*

**23.** The fee payable by a person who applies for a test to be conducted by an examiner appointed under regulation 18(1)(a) shall be £44.

*Refund of fees*

**24.**—(1) The fee paid in pursuance of regulations 16 and 23 for an appointment for a test may be repaid in the following cases and not otherwise, that is to say:—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Department;
- (b) if the person for whom the appointment is made gives to the Department, at the centre where the test is to be held, notice cancelling the appointment of not less than three clear working days before the date of the appointment;
- (c) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test;
- (d) if an order for repayment of the fee is made by a court under Article 78 of the Order pursuant to a finding that the test was not properly conducted in accordance with these Regulations.

(2) For the purposes of this regulation "working day" means a day on which the centre where the test is to be held is open to the public.

*Exemptions*

**25.**—(1) Articles 71 to 79 of the Order shall not apply to heavy goods vehicles of the following classes:—

- (a) track laying vehicles;
- (b) vehicles propelled by steam;
- (c) road rollers;
- (d) road construction vehicles used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);
- (e) engineering plant;
- (f) works trucks;
- (g) any industrial tractor, that is to say, a tractor, not being a land tractor, which has an unladen weight not exceeding 3½ tons, is designed and used primarily for work off roads, or for work on roads in connection only with road construction or maintenance (including any such tractor when fitted with an implement or implements designed primarily for use in connection with such work, whether or not any such implement is of itself designed to carry a load) and is so constructed as to be incapable of exceeding a speed of 20 miles per hour on the level under its own power;
- (h) land locomotives and land tractors;
- (i) digging machines;
- (j) vehicles exempted from excise duty by virtue of section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(a) (vehicles used less than a certain distance on public roads);
- (k) any motor car as defined in Article 37(1)(e) of the Order 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 thereby, but to which no trailer is attached;
- (l) vehicles used as public service vehicles as defined in Article 2 of the Order;
- (m) vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;
- (n) vehicles manufactured before 1st January 1940 used unladen and not drawing a laden trailer;
- (o) vehicles in the service of a visiting force or headquarters;
- (p) wheeled armoured vehicles being the property of, or for the time being under the control of, the Secretary of State for Defence;
- (q) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or danger to other road users or members of the public, for the purpose of safeguarding property (including the heavy goods vehicle and its load), for other similar purposes or for police purposes;
- (r) any articulated vehicle combination which has a permissible maximum weight not exceeding 7.5 tonnes, or the tractive unit of which does not exceed 15 cwt. unladen weight;
- (s) any vehicle having a relevant maximum weight not exceeding 3.5 tonnes to which a trailer is attached, not being an articulated vehicle combination;

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(a) 1972 c. 10 (N.I.)

- (t) any vehicle (not being an articulated vehicle combination) having an unladen weight not exceeding 10 tons, being a vehicle which belongs to the holder of a public service vehicle licence granted under Article 61 of the Order or is in his possession under an agreement for hire purchase, hire or loan, when driven on his behalf by a person who holds a licence to drive public service vehicles granted under Article 70 of the Order for the purpose of—
  - (i) proceeding to or returning from a place where assistance is to be, or has been, rendered to a disabled vehicle, being a vehicle in respect of which, at the time when it became disabled, a public service vehicle licence granted under the said Article 61 was in force; or
  - (ii) moving such a disabled vehicle so as to prevent its causing an obstruction or towing it from the place where it has become disabled to a place where it is to be repaired, stored or broken up;
- (u) any vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which—
  - (i) is used solely for dealing with disabled vehicles,
  - (ii) is not used for the conveyance of any load other than a disabled vehicle when so raised, water, fuel and accumulators and articles required for the operation of, or in connection with, such apparatus as aforesaid or otherwise for dealing with disabled vehicles, and
  - (iii) has an unladen weight not exceeding 3 tons;
- (v) any vehicle which was originally constructed to carry passengers but has been adapted to carry goods or burden of any description—
  - (i) when driven for the carriage of—
    - (A) play equipment for children, or such equipment and not more than two passengers, to or from the place where the equipment is to be, or has been, made available for such use; or
    - (B) articles required for the purposes of a display or of an exhibition, or such articles and not more than two passengers to or from the place where the display or exhibition is to be mounted; or
  - (ii) being a vehicle used for the carriage of such equipment or articles as specified in paragraph (i), when driven—
    - (A) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied, or
    - (B) in such circumstances that by virtue of section 5 of the Vehicles (Excise) Act (Northern Ireland) 1972 the vehicle is not chargeable with duty in respect of its use on public roads; and
- (w) any vehicle when being driven by a member of the armed forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939(a), which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959(b), by section 2 of the Emergency Powers Act 1964(c).

(2) In this regulation—

“digging machine” has the meaning given thereto in Schedule 3 to the Vehicles (Excise) Act (Northern Ireland) 1972;

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(a) S.I. 1939/1304

(b) 1959 c. 19

(c) 1964 c. 38



“engineering plant”, “land locomotive” and “land tractor” have the meanings given thereto in regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976;

“play equipment for children” includes articles required in connection with the use of such equipment by children;

“road construction machinery” and “road construction vehicle” have the meanings given thereto by section 4(2) of the Vehicles (Excise) Act (Northern Ireland) 1972;

“track laying” has the meaning given thereto in regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1976;

“works truck” means a motor vehicle designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works; and

expressions used in paragraph (1)(o) have the same meaning as in the Visiting Forces and International Headquarters (Application of Law) Order 1965(a).

*Effect on existing hgv drivers' licences of changes in definitions*

26. The validity of a hgv driver's licence granted before 12th August 1976 shall not be affected by Article 79 of the Order (which defines heavy goods vehicle), and for the purpose of determining the vehicles which the holder of the licence is thereby authorised to drive on or after that date, or on or after the date of the commencement of the licence, if later, the references in the licence to heavy goods vehicles, or to the classes of such vehicles, or to any one or more numbered classes of such vehicles, shall be construed as embracing (and only embracing) the vehicles which fall within the definition of heavy goods vehicle or, as the case may be, the definition of the vehicles comprised in the classes or the particular numbered class or classes of heavy goods vehicles, as such definitions have effect in these Regulations.

*Special provisions with respect to standard licences affected by the transitional savings in Schedule 6 to the Order*

27.—(1) A full or provisional standard licence for heavy goods vehicles of class 3 or 3A granted to a person—

(a) to whom paragraph 2 of Schedule 6 to the Order applies,

(b) who is under the age of 21 when the licence is granted, and

(c) whose ordinary driving licence is, by reason of sub-paragraph (3) of that paragraph, restricted as mentioned in that sub-paragraph,

shall be restricted to heavy goods vehicles of class 3 or 3A having a permissible maximum weight not exceeding 10 tonnes, and for the purpose of regulation 3(3)(d) the class of heavy goods vehicles for which the licence is granted shall be class 3 or 3A (as the case may be) restricted as aforesaid, but this restriction, in so far as it is imposed solely by reason of this paragraph, shall cease when the holder of the standard licence attains 21.

(2) Where a full standard licence for heavy goods vehicles of class 3 or 3A, which has been granted, on an application made during 1976, to a person to whom paragraph 3 of Schedule 6 to the Order applies, restricts that person, by virtue of sub-paragraphs (3) and (5) of that paragraph, to the driving of heavy goods vehicles having a permissible maximum weight not exceeding 10 tonnes, then the class of vehicle the

driving of which is authorised by that licence (as a full licence) shall, for the purpose of these Regulations, be class 3 or 3A (as the case may be) restricted as aforesaid, and accordingly any subsequent full standard licence for heavy goods vehicles of class 3 or 3A granted to that person shall, unless he has in the meantime passed a test which is, or by virtue of regulation 20 has effect as, a test for a vehicle of class 3 or 3A, be subject to the same restriction.

(3) A restricted standard licence which is a full licence shall (without prejudice to the effect of regulation 10(1)) be treated for the purposes of Articles 71 to 79 of the Order as a provisional standard licence to drive heavy goods vehicles of class 3 or 3A having a permissible maximum weight exceeding 10 tonnes if the holder has attained the age of 21.

(4) The holder of a restricted standard licence which is a full licence shall not, for the purposes of regulation 10(3)(a), or 11(4)(a) or (7)(b), be regarded as the holder of a full standard licence for heavy goods vehicles of class 3 or 3A, if the vehicle being driven has a permissible maximum weight exceeding 10 tonnes.

(5) Where a person under the age of 21 holds a restricted standard licence and applies for a hgv trainee driver's licence, or holds a hgv trainee driver's licence and applies for a restricted standard licence, he shall send to the Department with his application his restricted standard licence, or hgv trainee driver's licence, as the case may be, and, if his application is granted—

(a) the Department shall issue to him a hgv trainee driver's licence which (without prejudice to its nature as such a licence) shall authorise him to drive heavy goods vehicles of the restricted class 3 or 3A which a restricted standard licence would authorise him to drive, but without complying with the conditions specified in regulation 11(1)(a), (b) and (c) and, if the restricted standard licence which he held or to which he is entitled is a full licence, also without complying with the conditions specified in regulation 11(4) and (7)(b), and

(b) any subsequent hgv trainee driver's licence granted to him before he attains the age of 21 shall authorise him similarly.

(6) In paragraph (5) the expression "restricted standard licence" includes a Great Britain restricted licence.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 15th July 1981.

(L.S.)

*J. M. Irvine*

Assistant Secretary

The Department of Finance hereby approves of regulations 9, 14(3) and 23.

Sealed with the Official Seal of the Department of Finance for Northern Ireland on 15th July 1981.

(L.S.)

*Desmond Cole*

Assistant Secretary

## SCHEDULE 1

## REGULATIONS REVOKED BY REGULATION 1(2)

<i>Title</i>	<i>Year and Number</i>
Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970	S.R. & O. (N.I.) 1970 No. 40
Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1971	S.R. & O. (N.I.) 1971 No. 137
Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1973	S.R. & O. (N.I.) 1973 No. 102
Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1976	S.R. 1976 No. 105
Heavy Goods Vehicles (Drivers' Licences) (Amendment No. 2) Regulations (Northern Ireland) 1976	S.R. 1976 No. 242
Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1977	S.R. 1977 No. 382
Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1979	S.R. 1979 No. 319
Heavy Goods Vehicles (Drivers' Licences) (Amendment) Regulations (Northern Ireland) 1980	S.R. 1980 No. 414

## SCHEDULE 2

(See regulation 2)

## CLASSES OF HEAVY GOODS VEHICLES

1 Class	2 Definition	3 Additional Classes
Class 1	An articulated vehicle combination not with automatic transmission, other than a vehicle combination coming within class 4	Classes 1A, 2, 2A, 3, 3A, 4 and 4A
Class 1A	An articulated vehicle combination with automatic transmission, other than a vehicle combination coming within class 4A	Classes 2A, 3A and 4A
Class 2	A heavy goods vehicle not with automatic transmission, other than an articulated vehicle combination, designed and constructed to have more than four wheels in contact with the road surface	Classes 2A, 3 and 3A
Class 2A	A heavy goods vehicle with automatic transmission, other than an articulated vehicle combination designed and constructed to have more than four wheels in contact with the road surface	Class 3A
Class 3	A heavy goods vehicle not with automatic transmission, other than an articulated vehicle combination, designed and constructed to have not more than four wheels in contact with the road surface	Class 3A
Class 3A	A heavy goods vehicle with automatic transmission, other than an articulated vehicle combination, designed and constructed to have not more than four wheels in contact with the road surface	
Class 4	An articulated vehicle combination not with automatic transmission, the tractive unit of which does not exceed two tons unladen weight	Class 4A
Class 4A	An articulated vehicle combination with automatic transmission, the tractive unit of which does not exceed two tons unladen weight	

For the purposes of the above definitions where a vehicle is fitted with two wheels in line transversely and the distance between the centres of their respective areas of contact with the road is less than 18 inches they shall be regarded as only one wheel.

## SCHEDULE 3

(See regulation 7)

## PART I

**FORM OF HEAVY GOODS VEHICLE FULL DRIVER'S LICENCE**

Road Traffic (Northern Ireland) Order 1981

HEAVY GOODS VEHICLE

**DRIVER'S LICENCE**

Issued by the Department of the Environment for Northern Ireland

Space for name and address  
of holder

is hereby authorised to drive heavy goods vehicles of Classes 1, 1A, 2, 2A, 3, 3A, 4, 4A

.....

.....

.....

from .....until .....inclusive.

**PROVISIONAL LICENCE**

This licence has effect as a provisional licence in respect of the classes of heavy goods vehicles for which it is not a full licence. Such heavy goods vehicles may be driven subject to the conditions applying to provisional licence holders and the minimum age requirements being satisfied.

Usual signature of licensee .....

## PART II

**FORM OF HEAVY GOODS VEHICLE PROVISIONAL DRIVER'S LICENCE**

Road Traffic (Northern Ireland) Order 1981

HEAVY GOODS VEHICLE

**PROVISIONAL DRIVER'S LICENCE**

Issued by the Department of the Environment for Northern Ireland

Space for name and address  
of holder

is hereby authorised to drive heavy goods vehicles of [all Classes] [Classes 4 and 4A] subject to the conditions prescribed in regulation 10 of the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981.

from .....until .....inclusive.

Usual signature of licensee .....

## SCHEDULE 4

(See regulation 7)

## PART I

## FORM OF HEAVY GOODS VEHICLE TRAINEE DRIVER'S FULL LICENCE

Road Traffic (Northern Ireland) Order 1981

## HEAVY GOODS VEHICLE

## TRAINEE DRIVER'S LICENCE

Issued by the Department of the Environment for Northern Ireland

Space for name and address  
of holder

is hereby authorised, subject to the conditions set out or referred to below, to drive heavy goods vehicles of Classes [here specify classes]

from .....until .....inclusive.

## CONDITIONS

Name and address of holder's registered employer .....

Name and address of registered hgv driver  
training establishment whose vehicles the holder may  
drive .....

Class of heavy goods vehicle to which holder's  
training agreement applies .....

1. The holder shall not by virtue of this licence (including the provisional licence below) drive a heavy goods vehicle of class 1, 1A, 2, 2A, 3 or 3A unless—

- (a) he is a registered employee of the registered employer named above,
- (b) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named above, and
- (c) the vehicle is a heavy goods vehicle of a class which is stated above as being a class to which the holder's training agreement applies.

In this Condition "registered" means registered for the time being by the Northern Ireland Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in Northern Ireland in accordance with the relevant provisions of their training scheme.

2. The holder shall not by virtue of this licence, while under the age of 21, drive otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full licence (not being a trainee driver's licence) to drive a vehicle of that class—

- (a) a heavy goods vehicle of class 1 or 1A, or
- (b) a heavy goods vehicle of class 2, 2A, 3 or 3A when the vehicle is being used to draw a trailer which is not part of an articulated vehicle combination.

**PROVISIONAL LICENCE**

This licence has effect as a provisional licence in respect of heavy goods vehicles of class [here specify]. Such heavy goods vehicles may be driven subject to the conditions applying to provisional licence holders.

Usual signature of licensee .....

**PART II****FORM OF HEAVY GOODS VEHICLE TRAINEE DRIVER'S PROVISIONAL LICENCE**

Road Traffic (Northern Ireland) Order 1981

**HEAVY GOODS VEHICLE****TRAINEE DRIVER'S PROVISIONAL LICENCE**

Issued by the Department of the Environment for Northern Ireland



Space for name and address  
of holder



is hereby authorised, subject to the conditions set out or referred to below, to drive heavy goods vehicles of Classes [here specify classes]

from ..... until ..... inclusive.

**CONDITIONS**

Name and address of holder's registered employer .....

.....

Name and address of registered hgv driver .....  
training establishment whose vehicles the holder may  
drive .....

.....

.....

Class of heavy goods vehicle to which holder's .....  
training agreement applies .....

.....

1. The holder shall not by virtue of this licence drive a heavy goods vehicle of class 1, 1A, 2, 2A, 3 or 3A unless—

- (a) he is a registered employee of the registered employer named above,
- (b) the vehicle is owned by that registered employer or by a registered hgv driver training establishment named above, and
- (c) the vehicle is a heavy goods vehicle of a class which is stated above as being a class to which the holder's training agreement applies.

In this Condition “registered” means registered for the time being by the Northern Ireland Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in Northern Ireland in accordance with the relevant provisions of their training scheme.

2. This licence is subject also to the special conditions applying to hgv trainee drivers’ provisional licences set out in regulation 11 of the Heavy Goods Vehicles (Drivers’ Licences) Regulations (Northern Ireland) 1981.

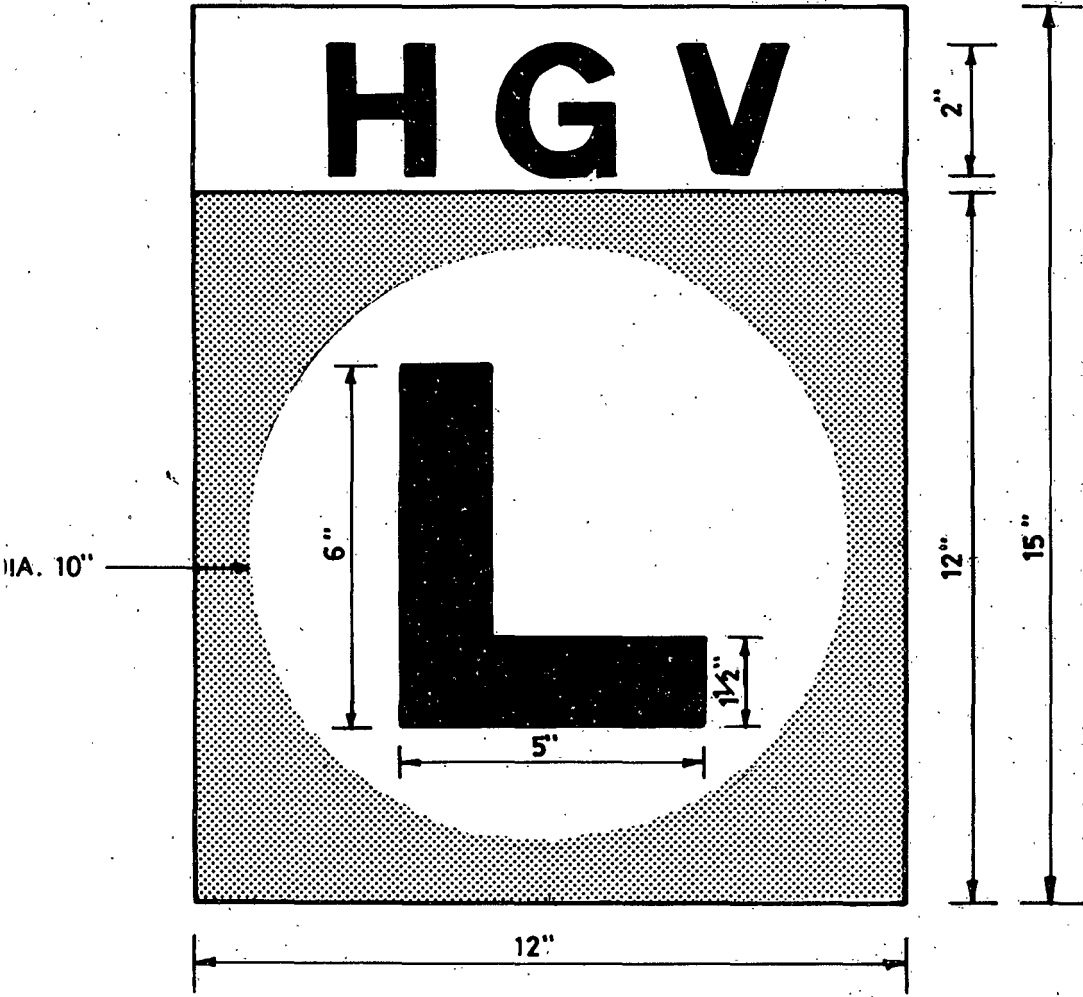
Usual signature of licensee .....



SCHEDULE 5

(See regulations 10 and 11)

DIAGRAM OF DISTINGUISHING MARK TO BE DISPLAYED ON A VEHICLE  
DRIVEN UNDER A PROVISIONAL LICENCE



- — White
- — Red
- ▤ — Light Orange

The corners of the mark may be rounded off

SCHEDULE 6

(See regulation 19)

**NATURE OF TESTS — OPERATIONS**

- A. Start the engine of the vehicle.
- B. Move off straight ahead and at an angle.
- C. Maintain a proper position in relation to a vehicle immediately in front.
- D. Overtake and take an appropriate course in relation to other vehicles.
- E. Turn right and left.
- F. Make an emergency stop.
- G. Manoeuvre the vehicle both forwards and backwards, including steering the vehicle along a predetermined course; make it enter a narrow opening and bring it to rest at a predetermined position.
- H. Indicate his intended actions by appropriate signals at appropriate times in a clear and unmistakeable manner.
- I. Act correctly and promptly in response to all signals given by traffic signs and persons regulating road traffic and take appropriate action on signs given by other road users.

PART I

**FORM OF CERTIFICATE OF PASSING A TEST OF COMPETENCE TO DRIVE A  
HEAVY GOODS VEHICLE**

Road Traffic (Northern Ireland) Order 1981

**HEAVY GOODS VEHICLE DRIVING TEST**

Pass Certificate

I certify that .....

.....

.....

has been examined and has passed the test of competence to drive a heavy goods vehicle of  
Class ..... as prescribed for the purposes of Article 72(2) of the Road  
Traffic (Northern Ireland) Order 1981.

.....

.....

.....

PART II

**FORM OF STATEMENT OF FAILURE TO PASS A TEST OF COMPETENCE TO  
DRIVE A HEAVY GOODS VEHICLE**

Road Traffic (Northern Ireland) Order 1981

**HEAVY GOODS VEHICLE DRIVING TEST**

Statement of Failure

Name .....

Address .....

.....

has this day been examined on a heavy goods vehicle of Class ..... and has failed to  
pass the test of competence to drive prescribed for the purposes of Article 72(2) of the Road  
Traffic (Northern Ireland) Order 1981.

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations consolidate, with further amendments, the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970 ("the 1970 Regulations") as amended by the other Regulations specified in Schedule 1 to these Regulations. The effect of the principal further amendments is as follows:

(1) Provision is made as required by Council Directive 76/914/EEC for the grant of heavy goods vehicle (hgv) trainee driver's licences to persons between the ages of 18 and 21 who are undergoing, or are to undergo, training in the driving of heavy goods vehicles of classes 1, 1A, 2, 2A, 3 or 3A in accordance with the terms of the Training Scheme established by the Northern Ireland Joint Training Committee for Young HGV Drivers in the Road Goods Transport Industry in Northern Ireland and set out in the Scheme for the Training of Persons Under 21 as Drivers of Heavy Goods Vehicles approved by the Department. The details are—

- (a) Regulation 2 (Definitions) includes the necessary new definitions.
- (b) Regulation 3 (Applications for licences) requires the applicant for a hgv trainee driver's licence to produce to the Department the Training Committee's certificate as to his registration and his employer's registration under the Training Scheme and as to the class of heavy goods vehicle for which he is training or is to train.
- (c) Regulation 4 (Qualifications of applicants) provides for a hgv trainee driver to begin his training on the lighter class of heavy goods vehicles and to start training on the next heavier class of such vehicles after one year has elapsed since he passed his test on the lighter class.
- (d) Regulation 7 (Form of licences) provides (by means of Schedules 3 and 4) for the forms of full and provisional hgv trainee drivers' licences.
- (e) Regulation 11 (Hgv trainee drivers' licences) sets out the conditions to which all hgv trainee drivers' licences are subject, makes provision for hgv trainee drivers' provisional licences and for the further conditions applicable to such licences, and enables a hgv trainee driver's full licence for one class of heavy goods vehicles to be treated as a provisional licence for another class of such vehicles.
- (f) Regulation 12 (Suspension or revocation) in paragraph (7) provides for the obligatory revocation of a hgv trainee driver's licence if the holder's ordinary driving licence or Great Britain (ordinary) driving licence bears more than one endorsement of particulars of a conviction.
- (g) Regulation 17 (Qualifications of applicants for tests) provides that an applicant under 21 for a test in respect of heavy goods vehicles of class 3 or 3A must have held a hgv trainee driver's provisional licence for, and must have been regularly driving, such vehicles for at least 3 months immediately before he takes his test, or must have held an ordinary driving licence or a Great Britain (ordinary) driving licence for, and must have been regularly driving, motor cars, small goods vehicles or small passenger vehicles for at least one year immediately before he takes the test.

(2) The provision in Regulation 4(c) of the 1970 Regulations, as amended, for minimum ages for qualifying to apply for hgv drivers' licences, is omitted because that provision duplicated Article 4(1) of the Road Traffic (Northern Ireland) Order 1981 ("the Order") as modified by Regulation 4 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981 (S.R. 1981 No. 239).

The requirements as to minimum ages of the said Article 4 or the corresponding Great Britain provision are applied to applicants for hgv drivers' licences in these Regulations by the requirement—

- (a) in Regulation 3(3)(d) that the applicant must not be disqualified by reason of his age in respect of any vehicle in the class of heavy goods vehicles to which the licence is to relate, and
  - (b) in Regulation 4(c) that the applicant must hold an ordinary driving licence or the equivalent Great Britain licence authorising him to drive a vehicle or vehicles in the class of heavy goods vehicles to which the licence is to relate.
- (3) The fees payable for the grant of hgv drivers' licences and the fee payable by a person who applies for a heavy goods vehicle driving test are increased as follows:—
- (i) for a full hgv driver's licence from £3 to £4.60 and for a provisional hgv driver's licence from £1.50 to £2.30 (Regulation 9),
  - (ii) for a heavy goods vehicle driving test from £30 to £44 (Regulation 23).
- (4) New provision is made in Regulations 11, 17 and 27—
- (a) to take account of the issue of hgv drivers' licences which, in consequence of paragraph 3 of Schedule 6 to the Order, are restricted to vehicles not exceeding 10 metric tons permissible maximum weight (as defined in Article 19 of the Order) in class 3 or 3A, and
  - (b) to apply a similar restriction to renewals of such licences (Regulation 27(2)) and to hgv drivers' licences issued to holders of ordinary driving licences which are restricted to vehicles not exceeding 10 metric tons permissible maximum weight under paragraph 2 of Schedule 6 to the Order, while they are under 21 years of age (Regulation 27(1)).
- (5) New exemptions from heavy goods vehicle licensing are introduced in Regulation 25(1) as follows:
- (a) Sub-paragraphs (r) and (s) preserve the exemption in Regulation 23(1)(g) of the 1970 Regulations for any articulated vehicle combination (as defined in Regulation 2(1)) the tractive unit of which does not exceed 15 cwt. unladen weight, and also exempt:—
    - (i) any articulated vehicle combination which has a permissible weight not exceeding 7.5 metric tons (Regulation 25(1)(r)), and
    - (ii) any vehicle having a relevant maximum weight (as defined in Article 19 of the Order) not exceeding 3.5 metric tons to which a trailer is attached, which is not an articulated vehicle combination (Regulation 25(1)(s)).
  - (b) Sub-paragraph (v) extends the exemption in Regulation 23(1)(u) of the 1970 Regulations for play-buses (as defined in paragraph 3(a) of that Regulation) to passenger vehicles adapted to carry goods or burden of any description when used in similar circumstances in connection with the mounting of a display or exhibition. The requirement in the 1970 Regulations that the vehicle should be owned by a person or body of persons who carry on the activity and whose activities are carried on otherwise than in the course of a trade or business conducted with a view to profit, and that any passengers carried should be of full age, is removed.