

## 1990 No. 412

## ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Driving Licences) (Amendment No. 2)  
Regulations (Northern Ireland) 1990**

*Made* . . . . . 28th November 1990

*Coming into operation* . . . . . 1st January 1991

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(a), 5(2), 8(4), 11, 18(i) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(b) and of all other powers enabling it in that behalf, makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1990 and shall come into operation on 1st January 1991.

*Regulations amended*

2. The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(c) are amended as follows:

(1) In regulation 2(1) (interpretation)—

(a) add, at the appropriate place—

(i) “ “category” in relation to a class or description of motor vehicles means a category of motor vehicles of the classes or descriptions specified in the second column of Schedule 4, and a category identified by a letter means the category corresponding to the letter in the first column of that Schedule;”, and

(ii) “ “maximum authorised mass” has the same meaning—

(a) in relation to goods vehicles as “permissible maximum weight” in Article 19 of the Order, and

(b) in relation to any other vehicle or trailer as “maximum gross weight” in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989;”(d);

(b) delete the definition of “group”;

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(a) See the definition of “Department” and “prescribed”

(b) S.I. 1981/154 (N.I. 1)

(c) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1990 No. 311

(d) S.R. 1989 No. 299

- (c) for the definition of “kerbside weight” substitute—  
 “ “kerbside weight” means the weight of a vehicle when it carries—  
 (a) no person; 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;”;
- (d) in the definition of “moped” for “group K” substitute “category K”.
- (2) In regulation 8 (conditions attached to provisional licences)—  
 (a) in the proviso to paragraph (1) enclose in brackets the words “as the case may be”;
- (b) for paragraph (5)(b) substitute—  
 “(b) he is entitled by virtue of Article 3(1) of the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990(a),”;  
 and
- (c) in paragraph (6) in sub-paragraph (ii) of the definition of “qualified driver” for “group” substitute “category”.
- (3) In regulation 9 (restricted provisional licences) for “group K” substitute “category K”.
- (4) In regulation 10(b) (driving licences not carrying provisional entitlement) for “group K” substitute “category K”.
- (5) In regulation 16(4) (appointments for tests and notice of cancellation) delete the word “paragraph” where it appears in the first line.
- (6) In regulation 18 (nature of tests)—  
 (a) for “group” in each place where it occurs substitute “category”;
- (b) in the proviso to paragraph (1) for the words “construction or design” in each place where they occur substitute the words “class or description”; and
- (c) add the following proviso to paragraph (2)—  
 “Provided that where the test was passed on a vehicle with automatic transmission of a class or description included in category B, C1 or D1 he shall, as regards those categories when listed as additional categories as above, be deemed for those purposes competent to drive only vehicles of a class or description included in any of those categories with automatic transmission and where the test was passed on an invalid carriage he shall be deemed for those purposes competent to drive only invalid carriages included in any additional category.”.
- (7) In regulation 19(1)(b) (production of a vehicle for test etc.) for “group” substitute “category”.
- (8) In regulation 21 (diseases and physical disabilities), in the proviso to paragraph (1) for “group K” substitute “category K”.

(9) Regulation 25 (effect of changes in classification of vehicles by reason of the changed definition of “moped”) shall be deleted.

(10) After regulation 26 insert the following new regulations—

*“Effect of change in classification from groups to categories*

26A.—(1) In licences issued before 1st January 1991 any reference (including a reference construed in accordance with regulation 26) to motor vehicles of a group specified in column (1) of the table in this regulation shall be construed as a reference to motor vehicles of the category specified opposite thereto in column (2) of that table and licences to drive vehicles of a class or description included in such a group shall authorise the holder to drive motor vehicles of a class or description included in that category in addition to motor vehicles of a class or description included in that group.

(2) A person who before 1st January 1991 has passed or is regarded as having passed a test to drive motor vehicles of a class or description included in a group specified in column (1) of the table shall also be regarded as having passed a test to drive motor vehicles of a class or description included in the category specified opposite thereto in column (2) of that table.

(3) In this regulation “group” has the same meaning as it had in these Regulations before they were amended by the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1990(a).

TABLE

Column (1) <i>Group</i>	Column (2) <i>Category</i>
A	B
B	B, limited to vehicles with automatic transmission
C	B1
D	A
E	P
F	F
G	G
H	H
J	B1, limited to invalid carriages
K	K
L	L
M	Trolley vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat
N	N

(a) S.R. 1990 No. 412

*Effect of change in classification on entitlement to drive large buses*

26B.—(1) A person who holds a licence on or after 1st January 1991 to drive vehicles in categories B and D1 and who held on 31st December 1990 a licence entitling him to drive vehicles of a class or description included in group A or B or was entitled on that date to drive such vehicles by virtue of Article 70 of the Order may also drive motor vehicles used for the carriage of passengers, with more than 16 seats in addition to the driver's seat, other than for hire and reward or for hire and reward only in the circumstances set out in section 10A of the Transport Act (Northern Ireland) 1967(a).

(2) A person may drive, other than for hire and reward, and subject to the same conditions as if he were authorised by a provisional licence only, a motor vehicle used for the carriage of passengers, with more than 16 seats in addition to the driver's seat if he holds a licence on or after 1st January 1991 to drive vehicles in categories B and D1 but did not hold a licence to drive vehicles of a class or description included in group A or B on 31st December 1990, or was not entitled to drive such vehicles by virtue of Article 70 of the Order provided he has made an application for the grant of a licence under Article 70 of the Order to drive a public service vehicle and that application has not been refused.

(3) The provisions of Article 5(3) of the Order shall not apply so far as to confer on a person who holds a full licence to drive motor vehicles of certain classes or descriptions only, entitlement to drive a motor vehicle used for the carriage of passengers, with more than 16 seats in addition to the driver's seat.

(4) A person may not drive a vehicle by virtue of this regulation if he could not, by reason of the provisions of Article 4 of the Order, lawfully hold a licence to drive such a vehicle.

(5) In this regulation "group" has the same meaning as it had in these Regulations before they were amended by the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1990.

*Effect of change in classification on entitlement to drive heavy goods vehicles to which Articles 71 to 79 of the Road Traffic (Northern Ireland) Order 1981 do not apply*

26C. The holder of a licence to drive vehicles in categories B and C1 may also drive a heavy goods vehicle of any of the classes listed in regulation 25 of the Heavy Goods Vehicles (Drivers Licences) Regulations (Northern Ireland) 1981."(b).

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(a) 1967 c. 37 (N.I.); section 10A was inserted by S.I. 1990/994 (N.I. 7)

(b) S.R. 1981 No. 240; relevant amending Regulations are S.R. 1982 No. 430 and S.R. 1986 No. 368

(11) For Schedule 4 substitute—

“SCHEDULE 4

(See regulation 18)

**Categories of Motor Vehicles for Driving Test Purposes**

First Column	Second Column	Third Column	Fourth Column
<i>Category</i>	<i>Class or Description of Vehicle included in the Category</i>	<i>Additional Requirements</i>	<i>Additional Categories Covered</i>
A	Motor bicycle (with or without sidecar) but excluding any vehicle in Category K or P	1, 2, 3, 4, 5, 6, 9 and 10	B1 and P
B	Motor vehicle with a maximum authorised mass not exceeding 3.5 tonnes and not more than 8 seats in addition to the driver's seat, not included in any other category and including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg.	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B plus E, B1, C1, C1 plus E, D1, D1 plus E, F, K, L, N and P
B1	Motor tricycle with an unladen maximum mass not exceeding 500 kg. and with a maximum design speed exceeding 50 km per hour but excluding any vehicle included in category K, L or P	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	K, L and P
C1	Motor vehicle used for the carriage of goods with a maximum authorised	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B, B plus E, B1, C1 plus E, D1, D1 plus E, F, K, L, N and P

First Column	Second Column	Third Column	Fourth Column
<i>Category</i>	<i>Class or Description of Vehicle included in the Category</i>	<i>Additional Requirements</i>	<i>Additional Categories Covered</i>
D1	<p>mass exceeding 3.5 tonnes but not exceeding 7.5 tonnes and including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg.</p> <p>Motor vehicle used for the carriage of passengers (but not for hire or reward) with more than 8 seats, but not more than 16 seats, in addition to the driver's seat, and including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg.</p>	1, 2, 3, 4, 5, 6, 7, 8, 9 and 10	B, B plus E, B1, C1 plus E, D1 plus E, F, K, L, N and P
B plus E	Combination of a motor vehicle in category B and a trailer with a maximum authorised mass exceeding 750 kg.		
C1 plus E	Combination of a motor vehicle in category C1 and a trailer with a maximum authorised mass exceeding 750 kg.		

First Column	Second Column	Third Column	Fourth Column
<i>Category</i>	<i>Class or Description of Vehicle included in the Category</i>	<i>Additional Requirements</i>	<i>Additional Categories Covered</i>
D1 plus E	Combination of a motor vehicle in category D1 and a trailer with a maximum authorised mass exceeding 750 kg.		
F	Agricultural tractor, but excluding any vehicle included in category H	1, 2, 3, 4, 5, 6, 7, 9 and 10	K
G	Road roller	1, 2, 3, 4, 5, 6, 7, 9 and 10	
H	Track-laying vehicle steered by its tracks	1, 2, 3, 4, 5, 6, 9, 10 and 11	
K	Mowing machine or pedestrian controlled vehicle	1, 2, 3, 4, 5 and 6	
L	Vehicle propelled by electrical power but excluding any vehicle included in category A, K or P	1, 2, 3, 4, 5, 6, 9 and 10 and, if fitted with a means for reversing, 7 and 8	K
N	Vehicle exempted from duty under section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972	1, 2, 3, 4, 5 and 6	
P	Moped	1, 2, 3, 4, 5, 6, 9 and 10	

(12) In Schedule 5 (additional requirements for driving tests) in paragraph 1(b) for “group K” substitute “category K”.

(13) In Schedule 8 (regulations revoked)—

- (a) delete the item relating to “Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1983”; and
- (b) for the item relating to “Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1987” substitute “Motor Vehicles (Driving Licences) (Driving Test Fees) (Amendment) Regulations (Northern Ireland) 1988 S.R. 1988 No. 190”.

Sealed with the Official Seal of the Department of the Environment on  
28th November 1990.

(L.S.)

*Trevor Pearson*

Assistant Secretary

## EXPLANATORY NOTE

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

1. These Regulations amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989 so as to give effect, with permitted derogations and in respect of motor vehicles other than heavy goods and public service vehicles, to the system of classification for motor vehicles as set out in Article 3 of Council Directive (EEC) No. 80/1263 of 4th December 1980 (O.J. No. L375, 31.12.1980, p. 1) on the introduction of a Community driving licence.
2. The new system of classification introduces categories of motor vehicles for driving tests and licence purposes and confirms existing entitlement to drive specific classes or description of vehicles.
3. The only change of substance is in relation to the entitlement to drive motor vehicles used for the carriage of passengers other than for hire or reward with more than 16 seats in addition to the driver's seat. Persons who already hold Group A or B licences will continue to have entitlement to drive such vehicles. New licence holders will only have provisional licence entitlement to drive such vehicles and must have applied for a public service vehicle licence.
4. The opportunity has also been taken to make some drafting amendments.

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**1990 Nos. 413-415**

These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.