
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 426

**EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES**

**The Driving Licences (Community Driving
Licence) Regulations (Northern Ireland) 1996**

Made - - - - 13th September 1996

Coming into operation in accordance with regulation 1

The Department of the Environment, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996 and shall come into operation as follows—

(a) as to—

(i) paragraphs 2(5), 2(6), 2(8), 3(2) and 11 of Schedule 1, and

(ii) so much of regulations 3 and 4 and the remainder of Schedules 1 and 2 as is necessary to confer on the Department extended or modified powers to make such orders or regulations as are necessary for the purpose of complying with Council Directive [91/439/EEC](#)⁽³⁾ and for ancillary purposes,

on 18th October 1996;

(b) except as provided in sub-paragraph (a) on 1st January 1997.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954⁽⁴⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(1) S.I.1981/1536

(2) 1972 c. 68; by virtue of section 1 of the European Economic Area Act 1993 (c. 51) section 1(2) of this Act is amended to enable regulations to be made under section 2(2) to implement obligations of the United Kingdom arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1994 (Cm 2183)

(3) O.J. No. L237, 24.8.91, p. 1

(4) 1954 c. 33 (N.I.)

Amendments to the Road Traffic (Northern Ireland) Order 1981

3. The Road Traffic (Northern Ireland) Order 1981(5) shall have effect with the amendments set out in Schedule 1.

Amendments to other enactments

4. The enactments mentioned in Schedule 2 shall have effect with the amendments set out in that Schedule (being minor amendments consequential upon those set out in Schedule 1).

Sealed with the Official Seal of the Department of the Environment on 13th September 1996.

Trevor Pearson
Assistant Secretary

SCHEDULE 1

Regulation 3

Amendments to the Road Traffic (Northern Ireland) Order 1981(6)

- 1.—(1) Article 4 (exceptions) shall be amended as follows.
- (2) In paragraph (1)(a) after head (i) there shall be inserted—
- “(ia) a Community licence to drive vehicles of that or a corresponding class, or”.
- (3) In paragraph (3)—
- (a) after sub-paragraph (a) there shall be inserted—
- “(aa) in the case of an application made by virtue of paragraph (1)(a)(ia), the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;”, and
- (b) in sub-paragraph (d), the words “member State or” shall be omitted.
- (4) In paragraph (9), in sub-paragraph (a), after the words “or passenger” there shall be inserted—
- “who—
- (i) is licensed in that behalf in accordance with the requirements of this Part and Part V, or
- (ii) is authorised by virtue of Article 15A(1) to drive in Northern Ireland such a motor vehicle.”.
- 2.—(1) Article 5 (tests of competence to drive) shall be amended as follows.
- (2) In paragraph (1)—
- (a) for “satisfies the Department” there shall be substituted “meets the relevant residence requirement and satisfies the Department”,
- (b) in sub-paragraph (c), the words “conducted under any relevant external law or” shall be omitted,
- (c) in sub-paragraph (e)—
- (i) the words “of another member State or”, and
- (ii) the words “or a designated country or territory”,
- shall be omitted,
- (d) after “or” at the end of that sub-paragraph there shall be inserted—
- “(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at any time he has held such a Community licence; or”, and
- (e) for sub-paragraph (f) there shall be substituted—
- “(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.”.
- (3) After paragraph (1) there shall be inserted—
- “(1A) An applicant meets the relevant residence requirement referred to in paragraph (1) if on the date the application for the licence is made—

(6) Articles 4 to 19E were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3); relevant amendments are made by Article 7 of S.I. 1991/197 (N.I. 3) and Article 92 of S.I. 1995/2994 (N.I. 18)

- (a) in a case where he satisfies the Department in respect of paragraph (1)(*ea*), he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;
 - (b) in a case where he satisfies the Department in respect of paragraph (1)(*f*), he is normally resident in Northern Ireland but has not been so resident for more than the prescribed period; and
 - (c) in any other case, he is normally resident in Northern Ireland.”.
- (4) In paragraph (2)—
- (a) for sub-paragraph (*a*) there shall be substituted—
 - “(a) a licence which has been revoked under Article 15(5) or under any corresponding provision of—
 - (i) the law of Great Britain,
 - (ii) the relevant external law, or
 - (iii) the law of an EEA State other than the United Kingdom,as a licence granted in error shall be disregarded for the purposes of sub-paragraph (*b*), (*d*) or (*ea*) (as the case may be) of that paragraph;”, and
 - (b) sub-paragraph (*b*) shall be omitted.
- (5) In paragraph (4), after sub-paragraph (*a*) there shall be inserted—
- “(aa) for requiring a person submitting himself for a test to have been normally resident in Northern Ireland or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed;”.
- (6) In paragraph (8), in sub-paragraph (*a*), after “group” there shall be inserted “(except where regulations otherwise provide);”.
- (7) In paragraph (9), the words “member State” shall be omitted.
- (8) In paragraph (10), in sub-paragraph (*a*), after “if” there shall be inserted “(except where regulations otherwise provide)”.
- (9) In paragraph (11)—
- (a) after “British Forces licence” there shall be inserted “, a Community licence”,
 - (b) after “(*d*)” there shall be inserted “, (*ea*)”, and
 - (c) at the beginning of sub-paragraph (*a*) there shall be inserted “(except where regulations otherwise provide)”.
- (10) Paragraph (12) shall be omitted.
- 3.—(1) Article 9 (requirements as to physical fitness of drivers) shall be amended as follows.
- (2) In paragraph (2), in the definition of “disability”, after “disease” there shall be inserted “and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency;”.
- (3) In paragraph (6), in sub-paragraph (*a*), for “who took the test” there shall be substituted “on whom the notice is served”.
- (4) In paragraph (7), for the words from “any licence” to “test shall be” there shall be substituted “the Department may grant to the person on whom the notice is served a licence”.
- (5) After paragraph (10) there shall be inserted—
- “(10A) In paragraph (9) the references to Article 11 include references to that Article as applied by Article 15D.”.

4. In Article 10 (revocation of licence because of disability or prospective disability), in paragraph (1)(b), the words “or (7)” shall be omitted.

5.—(1) Article 13 (grant of licences) shall be amended as follows.

(2) In paragraph (1), for sub-paragraph (c) there shall be substituted—

“(c) surrenders to the Department—

(i) any previous licence and its counterpart granted to him at some time during the period of 10 years ending on the date of receipt of the application by the Department,

(ii) any Community licence and its counterpart (if any) issued to him, and

(iii) any British external licence or British Forces licence or exchangeable licence held by him,

or provides the Department with an explanation for not surrendering them which the Department considers adequate.”.

(3) In paragraph (4), for the word “cycle”, in each place where it occurs, there shall be substituted “bicycle”.

(4) In paragraph (5), for the word “cycle”, in each place where it occurs, there shall be substituted “bicycle”.

6. In Article 14 (form of licence), in paragraph (1)(b) and (c), after “specify” there shall be inserted “(in such manner as the Department may determine)”.

7. In Article 15 (duration of licences), in paragraph (4), for the word “cycle”, in each place where it occurs, there shall be substituted “bicycle”.

8. After Article 15 there shall be inserted—

“Community Licence Holders

Authorisation to drive in Northern Ireland

15A.—(1) A Community licence holder may drive, and a person may cause or permit a Community licence holder to drive, in Northern Ireland, a motor vehicle of any class, which—

(a) he is authorised by his Community licence to drive, and

(b) he is not disqualified for holding or obtaining a licence under this Part to drive, notwithstanding that he is not the holder of a licence under this Part.

(2) Paragraphs (3) and (4) apply to a Community licence holder who is normally resident in Northern Ireland.

(3) In a case where the Community licence holder is authorised by his Community licence to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such classes of motor vehicle from—

(a) the date on which he attains the age of 70 years, or

(b) the expiry of the period of 3 years beginning with the relevant date,

whichever is the later.

(4) In a case where the Community licence holder is authorised by his Community licence to drive any prescribed class of goods vehicle or any prescribed class of passenger-

carrying vehicle, he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such class of vehicle from—

- (a) where his age at the relevant date does not exceed 45 years—
 - (i) the date on which he attains the age of 46 years, or
 - (ii) the expiry of the period of 5 years beginning with the relevant date, whichever is the earlier,
 - (b) where his age at the relevant date exceeds 45 but not 65 years—
 - (i) the date on which he attains the age of 66 years, or
 - (ii) the expiry of the period of 5 years beginning with the relevant date, whichever is the earlier, and
 - (c) where his age at the relevant date exceeds 65 years, the expiry of the period of one year beginning with that date.
- (5) A Community licence holder—
- (a) to whom a counterpart of his Community licence is issued under Article 15B, and
 - (b) who is authorised by virtue of paragraph (1) to drive in Northern Ireland motor vehicles of certain classes only,

may drive, in Northern Ireland, motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

(6) Paragraphs (3) and (4) of Article 14 shall apply in relation to paragraph (5) as they apply in relation to paragraph (2) of that Article.

(7) For the purposes of this Part and Part V a Community licence shall not be treated as authorising a person to drive a vehicle of any class if it is not for the time being valid for that purpose in the EEA State in respect of which it was issued.

(8) In this Article “relevant date”, in relation to a Community licence holder who is normally resident in Northern Ireland, means—

- (a) in the case where he first became so resident on or before 1st January 1997, that date, and
- (b) in any other case, the date on which he first became so resident.

Information about resident Community licence holders

15B.—(1) A Community licence holder who—

- (a) is normally resident in Northern Ireland, and
- (b) is authorised by his Community licence to drive medium-sized or large goods vehicles or passenger-carrying vehicles of any class,

shall, on or before the expiry of the period of twelve months beginning with the relevant date, deliver his Community licence to the Department and provide it with the information specified in, or required under, paragraph (4).

(2) Paragraph (1) shall not apply to a Community licence holder from whom the Department has received a qualifying application (within the meaning of Article 4(2)) for the grant of a licence under this Part.

(3) The Department may issued to any Community licence holder who—

- (a) is normally resident in Northern Ireland, and

- (b) has delivered his Community licence to the Department, and provided it with the information specified in, or required under, paragraph (4), (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Community licence as a “counterpart”) in such form and containing such information as the Department may determine but designed for the endorsement of particulars relating to the Community licence.

- (4) The information referred to in paragraphs (1) and (3) is—
 - (a) the name and address in Northern Ireland of the Community licence holder;
 - (b) his date of birth;
 - (c) the classes of vehicle which he is authorised by his Community licence to drive;
 - (d) the period of validity of the Community licence in the EEA State in respect of which it was issued;
 - (e) whether the licence was granted in exchange for a licence issued by a state other than an EEA State; and
 - (f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.
- (5) The Department—
 - (a) may endorse a Community licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine with any part of the information specified in, or required under, paragraph (4) or with information providing a means of ascertaining that information or any part of it, and
 - (b) must return the Community licence to the holder.
- (6) Where it appears to the Department that a counterpart of a Community licence—
 - (a) is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the information contained in it or in the particulars required to be endorsed on it, or
 - (b) does not comply with any requirement imposed since it was issued by any provision made by, or having effect under, any enactment,

the Department may serve notice in writing on the Community licence holder requiring him to surrender the counterpart immediately to the Department and it shall be the duty of the Community licence holder to comply with any such requirement.

(7) Where the name or address of a Community licence holder as specified in the counterpart of his Community licence issued to him under this Article ceases to be correct, the Community licence holder must surrender the counterpart and, in the case of a change of name, deliver his Community licence, immediately to the Department and provide it with particulars of the alterations falling to be made in the name or address.

(8) On the surrender of a counterpart of a Community licence by any person in pursuance of paragraph (6) or (7), the Department must issue to that person a new counterpart of the Community licence.

(9) On the delivery of a Community licence by any person in pursuance of paragraph (7), the Department may endorse the Community licence with the correct name and must return the Community licence to that person.

(10) Where a Community licence holder has not complied with paragraph (1), the Department may serve notice in writing on the holder requiring him to deliver his Community licence to the Department and to provide it with the information specified in,

or required under, paragraph (4) within such period (not being less than 28 days from the date of service of the notice) as is specified in the notice.

(11) A person who drives a motor vehicle on a road is guilty of an offence if he fails without reasonable excuse—

- (a) to comply with a requirement contained in a notice served on him in pursuance of paragraph (10), or
- (b) to comply with a requirement imposed under paragraph (6) or (7).

(12) Where a Community licence holder who is required under paragraph (6) or (7) to surrender the counterpart of his Community licence or to deliver his Community licence is not in possession of it in consequence of the fact that he has surrendered it to a constable on receiving a fixed penalty notice given to him under Article 199, he does not fail to comply with that requirement if he surrenders the counterpart or delivers the Community licence immediately on its return.

(13) Proceedings for an offence by virtue of paragraph (11)(a) shall not be instituted except by the Department or by a constable.

(14) In this Article “relevant date” has the meaning given by Article 15A(8).

Revocation of authorisation conferred by Community licence because of disability or prospective disability

15C.—(1) If the Department is at any time satisfied on inquiry—

- (a) that a Community licence holder who is normally resident in Northern Ireland at the time is suffering from a relevant disability, and
- (b) that the Department would be required by virtue of Article 9(3) to refuse an application made by him at that time for a licence authorising him to drive a vehicle of the class in respect of which his Community licence was issued or a class corresponding to that class,

the Department may serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Department.

(2) If the Department is at any time satisfied on inquiry that a Community licence holder who is normally resident in Northern Ireland at that time is suffering from a prospective disability, the Department may—

- (a) serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Department, and
- (b) on receipt of the Community licence and its counterpart (if any) grant to the Community licence holder, free of charge, a licence for a period determined by the Department under Article 15(1)(c).

(3) Where, in relation to a Community licence holder who is normally resident in Northern Ireland, the Department is at any time under a duty to serve notice on him in pursuance of Article 9(5), the Department may include in that notice a requirement that the Community licence holder deliver the Community licence and its counterpart (if any) immediately to the Department.

(4) A person who—

- (a) is required under any of paragraphs (1) to (3) to deliver his Community licence and its counterpart (if any) to the Department, but
- (b) without reasonable excuse, fails to do so,

is guilty of an offence.

(5) Where a Community licence holder to whom a counterpart of his Community licence is issued under Article 15B—

- (a) is required under any of paragraphs (1) to (3) to deliver his Community licence and its counterpart to the Department, and
- (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable on receiving a fixed penalty notice given to him under Article 199,

he does not fail to comply with any such requirement if he delivers the Community licence and its counterpart to the Department immediately on their return.

(6) Where a Community licence holder is served with a notice in pursuance of any of paragraphs (1) to (3), he shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.

Information relating to disabilities etc.

15D. Article 11 shall apply to a Community licence holder who is normally resident in Northern Ireland as if—

- (a) in paragraph (1), for the words from the beginning to “aware” there were substituted “If a Community licence holder who is authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class, is aware immediately before the relevant date (as defined by Article 15A(8)), or becomes aware on or after that date”,
- (b) for paragraph (3) there were substituted—
 - “(3) A person who is authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class and who drives on a road a motor vehicle of that class is guilty of an offence if at any earlier time while he was so authorised he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.”,
- (c) in paragraph (4), the words “an applicant for, or”, in each place where they occur, were omitted,
- (d) in paragraph (5), the words “applicant or” and the words from the beginning of sub-paragraph (c) to “provisional licence” were omitted,
- (e) in paragraph (6)(b), the words “applicant or”, in each place where they occur, were omitted,
- (f) in paragraph (7), the words “applicant or” were omitted, and
- (g) in paragraph (8)—
 - (i) for “10” there were substituted “15C”, and
 - (ii) the words “applicant or”, in each place where they occur, were omitted.

Return of Community licences delivered to Department

15E.—(1) This Article applies where a Community licence is delivered to the Department in pursuance of Article 15C or 73A.

(2) Subject to paragraph (3), the Department must, on or after the expiry of the relevant period, forward the Community licence to the licensing authority in the EEA state in respect of which it was issued and explain to them its reasons for so doing.

(3) Where the Department is satisfied that the Community licence holder has ceased to be normally resident in Northern Ireland before the expiry of the relevant period, the Department must return the Community licence to the holder.

(4) In this Article “relevant period” means—

- (a) in a case where the Community licence holder appeals under Article 16 or 76 against the requirement to surrender his Community licence, the period ending on the date on which the appeal is finally determined or abandoned, and
- (b) in any other case, the period of seven months beginning with the date on which the Department received the Community licence.”.

9. In Article 16 (appeals relating to licences), in paragraph (1), after “9(5)” there shall be inserted “or 15C”.

10. In Article 17 (disqualification of persons under age), for the Table in paragraph (1), there shall be substituted the Table set out below.

TABLE

Class of motor vehicle	Age (in years)
1. Invalid carriage	16
2. Moped	16
3. Motor bicycle	17
4. Agricultural or forestry tractor	17
5. Small vehicle	17
6. Medium-sized goods vehicle	18
7. Other motor vehicle	21

11. In Article 19C (regulations), in paragraph (1)—

(a) for paragraphs (a) and (b) there shall be substituted—

- “(a) licences under this Part, Community licences and counterparts of such licences,
- (b) making any particulars with respect to any persons—
 - (i) who are disqualified,
 - (ii) whose licences are suspended, or
 - (iii) whose counterparts of licences under this Part or of Community licences (as the case may be) are endorsed,
 available for use by the Royal Ulster Constabulary,”,

(b) after sub-paragraph (e) there shall be inserted—

- “(ea) providing for the issue of new counterparts of Community licences in the place of counterparts of Community licences that are lost or defaced;”, and

(c) at the end of sub-paragraph (g) there shall be inserted “or on Community licences then in force.”.

12.—(1) Article 19D (interpretation) shall be amended as follows.

(2) In paragraph (1)—

(a) for the definition of “agricultural tractor” there shall be substituted—

- ““agricultural or forestry tractor” means a motor vehicle which—
- (a) has two or more axles,
 - (b) is constructed for use as a tractor for work off the road in connection with agriculture or forestry, and
 - (c) is primarily used as such,”
- (b) in the definition of “Community licence”—
- (i) for the words “a member State”, in each place where they occur, there shall be substituted “an EEA State”,
 - (ii) for “another member State” there shall be substituted “another EEA State”, and
 - (iii) after sub-paragraph (b) there shall be inserted
“or
(c) a document issued for a purpose corresponding to that mentioned in Article 13(2);”
- (c) after that definition there shall be inserted—
““counterpart”—
- (a) in relation to a licence under this Part, means a document in such form as the Department may determine, issued with the licence, containing such information as it determines and designed for the endorsement of particulars relating to the licence, and
 - (b) in relation to a Community licence, has the meaning given by Article 15B,”
- (d) after the definition of “disqualified” there shall be inserted—
““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;
“EEA State” means a State which is a Contracting Party to the EEA Agreement;”
- (e) for the definition of “exchangeable licence” there shall be substituted—
““exchangeable licence” means a document issued in respect of—
- (a) Gibraltar, or
 - (b) a country or territory which is within this sub-paragraph by virtue of an order under paragraph (2),
by an authority of Gibraltar or that country or territory (as the case may be), authorising the holder to drive a motor vehicle, not being a document mentioned in sub-paragraph (b) of the definition of “Community licence”;”
- (f) after the definition of “Great Britain driving licence” there shall be inserted—
““large goods vehicle” has the meaning given by Article 78;”
- (g) in the definition of “licence”, the words from “and “counterpart” ” onwards shall be omitted,
- (h) for the definition of “medium-sized goods vehicle” there shall be substituted—
““medium-sized goods vehicle” means a motor vehicle—
- (a) which is constructed or adapted to carry or to haul goods,
 - (b) which is not adapted to carry more than nine persons inclusive of the driver, and
 - (c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms;

“moped” means a motor vehicle which has fewer than four wheels and—

- (a) in the case of a vehicle the first use of which occurred before 1st September 1978, has a cylinder capacity not exceeding 50 cubic centimetres and is equipped with pedals by means of which the vehicle is capable of being propelled, and
- (b) in any other case, has a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres;

“motor bicycle” means a motor vehicle which—

- (a) has two wheels, and
- (b) has a maximum design speed exceeding 50 kilometres per hour and, if powered by an internal combustion engine, has a cylinder capacity exceeding 50 cubic centimetres,

and includes a combination of such a motor vehicle and a side-car;”,

- (i) after the definition of “semi-trailer” there shall be inserted—

““small vehicle” means a motor vehicle (other than an invalid carriage, moped or motor bicycle) which—

- (a) is not constructed or adapted to carry more than nine persons inclusive of the driver, and
- (b) has a maximum gross weight not exceeding 3.5 tonnes,

and includes a combination of such a motor vehicle and a trailer;”, and

- (j) the definitions of “small goods vehicle” and “small passenger vehicle” shall be omitted.

- (3) In paragraph (2), for “a member State” there shall be substituted “an EEA State”.

13. In Article 70 (licensing of drivers of large goods vehicles etc.)(7), in paragraph (2)—

- (a) immediately before the definition of “large goods vehicle driver’s licence” there shall be inserted—

““Community licence” has the same meaning as in Part II;

“LGV Community licence” means a Community licence in so far as it authorises a person to drive large goods vehicles of any class;”, and

- (b) after that definition there shall be inserted—

““PCV Community licence” means a Community licence in so far as it authorises a person to drive passenger-carrying vehicles of any class;”.

14. In Article 72 (conditions of certain licences), in paragraph (1), for the words from the beginning to “21” there shall be substituted

“The following licences, that is to say—

- (a) a large goods vehicle or passenger-carrying vehicle driver’s licence issued as a provisional licence,
- (b) a full large goods vehicle or passenger-carrying vehicle driver’s licence granted to a person under the age of 21, and

(7) Articles 70 to 79A were inserted by Schedule 3 to S.I. 1991/197 (N.I. 3)

- (c) an LGV Community licence held by a person under the age of 21 who is normally resident in Northern Ireland.”.

15.—(1) Article 73 (revocation or suspension of licences) shall be amended as follows.

(2) In paragraph (3)—

- (a) after “paragraph (1)(a)” there shall be inserted “or any of Articles 73A, 74 or 74A”, and
- (b) in sub-paragraph (b), for the words from “under” to “revoked” there shall be substituted—
 - “(i) under Article 74, a person whose licence has been revoked, or
 - (ii) under Article 74A, a person on whom a notice is served in pursuance of Article 73A(1)(a).”.

(3) For paragraph (4) there shall be substituted—

“(4) The Department shall determine any question arising—

- (a) under paragraph (1)(b) as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver’s licence, as the case may be, or
- (b) under Article 73A(1)(b) as to whether the holder of an LGV Community licence or PCV Community licence is or is not, by reason of his conduct, fit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be).”.

(4) In paragraph (5), for “paragraph (4)” there shall be substituted “paragraph (4)(a)”.

(5) After paragraph (5) there shall be inserted—

“(5A) Where, under paragraph (4)(b), the Department determines that a Community licence holder is not fit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be), it shall also determine whether the Community licence holder—

- (a) should be disqualified under Article 74A(2)(a) (and, if so, for what period) or under Article 74A(2)(b), or
- (b) should be granted, free of charge, a large goods vehicle or passenger-carrying vehicle driver’s licence (and, if so, from what date it shall take effect).”.

(6) In paragraph (7), for the words from “the Department may” onwards there shall be substituted

- “(a) in a case where the licence in question is an LGV Community licence or a PCV Community licence, the holder shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods or passenger-carrying vehicle (as the case may be) from such date as is specified in a notice served on the holder by the Department; and
- (b) in any other case, the Department may revoke the licence or suspend it for such period as the Department thinks fit.”.

16. After Article 73 there shall be inserted—

“Community licence holders: cessation of authorisation, etc.

73A.—(1) Where, in relation to a holder of an LGV Community licence or PCV Community licence who is normally resident in Northern Ireland—

- (a) there exist immediately before the relevant date, or there come into existence on or after that date, such circumstances relating to his conduct as may be prescribed; or

- (b) his conduct is such as to make him unfit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be),

the Department must serve notice on the holder requiring him to deliver the Community licence and its counterpart (if any) immediately to the Department and it shall be the duty of the holder to comply with that requirement.

(2) Where a notice is served in pursuance of paragraph (1)(a) or (b) on the holder of an LGV Community licence or a PCV Community licence, he shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be) from such date as is specified in the notice, not being earlier than the date of service of the notice.

(3) Where it appears to the Department that the conduct of a Community licence holder falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), the Department must serve notice on the holder in pursuance of the former sub-paragraph only.

(4) Any Community licence holder who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence.

(5) In this Article “relevant date”, in relation to a Community licence holder who is normally resident in Northern Ireland, has the same meaning as in Article 15A(8).”

17. After Article 74 there shall be inserted—

“Community licences: disqualification etc.

74A.—(1) Where a notice is served on a Community licence holder in pursuance of Article 73A(1)(a), the Department must, in accordance with the regulations made in pursuance of Article 73(3), order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where a notice is served on a Community licence holder in pursuance of Article 73A(1)(b), the Department may—

- (a) order that person to be disqualified indefinitely or for such period as the Department thinks fit,
- (b) if it appears to the Department that, owing to the conduct of the Community licence holder, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test, or
- (c) on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a large goods vehicle or passenger-carrying vehicle driver’s licence which shall take effect from such date as the Department may determine.

(3) Where a Community licence holder is disqualified in pursuance of paragraph (1) or (2), the Department must, on receipt of the Community licence and its counterpart (if any), issue to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.

(4) If, while the holder of an LGV Community licence or a PCV Community licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of Article 73A(1)(a) cease to exist in his case, the Department must, on an application made to it for the purpose, remove the disqualification.

(5) Where the holder of an LGV Community licence or a PCV Community licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(6) In this Article “disqualified”—

- (a) in a case where notice is served in pursuance of Article 73A(1) on a Community licence holder on the ground of his conduct as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and
- (b) in a case where notice is served in pursuance of Article 73A(1) on a holder of a PCV Community licence on the ground of his conduct otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.”.

18.—(1) Article 76 (appeals to court of summary jurisdiction) shall be amended as follows.

(2) In paragraph (1)—

- (a) after “driver’s licence” there shall be inserted “or the holder of an LGV Community licence or a PCV Community licence”;
- (b) in sub-paragraph (c), after “Article 74(2)” there shall be inserted “or 74A(2)”; and
- (c) immediately before “may” there shall be inserted “or by a notice served on him in pursuance of Article 73(8) or 73A(1)”.

(3) In paragraph (2), for “paragraph (1)(a) or (b)” there shall be substituted “paragraph (1) (except under sub-paragraph (c) of that paragraph)”.

19. Article 78 (interpretation) shall be amended as follows—

(a) for the definition of “conduct” there shall be substituted—

““conduct” means—

- (a) in relation to an applicant for or the holder of a large goods vehicle driver’s licence or the holder of an LGV Community licence, his conduct as a driver of a motor vehicle, and
- (b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver’s licence or the holder of a PCV Community licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver’s licence or (as the case may be) his authorisation by virtue of Article 15A(1) to drive in Northern Ireland a passenger-carrying vehicle of any class,

including, in either case, such conduct in Great Britain;”;

(b) in the definition of “counterpart”, after “Part II” there shall be inserted “or a Community licence”;

(c) for the definition of “large goods vehicle” there shall be substituted—

““large goods vehicle” means a motor vehicle (not being a medium-sized goods vehicle within the meaning of Part II) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;”;

(d) at the end of the definition of “passenger-carrying vehicle” there shall be inserted “and includes a combination of such a motor vehicle and a trailer”; and

(e) for the words from “and “articulated” ” to the end there shall be substituted “and “permissible maximum weight” has the same meaning as in Part II.”.

- 20.—(1) Article 79A (licensing of drivers of taxis) shall be amended as follows.
- (2) For paragraph 3(a) there shall be substituted—
- “(a) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver’s licence so authorised.”.
- (3) After paragraph (3) there shall be inserted—
- “(3A) For the purposes of paragraph (3)(a) a person is authorised to drive a motor car if—
- (a) he holds a licence granted under Part II (not being a provisional licence) authorising him to drive a motor car, or
- (b) he is authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor car.”.
21. After Article 138 there shall be inserted—

“Meaning of “motor car”

138A.—(1) Notwithstanding Article 3 of the Road Traffic (Northern Ireland) Order 1995⁽⁸⁾, in this Part “motor car” means a motor vehicle (other than an invalid carriage or motor cycle)—

- (a) which is not constructed or adapted to carry more than nine persons inclusive of the driver, and
- (b) which has a maximum gross weight not exceeding 3.5 tonnes.

(2) In paragraph (1) “maximum gross weight” has the same meaning as in Part II.”.

22. In Article 174 (false statements in connection with forgery, etc.) after paragraph (5) there shall be inserted—

“(6) In paragraph (3), “driving licence” means a licence to drive under Part II or a Community licence or counterpart of any such licences and “counterpart” and “Community licence” have the same meanings as in Part II.”.

23. In Article 180 (enforcement powers of constable) after paragraph (7) there shall be inserted—

“(8) In this Article “licence” means a licence to drive under Part II or a Community licence or counterpart of any such licences, and “Community licence”, “counterpart”, and “provisional licence”, have the same meanings as in Part II.”.

24. In Schedule 4 (table of offences etc.)⁽⁹⁾,—

- (a) in the entry for Article 11, in column 2, at the end there shall be inserted “and that Article as applied by Article 15D”;
- (b) after the entry for Article 15(7), there shall be inserted—

“Article 15B(11)	Driving after failure to comply with a requirement under Article 15B(6), (7) or (10).	Summary	A fine of level 3 on the standard scale.
Article 15C(4)	Failure to deliver Community licence to Department	Summary	A fine of level 3 on the standard scale.”;

⁽⁸⁾ S.I. 1995/2994 (N.I. 18)

⁽⁹⁾ As amended by S.I. 1991/197 (N.I. 3) Schedule 4 paragraph 10

when required by
notice under Article
15C.

- (c) in the entry for Article 72, in column 2, for the words “or PCV licence” there shall be substituted “PCV licence or LGV Community licence”;
- (d) after the entry for Article 72, there shall be inserted—

“Article 73A(4)	Failure to deliver LGV or PCV Community licence when required by notice under Article 73A.	Summary	A fine of level 3 on the standard scale.”;
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- (e) in the entry for Article 77(4), in column 2, at the end there shall be inserted “or LGV or PCV Community licence”; and
- (f) in the entry for Article 174(2), in column 2, after “licences ,” there shall be inserted “counterparts of Community licences.”.

SCHEDULE 2

Regulation 4

Minor and Consequential Amendments

Transport Act (Northern Ireland) 1967 (c. 37)

1.—(1) Section 10A (exemption from licensing requirements of certain motor vehicles used under permits)(10) shall be amended as follows.

(2) At the beginning there shall be inserted “(1)”.

(3) For the words from “and a person” onwards there shall be substituted—

“(2) Where a holder of a licence under Part II of the Road Traffic (Northern Ireland) Order 1981 was first granted a licence under that Part before 1st January 1997, he may drive any small bus at a time when it is being used as mentioned in subsection (1), notwithstanding that his licence under that Part does not authorise him to drive a small bus when it is being so used.

(3) Where—

(a) a holder of a licence under Part II of the Road Traffic (Northern Ireland) Order 1981 was first granted a licence under that Part on or after 1st January 1997, or

(b) a Community licence holder is authorised by virtue of Article 15A(1) of that Order to drive in Northern Ireland a motor vehicle of any class,

he may drive any small bus to which subsection (4) applies at a time when it is being used as mentioned in subsection (1), notwithstanding that he is not authorised by his licence under that Part or by virtue of that Article (as the case may be) to drive such a bus.

(4) This subsection applies to any small bus which, when laden with the heaviest load which it is constructed to carry, weighs—

(10) Sections 10A to 10D were inserted by S.I. 1990/994 (N.I. 7) Article 3; section 10A was amended by S.I. 1991/197 (N.I. 3) Schedule 4 paragraph 1

- (a) not more than 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and
 - (b) not more than 4.25 tonnes otherwise.
- (5) In this section—
- “Community licence” has the same meaning as in Part II of the Road Traffic (Northern Ireland) Order 1981, and
 - “small bus” has the same meaning as in sections 10B to 10D.”

Motor Vehicles (International Circulation) Order (Northern Ireland) 1990 (S.R. 1990/190)

- 2.—(1) Article 3 (visitors' driving permits)(11) shall be amended as follows.
- (2) In paragraphs (2) to (4), for the words “a Member State of the European Economic Community”, in each place where they occur, there shall be substituted “an EEA State”.
- (3) In paragraph (7)—
- (a) at the end of the definition of “domestic driving permit” there shall be inserted “but does not include a Community licence (within the meaning of Part II of the Road Traffic (Northern Ireland) Order 1981,”; and
 - (b) after the definition of “dependants” there shall be inserted—
 - ““EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;
 - “EEA State” means a State which is a Contracting Party to the EEA Agreement;”.

The Road Traffic (Amendment) (Northern Ireland) Order 1991 (N.I. 3)

- 3.—(1) Article 7 (compulsory training courses for riders of motor cycles)(12) shall be amended as follows.
- (2) In paragraph (2), for the word “cycle”, there shall be substituted “bicycle”.
- (3) In paragraphs (4) and (5), for the word “cycle”, in each place where it occurs, there shall be substituted “bicycle”.
- (4) In paragraph (7), for the word “cycle”, there shall be substituted “bicycle”.

The Road Traffic (Northern Ireland) Order 1995 (N.I. 18)

- 4.—(1) Article 92 (licensing of motor cyclists) shall be amended as follows.
- (2) In paragraph (1), for sub-paragraph (d), there shall be substituted—
- “(d) shall not authorise a person under the age of 21 years, before he has passed a test of competence to drive a motor bicycle, —
 - (i) to drive a motor bicycle without a sidecar unless it is a learner motor bicycle (as defined in paragraph (5)) or its first use (as defined in regulations) occurred before such date as may be prescribed and the cylinder capacity of its engine does not exceed 125 cubic centimetres, or

(11) Article 3 was amended by S.R. 1991 No. 477

(12) Relevant repeals are made in S.I. 1995/2994 (N.I. 18) Schedule 4

- (ii) to drive a motor bicycle with a sidecar unless its power to weight ratio is less than or equal to 0.16 kilowatts per kilogram.”.
- (3) In paragraph (2)—
- (a) for the word “cycle”, in each place where it occurs, there shall be substituted “bicycle”;
- (b) for paragraphs (b) and (c) there shall be substituted—
- “(b) the maximum net power output of its engine does to exceed 11 kilowatts.”; and
- (c) for paragraph (5A) there shall be substituted—
- “(5A) In this Article—
- “maximum net power output”, in relation to an engine, means the maximum net power output measured under full engine load, and
- “power to weight ratio”, in relation to a motor bicycle with a sidecar, means the ratio of the maximum net power output of the engine of the motor bicycle to the weight of the combination with—
- (a) a full supply of fuel in the tank,
- (b) an adequate supply of other liquids needed for its propulsion, and
- (c) no load other than its normal equipment including loose tools.”.
- (4) In paragraph (3), in sub-paragraph (b)—
- (a) for the words from “he has” to “sidecar” there shall be substituted “he has either passed a test of competence to drive a motor bicycle or attained the age of 21 years, a motor bicycle”, and
- (b) at the end there shall be inserted “or attained that age (as the case may be)”.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Road Traffic (Northern Ireland) Order 1981, certain other Orders, the Transport Act (Northern Ireland) 1967 and the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990 so as to give effect to Council Directive 91/439/EEC of 29th July 1991 on driving licences (O.J. No. L237, 24.8.91, p. 1). The Directive applies, by virtue of Decision 7/94 of the EEA Joint Committee (O.J. L160, 28.6.94, p. 1), to states within the European Economic Area.

The principal changes made are as follows—

- holders of driving licences issued by states within the EEA (called “Community licences”) who become resident in Northern Ireland are authorised to drive here without the need to exchange their licences for Northern Ireland ones within a year of taking up residence; the right to exchange, however, is not removed and, where necessary for the purpose of applying Northern Ireland legislative provisions as to periods of validity, standards of health and fitness and driving disqualification, exchange of licences is made mandatory;
- a Community licence held by a Northern Ireland resident is valid for the same period as an equivalent Northern Ireland licence unless it would have expired earlier had the holder

remained in the state of issue or would otherwise have been invalid in that state (in which case its validity is governed by the law of that state);

- resident Community licence holders are made subject to the same standards of health and fitness and the same regime of medical checks as persons holding Northern Ireland licences;
- resident Community licence holders who hold licences entitling them to drive large goods and passenger-carrying vehicles are made subject to the drivers' conduct regime of Part V of the Road Traffic (Northern Ireland) Order 1981;
- resident Community licence holders who hold licences entitling them to drive certain classes of goods and passenger-carrying vehicles are required to submit to the Department details of their driving entitlement and other information within a year of becoming resident; other resident Community licence holders may submit such details if they choose;
- provision is made, by amendment of the Road Traffic (Northern Ireland) Order 1981 and by modification of the Department's regulation-making powers under that Order for—
 - (i) the recategorisation of vehicles for licensing purposes, and
 - (ii) changes in the minimum age limit for driving motor cycles;
- the right to the issue of a Northern Ireland driving licence is restricted to persons normally resident in Northern Ireland or, in some cases, in the United Kingdom;
- the benefit of certain statutory provisions, such as the right to be licensed to drive a taxi or to drive small buses for charitable and similar purposes is extended to holders of Community licences who are authorised to drive motor cars.

Copies of the EEC Directive referred to in this note can be obtained from Her Majesty's Stationery Office, 16 Arthur Street, Belfast.