
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 542

**Motor Vehicles (Driving Licences)
Regulations (Northern Ireland) 1996**

Part I

Preliminary

Citation and commencement

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

- (a) for the purpose of regulations 17 to 25 and Schedule 4 and for enabling persons to apply for tests on 2nd December 1996;
- (b) for the purposes of regulation 27(2)(a)(ii) and (4)(b) and Schedule 5, on 1st March 1997;
- (c) for all other purposes on 1st January 1997.

Interpretation

2.—(1) In these Regulations—

“the 1995 Order” means the Road Traffic (Northern Ireland) Order 1995(1);

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

- (a) is constructed or adapted for use under such control; or
- (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it,

“dual purpose vehicle” means a motor vehicle which is constructed or adapted both to carry or haul goods and to carry more than 8 persons in addition to the driver;

“exempted goods vehicle” and “exempted military vehicle” have the meanings respectively given in regulation 40;

“full”, in relation to a licence of any class, means such a licence granted otherwise than as a provisional licence;

“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 equivalent to Part II of the Order but does not include such a licence in so far as it authorises a person to drive large goods vehicles or passenger-carrying vehicles of any category;

“heavy goods vehicle” has the same meaning assigned to “large goods vehicle” in Article 78 of the Order(2);

(1) [S.I. 1995/2994 \(N.I. 18\)](#)

(2) Article 78 was substituted by [S.I. 1991/197 \(N.I. 3\)](#) Schedule 3

“incomplete large vehicle” means—

- (a) an incomplete motor vehicle, typically consisting of a chassis and a complete or incomplete cab, which is capable of becoming, on the completion of its construction, a medium-sized or large goods vehicle or a passenger-carrying vehicle; or
- (b) a vehicle which would be an articulated goods vehicle but for the absence of a fifth-wheel coupling;

“LGV trainee driver’s licence” has the meaning given in regulation 43;

“maximum authorised mass” has the same meaning—

- (a) in relation to goods vehicles as “permissible maximum weight” in Article 19D of the Order; and
- (b) in relation to any other vehicle or trailer as “maximum gross weight” in regulation 2(1) of the Construction and Use Regulations;

“maximum design speed” means the speed which the vehicle is incapable, by reason of its construction, of exceeding on the level under its own power when fully laden;

“maximum net power output” has the same meaning as in Article 13(5A) of the Order⁽³⁾;

“mobile project vehicle” means a vehicle which has a maximum authorised mass exceeding 3.5 tonnes, is constructed or adapted to carry not more than 8 persons in addition to the driver and carries principally goods or burden consisting of—

- (a) play or educational equipment for children and articles required in connection with the use of such equipment; or
- (b) articles required for the purposes of display or of an exhibition,

and the primary purpose of which is use as a recreational, education or instructional facility when stationary;

“ordinary driving licence” means a licence to drive a motor vehicle granted under Part II of the Order other than a large goods vehicle or passenger-carrying vehicle driver’s licence;

“passenger-carrying vehicle recovery vehicle” means a vehicle (not being an articulated goods vehicle combination) which—

- (a) has an unladen weight not exceeding 10.2 tonnes;
- (b) is being operated by the holder of a road service licence; and
- (c) is being used for the purpose of—
 - (i) proceeding to, or returning from, a place where assistance is to be, or has been, given to a damaged or disabled passenger-carrying vehicle; or
 - (ii) giving assistance to or moving a disabled passenger-carrying vehicle or moving a damaged vehicle;

“power to weight ratio” has the same meaning as in Article 13(5) of the Order;

“practical test” means, where a test is by virtue of these Regulations to be conducted in two parts, the part that consists of the practical test of driving skills and behaviour;

“propelled by electrical power”, in relation to a motor vehicle, means deriving motive power solely from an electrical storage battery carried on the vehicle and having no connection to any other source of power when the vehicle is in motion;

“road service licence” has the same meaning as in section 4(1) of the Transport Act (Northern Ireland) 1967⁽⁴⁾;

⁽³⁾ Article 13(5) and (5A) where substituted by S.I. 1995/2994 (N.I. 18) Article 92 (prosp.)

⁽⁴⁾ 1967 c. 37 (N.I.)

“relevant endorsement” means an endorsement on a Great Britain ordinary driving licence or its counterpart particulars of a conviction in pursuance of those provisions for the time being in force in Great Britain that correspond to Article 197 of the Order;

“test” means any test of competence to drive conducted pursuant to Article 5 of the Order;

“the Construction and Use Regulations” means the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989⁽⁵⁾;

“the Order” means the Road Traffic (Northern Ireland) Order 1981;

“theory test” means, where a test is by virtue of these Regulations to be conducted in two parts, the part that consists of the theoretical test;

“unitary test” means a test which, by virtue of these Regulations, is to consist of a practical test of driving skills and behaviour;

“unladen weight” has the same meaning as in regulation 2(1) of the Construction and Use Regulations and, in the case of a vehicle propelled by electrical power, any weight attributable to its batteries;

“vehicle with automatic transmission” means a class of vehicle in which either—

- (a) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes; or
- (b) he is provided with such means but they do not consist of a clutch pedal or lever which he may operate manually,

(and accordingly a vehicle with manual transmission is any other class of vehicle);

(2) In these Regulations—

- (a) a reference to a licence being in force is a reference to it being in force in accordance with Article 15 of the Order, save that for the purposes of these Regulations a licence shall be regarded as remaining in force notwithstanding that it is—
 - (i) surrendered or revoked pursuant to Article 15(5) or (6) of the Order, or
 - (ii) treated as having no effect by virtue of Article 194(4) of the Order; and
- (b) a reference to the expiry of a licence is a reference to the time at which it ceases to be so in force (to the extent that “expired” shall be construed accordingly).

(3) For the purposes of Article 13(3)(d) of the Order⁽⁶⁾ and these Regulations the date of first use of a motor bicycle means—

- (a) except in a case to which sub-paragraph (b) applies, the date on which it was first registered under the Roads Act 1920⁽⁷⁾, the Vehicles (Excise) Act 1949⁽⁸⁾, the Vehicles (Excise) Act (Northern Ireland) 1954⁽⁹⁾, the Vehicles (Excise) Act 1962⁽¹⁰⁾, the Vehicles (Excise) Act 1971⁽¹¹⁾, the Vehicles (Excise) Act (Northern Ireland) 1972⁽¹²⁾, or the Vehicle Excise and Registration Act 1994⁽¹³⁾, the date on which it was first so registered; and
- (b) in the case of a motor bicycle which was used in any of the following circumstances before the date on which it was first registered namely—

⁽⁵⁾ S.R. 1989 No. 299 to which there are amendments not relevant to these Regulations

⁽⁶⁾ Article 13(3)(d) was inserted by S.I. 1995/2994 (N.I. 18) Article 92 (prosp.)

⁽⁷⁾ 1920 c. 72

⁽⁸⁾ 1949 c. 89

⁽⁹⁾ 1954 c. 17 (N.I.)

⁽¹⁰⁾ 1962 c. 13

⁽¹¹⁾ 1971 c. 10; this Act was extended to Northern Ireland by section 10 of the Finance Act 1991 c. 31

⁽¹²⁾ 1972 c. 10 (N.I.)

⁽¹³⁾ 1994 c. 22

- (i) where the bicycle was used under a trade licence as defined in section 11 of the Vehicle Excise and Registration Act 1994, otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof, or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement,
 - (ii) where the bicycle belonged to the Crown and which is or was used or appropriated for use for naval, military or air force purposes,
 - (iii) where the bicycle belonged to a visiting force or a headquarters or defence organisation to which in each case the Visiting Forces and International Headquarters (Application of Law) Order 1965(14) applied,
 - (iv) where the bicycle has been used on roads outside Northern Ireland and was imported into Northern Ireland, and
 - (v) where the bicycle has been used otherwise than on roads after being sold or supplied by retail and before being registered,
- the date of manufacture of the bicycle.

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

Part II

Licences

Categories of entitlement

Classification of vehicles

3.—(1) Subject to regulation 4, the Department shall grant licences authorising the driving of motor vehicles in accordance with the categories and sub-categories specified in column (1) and defined in column (2) of Schedule 1 and those categories and sub-categories are designated as groups for the purposes of Article 5(1)(b) and 6(4)(a) of the Order.

(2) In these Regulations, expressions relating to vehicle categories have the following meanings—

- (a) any reference to a category or sub-category identified by letter, number or word or by a combination thereof is a reference to the category or sub-category defined in column (2) of Schedule 1 opposite that letter or combination in column (1);
- (b) “sub-category” means, in relation to category A, B, C, C + E, D or D + E, a class of vehicles comprising part of the category and identified as a sub-category thereof in column (2) of Schedule 1; and
- (c) unless the context otherwise requires, a reference to a category includes a reference to sub-categories of that category.

Classes for which licences may be granted

4.—(1) A licence authorising the driving of motor vehicles of a class included in any category or sub-category mentioned in Part I of Schedule 1 may be granted to a person who is entitled thereto by virtue of—

- (a) holding or having held a full licence, a full Great Britain licence, full British external licence, full British Forces licence, exchangeable licence or Community licence authorising the driving of vehicles of that class; or
- (b) having passed a test authorising the driving of motor vehicles of that class or a Great Britain or Gibraltar test corresponding to such a test.

(2) A licence authorising the driving of motor vehicles of a class included in any category or sub-category mentioned in Part 2 of Schedule 1 may not be granted to a person unless, at a time before 1st January 1997—

- (a) in the case of an application for a full licence—
 - (i) he held a full licence authorising the driving of vehicles of a class included in that category, or
 - (ii) he passed a test which at the time it was passed authorised the driving of motor vehicles of that class or a Great Britain test corresponding to such a test;
- (b) in the case of an application for a provisional licence, he held a provisional licence authorising the driving of vehicles of a class included in that category.

Competence to drive classes of vehicle

5.—(1) Where a person holds, or has held, a licence authorising him to drive vehicles of a class included in any category or, as the case may be, sub-category he is deemed competent to drive—

- (a) vehicles of all classes included in that category or sub-category unless by that licence he is or was authorised to drive—
 - (i) only motor vehicles of a specified class within that category or sub-category, in which case he shall be deemed competent to drive only vehicles of that class,
 - (ii) invalid carriages, in which case he shall be deemed competent to drive only invalid carriages,
 - (iii) only motor vehicles adapted on account of a disability, in which case he shall be deemed competent to drive only such classes of vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability); and
- (b) all classes of vehicle included in any other category or sub-category which is specified in column (3) of Schedule 1 as an additional category or sub-category in relation to that category or sub-category unless by that licence he is or was authorised to drive—
 - (i) only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive only such classes of motor vehicle included in the additional category or sub-category as have automatic transmission,
 - (ii) only invalid carriages, in which case he shall be deemed competent to drive only invalid carriages,
 - (iii) only motor vehicles adapted on account of a disability, in which case he shall be deemed competent to drive only such classes of vehicle included in the additional category or sub-category as are so adapted.

(2) A person who has held a full licence to drive vehicles in category C for a period of at least 2 years may also drive a motor vehicle of a class included in category D which is—

- (a) being operated by the holder of a road service licence; and
- (b) not being used for the carriage of any person who is not connected with the holder of that licence,

and is either—

- (i) damaged or defective and being driven to a place of repair, or
- (ii) being road tested following repair.

(3) A person who holds a full licence to drive vehicles in category C, may also drive a dual purpose vehicle if—

- (a) he is a member of the armed forces of the Crown; and
- (b) the vehicle is—
 - (i) adapted to carry not more than 36 persons in addition to the driver, and
 - (ii) used to carry passengers for naval, military or air force purposes.

(4) A person who is a holder of a full passenger-carrying vehicle driver's licence may drive a passenger-carrying vehicle recovery vehicle unless by that licence he is or was authorised to drive only passenger-carrying vehicles having automatic transmission, in which case he shall be deemed competent to drive only such passenger-carrying vehicle recovery vehicles as have automatic transmission.

(5) A person may drive an incomplete large vehicle if he holds a licence authorising the driving of motor vehicles of a class included in category B (except a licence authorising only the driving of vehicles in sub-category B1 and B1 (invalid carriages)) unless by that licence he is authorised to drive only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive only such incomplete large vehicles as have automatic transmission.

(6) A person who is the holder of a full licence authorising the driving of vehicles of a class included in category B (except a licence authorising only the driving of vehicles in sub-category B1 and B1 (invalid carriages)) may drive—

- (a) an exempted goods vehicle, other than a passenger-carrying vehicle recovery vehicle; and
- (b) an exempted military vehicle,

unless by that licence he is authorised to drive only motor vehicles having automatic transmission, in which case he shall be deemed competent to drive only such vehicles as have automatic transmission.

(7) A person who—

- (a) is the holder of a full licence authorising the driving of vehicles of a class included in category B (except a licence authorising only the driving of vehicles in sub-category B1 or B1 (invalid carriages));
- (b) has held that licence for an aggregate period of not less than 2 years;
- (c) is aged 21 or over,

may drive a mobile project vehicle on behalf of a non-commercial body—

- (i) to or from the place where the equipment it carries is to be, or has been, used, or the display or exhibition is to be, or has been, mounted,
- (ii) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied,
- (iii) in such circumstances that by virtue of paragraph 22 of Schedule 2 to the Vehicle Excise and Registration Act 1994 the vehicle is not chargeable with duty in respect of its use on public roads,

unless by that licence he is or was authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only such mobile project vehicles as have automatic transmission.

(8) A person who—

- (a) is the holder of a full licence authorising the driving of vehicles of a class included in category B (except a licence authorising only the driving of vehicles in sub-category B1 or B1 (invalid carriages));
- (b) has held that licence for an aggregate period of not less than 2 years;
- (c) is aged 21 or over; and
- (d) receives no payment or consideration for so doing, other than out-of-pocket expenses,

may drive, on behalf of a non-commercial body for social purposes but not for hire or reward, a vehicle of a class included in sub-category D1 which has no trailer attached and has a maximum authorised mass—

- (i) not exceeding 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and
- (ii) not exceeding 4.25 tonnes otherwise,

unless by that licence he is or was authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only vehicles included in sub-category D1 having automatic transmission.

(9) A person who is a holder of a full licence authorising the driving of vehicles of a class included in category B (except a licence authorising only the driving of vehicles in sub-category B1 or B1 (invalid carriages)) may drive a vehicle of a class included in category B + E where—

- (a) the trailer consists of a vehicle which is damaged or defective and is situated in such a position as to represent a road safety hazard or obstruction to other road users; and
- (b) the vehicle is driven only so far as is reasonably necessary in the circumstances to remove the hazard or obstruction,

unless by that licence he is authorised to drive only vehicles having automatic transmission, in which case he shall be deemed competent to drive only such vehicles as have automatic transmission.

Minimum ages for holding or obtaining licences

Minimum ages for holding or obtaining licences

6.—(1) Paragraph (1) of Article 17 of the Order⁽¹⁵⁾ (which specifies the minimum age for holding or obtaining a licence to drive certain classes of motor vehicles) shall have effect as if for the classes of vehicle and the ages specified in the table there were substituted classes of vehicle and ages in accordance with the following provisions.

(2) In item 4 (agricultural and forestry tractors), in the case of an agricultural or forestry tractor which—

- (a) is so constructed that the whole of its weight is transmitted to the road surface by means of wheels;
- (b) has an overall width not exceeding 2.45 metres;
- (c) is driven either—
 - (i) without a trailer attached to it, or

(15) Article 17(1) was substituted by S.R. 1996 No. 426 Schedule 1 paragraph 10

- (ii) with a trailer which has an overall width not exceeding 2.45 metres and is either a two-wheeled or close-coupled four-wheeled trailer; and
 - (d) is driven on any road other than a special road within the meaning of the Roads (Northern Ireland) Order 1993⁽¹⁶⁾,
- the age of 16 is substituted for the age of 17 in the case of a person who has passed a test prescribed in respect of category F, but in the case of a person who has not passed the test of competence to drive such a tractor, only while—
- (A) taking, proceeding to or returning from such a test; or
 - (B) engaged in the course of agricultural operations on any road which is not a road where the maximum speed limit under Article 50 of the Order is 30 miles per hour or less.
- (3) In item 5 (small vehicles), the age of 16 is substituted for the age of 17 in the case of—
- (a) a person to whom an award of the higher rate component of the disability living allowance has been made in pursuance of section 73 of the Social Security Contributions and Benefits Act (Northern Ireland) 1992⁽¹⁷⁾ (whether before or after his 16th birthday) which is still in force; and
 - (b) a small vehicle driven without a trailer attached.
- (4) In item 6 (medium sized goods vehicles), the age of 21 is substituted for the age of 18 in the case of a vehicle drawing a trailer where the maximum authorised mass of the combination exceeds 7.5 tonnes.
- (5) In item 7 (other vehicles, including large goods and passenger-carrying vehicles), the age of 18 is substituted for the age of 21 in the case of a person employed by a Health and Social Services Board or by the Eastern Ambulance Service Health and Social Services Trust when driving a vehicle for the purposes of an ambulance service of such a Board or that Trust.
- (6) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor 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 motor vehicle and its load, for other similar purposes or for police purposes.
- (7) In item 7, the age of 18 is substituted for the age of 21 in the case of a motor vehicle and trailer combination which is in sub-category C1 + E and the maximum authorised mass of the combination does not exceed 7.5 tonnes.
- (8) In item 7, the age of 18 is substituted for the age of 21 in the case of a person who is a registered employee of a registered employer, in relation to a large goods vehicle which is—
- (a) of a class to which the training agreement applies; and
 - (b) owned and operated by his employer or by a registered LGV training establishment.
- (9) In item 7, the age of 18 is substituted for the age of 21 in relation to a passenger-carrying vehicle where—
- (a) the driver of the vehicle holds a provisional licence authorising the driving of the vehicle and is not engaged in the carriage of passengers; or
 - (b) the driver holds a full passenger-carrying vehicle driver's licence and—
 - (i) is engaged in the carriage of passengers on a regular service over a route which does not exceed 50 kilometres, or
 - (ii) where he is not so engaged, is driving a vehicle of a class included in sub-category D1,

⁽¹⁶⁾ S.I. 1993/3160 (N.I. 15)

⁽¹⁷⁾ 1992 c. 7 (N.I.)

and the vehicle is operated under a road service licence granted under section 4 of the Transport Act (Northern Ireland) 1967(18) or a permit granted under section 10B of that Act.

(10) In items 6 and 7, the age of 17 is substituted for the ages of 18 and 21 respectively in the case of—

- (a) motor vehicles owned or used by or for any service of the Crown; or
- (b) persons driving such vehicles.

(11) In this regulation—

- (a) for the purposes of paragraph (2)—
 - (i) any implement fitted to a tractor shall be deemed to form part of the tractor notwithstanding that it is not a permanent or essentially permanent fixture, and in that paragraph,
 - (ii) “close-coupled”, in relation to wheels on the same side of a trailer, means fitted to that at all times while the trailer is in motion the wheels remain parallel to the longitudinal axis of the trailer and that the distance between the centres of their respective areas of contact with the road surface does not exceed 840 millimetres, and
 - (iii) “overall width”, in relation to a vehicle, means the width of the vehicle measured between vertical planes parallel to the longitudinal axis of the vehicle and passing through the extreme projecting points thereof exclusive of any driving mirror and so much of the distortion of any tyre as is caused by the weight of the vehicle;
- (b) in paragraph (5) “ambulance service” means the carriage of persons to or from a place where they will receive or have received medical or dental treatment, in a vehicle constructed or adapted for such use; and
- (c) for the purposes of paragraph (8), “registered” and “training agreement” have the meanings respectively given in regulation 43.

Applications for licences

Application for the grant of licences: general

7.—(1) The Department may consider an application for the grant of a licence before the date on which the grant of the licence is to take effect if the application is received by it—

- (a) in the case of an application for a Group 2 licence, during the period of 3 months ending on that date;
- (b) in any other case, during the period of 2 months ending on that date,

and may during such period grant the licence so that it takes effect on that date.

(2) For the purposes of paragraphs (1)(f) and (1A)(b) of Article 5 of the Order(19) the holder of an exchangeable licence satisfies the relevant residence requirement if he has been normally resident in Northern Ireland for a period of not more than five years.

(3) An applicant for a licence who before the licence is granted is required to satisfy the Department that he has passed a test shall at the time when he applies for the licence deliver to the Department, in support of that application—

- (a) a certificate furnished under regulation 37(1)(a);

(18) 1967 c. 37 (N.I.); section 10B was inserted by S.I. 1990/994 (N.I. 7) Article 3

(19) Article 5(1A) was inserted by S.R. 1996 No. 426 Schedule 1 paragraph 2

- (b) a certificate corresponding to the certificate mentioned in sub-paragraph (a) furnished under the law of Great Britain;
 - (c) where paragraph (2) of regulation 30 applies, certificates furnished under regulations 36(2) (a) and 37(2) in accordance with regulation 30(3); or
 - (d) certificates corresponding to the certificates mentioned in sub-paragraph (c) furnished under the law of Great Britain.
- (4) A person may not present a certificate in support of an application as evidence that he has passed—
- (a) a test, a theory test or a practical test; or
 - (b) a test corresponding to any of those tests conducted under the law of Great Britain,
- if the applicant took the test in respect of which the certificate was issued at a time when he was ineligible, by virtue of an enactment contained in the Order or these Regulations or a corresponding provision of the law of Great Britain, to take the test to which the certificate relates.
- (5) Subject to paragraph (6) an application for the grant of a licence shall be accompanied by—
- (i) one clear unmounted facial photograph of the applicant of recent date, approximately 40 millimetres × 35 millimetres in size and endorsed on the back with the applicant’s name and address, and
 - (ii) the appropriate fee as prescribed in regulation 10.
- (6) A licence may be granted to a member of the naval, military or air forces of Her Majesty without requiring him to furnish a photograph but such licence shall permit him to drive or ride a motor vehicle only when he is on duty and the motor vehicle is the property of the Crown.
- (7) An applicant for a Group 2 licence shall, if required to do so by the Department, send in support of his application a report (in such form as the Department may require) signed by a qualified medical practitioner, prepared and dated not more than 4 months prior to the date on which the licence is to take effect, for the purpose of satisfying the Department that he is not suffering from a relevant or prospective disability.
- (8) In this regulation, “Group 2 licence” has the meaning given in regulation 48.

Eligibility to apply for provisional licence

- 8.—**(1) Subject to the following provisions, an applicant for a provisional licence authorising the driving of motor vehicles of a class included in a category or sub-category specified in column (1) of the table must hold a relevant full licence authorising the driving of vehicles of a class included in the category or sub-category specified in column (2) in relation to the first category.
- (2) Paragraph (1) shall not apply in the case of an applicant who is a full-time member of the armed forces of the Crown.
- (3) For the purposes of paragraph (1), a licence authorising the driving only of vehicles in sub-categories D1 (not for hire or reward), D1 + E (not for hire or reward) and C1 + E (8.25 tonnes) shall not be treated as a licence authorising the driving of motor vehicles of a class included in sub-categories D1, D1 + E and C1 + E.
- (4) In this regulation, “relevant full licence” means a full licence granted under Part II of the Order, a full Great Britain licence, a full British external licence, a full British Forces licence, an exchangeable licence or a Community licence.

TABLE

Column (1) Category of licence applied for	Column (2) Category of full licence required
B + E	B
C	B
C1	B
D	B
D1	B
C1 + E	C1
C + E	C
D1 + E	D1
D + E	D
G	B
H	B

Restrictions on the grant of large goods and passenger-carrying vehicle driver's licences

9.—(1) An applicant for a large goods or passenger-carrying vehicle driver's licence shall not, subject to paragraph (2), be granted a licence if, at the date from which the licence applied for is to take effect, any—

- (a) large goods or passenger-carrying vehicle driver's licence held by him is suspended; or
- (b) Great Britain large goods or passenger-carrying vehicle driver's licence held by him is suspended,

under Article 73 of the Order or, as the case may be, under the provision of the law for the time being in force in Great Britain corresponding to that Article.

(2) A person may apply for a large goods vehicle driver's licence notwithstanding that, at the date from which the licence applied for is to take effect, any passenger-carrying vehicle driver's licence held by him is suspended and such suspension relates to his conduct other than as a driver of a motor vehicle.

(3) An applicant for an LGV trainee driver's licence—

- (a) must be a registered employee of a registered employer within the meaning of regulation 43;
- (b) must not be a person who—
 - (i) has been convicted (or is to be treated as if he had been convicted) of an offence by virtue of which he has incurred any further relevant endorsements, or
 - (ii) has at any time been disqualified by a court for holding or obtaining a licence or by a court in Great Britain for holding or obtaining a Great Britain licence; and
- (c) must satisfy the Department that he holds a Certificate of Professional Competence issued by the Road Haulage and Distribution Training Council stating that the applicant has completed a course of induction training in the driving of goods vehicles which meets the requirements of Council Directive [76/914/EEC](#)(20).

Fees for licences

10.—(1) An applicant for a licence shall pay a fee (if any) determined in accordance with paragraph (2).

(2) The fee payable upon an application for a licence shall, in the case of a licence of a description, and (as the case may be) in the circumstances, specified in column (1) of the table set out in Schedule 2, be the fee specified in relation to that licence in column (2).

Provisional licences

Provisional licences: interpretation

11.—(1) In regulations 12 and 13—

“provisional licence”, in relation to a class of vehicles, includes a full licence which is treated, by virtue of Article 14 of the Order, as authorising its holder to drive vehicles of that class as if he held a provisional licence therefor;

“qualified driver” means—

- (a) in the case of the supervision of the driver of a motor vehicle of a class included in category B, other than a vehicle in sub-category B1, by a person whose licence is limited by virtue of a notice served under Article 9(5)(b) of the Order to vehicles of a particular class, a person who holds a full licence authorising him to drive a vehicle of a class included in category B, other than a vehicle in sub-category B1, and who would in an emergency be able to take control of the steering and braking functions of that vehicle;
- (b) in any other case, a person who holds—
 - (i) a full licence (other than an LGV trainee driver’s licence),
 - (ii) a full Great Britain licence, or
 - (iii) a Community licence,

authorising him to drive a motor vehicle of the same class as the vehicle being driven by the holder of the provisional licence, and who is either—

- (A) at least 21 years of age and has (unless paragraph (2) applies) held the licence referred to above for an aggregate period of 3 years or more, or
- (B) a member of the armed services of the Crown acting in the course of his duties for naval, military or air force purposes.

(2) In the case of the supervision of a driver of a large goods or passenger-carrying vehicle of any class, it shall not be a requirement that he shall have held the licence for an aggregate period of 3 years or more.

Conditions attached to provisional licences

12.—(1) Subject to the following paragraphs, the holder of a provisional licence shall comply with the following conditions in relation to motor vehicles of a class which he is authorised to drive by virtue of the provisional licence, that is to say he shall not drive or ride such a motor vehicle—

- (a) otherwise than under the supervision of a qualified driver who is present with him in or on the vehicle;
- (b) unless a distinguishing mark in the form set out in Part 1 of Schedule 3 is displayed on the vehicle in such manner as to be clearly visible to other persons using the road from within a reasonable distance from the front and from the back of the vehicle; or
- (c) while it is being used to draw a trailer.

(2) The condition specified in paragraph (1)(a) shall not apply when the holder of the provisional licence—

- (a) is driving a motor vehicle of a class included in sub-category B1 or B1 (invalid carriages) or in category F, G or H which is constructed to carry only one person and not adapted to carry more than one person;
- (b) is riding a moped or a motor bicycle with or without a side-car.

(3) The condition specified in paragraph (1)(b) shall not apply when the holder of the provisional licence is driving a motor vehicle and a distinguishing mark in the form set out in Part 2 of Schedule 3 is displayed on the motor vehicle in the manner described in paragraph (1)(b).

(4) The condition specified in paragraph (1)(c) shall not apply when the holder of the provisional licence is driving a vehicle of a class included in category B + E, C + E, D + E or F, in relation to motor vehicles of that class.

(5) The holder of a provisional licence authorising the driving of—

- (a) a moped; or
- (b) a motor bicycle with or without a side-car,

shall not drive such a vehicle while carrying on it another person.

(6) The holder of a passenger-carrying vehicle driver's provisional licence shall not drive a vehicle which he is authorised to drive by that licence while carrying any passenger in the vehicle other than—

- (a) the person specified in paragraph (1)(a); or
- (b) a person who holds a passenger-carrying vehicle driver's licence and either is giving or receiving instruction in the driving of passenger-carrying vehicles, or has given or received or is to give or receive, such instruction.

(7) The conditions specified in paragraphs (1)(a) and (6) shall not apply when the holder of the provisional licence is undergoing a test.

(8) The conditions specified in paragraphs (1), (5) and (6) shall not apply in relation to the driving of motor vehicles of a class in respect of which the provisional licence holder has been furnished with a certificate under regulation 37(1)(a) or, as the case may be, certificates under regulations 36(2)(a) and 37(2) stating that he has passed a test for the grant of a licence authorising him to drive vehicles of that class.

(9) In the case of an LGV trainee driver's licence, this regulation shall apply as modified by regulation 43.

Conditions attached to provisional licences: holders of driving permits other than licences granted under Part II of the Order

13. A holder of a provisional licence authorising the driving of vehicles of any class who also holds a permit by virtue of which he is at any time—

- (a) treated, by virtue of regulation 55, as the holder, for the purposes of Article 3 of the Order, of a licence authorising the driving of vehicles of that class; or
- (b) entitled, pursuant to Article 3(1) of the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990(21), to drive motor vehicles of that class,

need not comply with regulation 12 at that time.

Full licences not carrying provisional entitlement

14.—(1) Article 14(2) shall not apply to a licence—

- (a) which authorises the driving only of motor vehicles adapted on account of a disability, whether pursuant to an application in that behalf made by the holder of the licence or pursuant to a notice served under Article 9(5)(b) of the Order;
- (b) in so far as it authorises its holder to drive vehicles of a class included in category B + E, C + E, D + E, K or P or sub-category B1 (invalid carriages), C1, C1 + E, C1 + E (8.25 tonnes), D1 (not for hire or reward), D1 + E or D1 + E (not for hire or reward).

(2) Subject to the following provisions, the holder of a full licence authorising him to drive motor vehicles of a class included in a category or sub-category specified in column (1) of the table may drive—

- (a) in the case where the full licence authorises only the driving of vehicles with automatic transmission, motor vehicles of all classes included in that category or sub-category which have manual transmission; and
- (b) motor vehicles of all classes included in a category or sub-category specified in relation to that category or sub-category, in column (2) of the Table,

as if he were authorised by a provisional licence to do so and the application of Article 14(2) of the Order to those classes of vehicle is limited accordingly.

(3) In the case of a provisional large goods vehicle driver's licence, this regulation shall apply as modified by regulation 43.

TABLE

Column (1) Full licence held	Column (2) Provisional entitlement included
A1	A, B, F and K
A	B and F
B1	A, B and F
B	A, B + E, G and H
C	C1 + E, C + E
D1	D1 + E
D	D1 + E, D + E
F	B and P
G	H
H	G

Miscellaneous

Signature of licences

15. Every person to whom a licence is granted shall forthwith sign it in ink with his usual signature.

Lost or defaced licences

16.—(1) If the holder of a licence—

(a) satisfies the Department that—

(i) the licence or its counterpart has been lost or defaced; and

(ii) the holder is entitled to continue to hold the licence; and

(b) pays the fee prescribed by regulation 10,

the Department shall, on surrender of any licence or counterpart that has not been lost, issue to him a licence in place of the licence or its counterpart and shall endorse upon the counterpart any particulars endorsed upon the original licence or counterpart, as the case may be, and the replacement so issued shall have the same effect as the originals.

(2) If at any time while a replacement licence is in force the original licence is found, the person to whom the original licence was issued, if it is in his possession, shall return it to the Department, of if it is not in his possession, but he becomes aware that it is found, shall take all reasonable steps to take possession of it and if successful shall return it as soon as may be practicable to the Department.

(3) The obligation in paragraph (2) shall apply in respect of the counterpart of a licence as if for the words “original licence” in each place where they occur there were substituted the words “original counterpart”.

Part III

Tests of Competence to Drive

Preliminary

Interpretation of Part III

17. In this Part—

“applicant” means an individual making an application for an appointment for a test or a part of a test with a view to taking the test or that part thereof himself;

“appointed person” means a person appointed by the Department to conduct theory tests under regulation 19(1)(a);

“examiner” means a person appointed by the Department to conduct practical or unitary tests;

“working day” means a day other than a Saturday, Sunday or public holiday.

Appointment of persons to conduct tests

Persons by whom practical and unitary tests may be conducted

18.—(1) Practical and unitary tests may be conducted by any of the following persons—

(a) an examiner;

(b) the Secretary of State for Defence, in so far as concerns the testing of persons in the public service of the Crown under his department;

(c) the Chief Constable of the Royal Ulster Constabulary, in so far as concerns the testing of—

(i) members of a police force; or

(ii) persons employed, or to be employed, in the driving of motor vehicles for police purposes;

(d) a person authorised with the approval of the Department by a person specified in paragraph (b) or (c), to conduct tests on his behalf.

(2) No person shall be eligible to appoint any person to conduct practical or unitary tests under the provisions of sub-paragraphs (b), (c), or (d), of paragraph (1) unless, following an application made to the Department for the purpose of any of those sub-paragraphs, the Department is satisfied that—

(a) proper arrangements will be made by that person, for the conduct of tests in accordance with these Regulations; and

(b) proper records of such tests and the results thereof will be kept by him or them,

and has granted its approval in writing, subject to such conditions as it thinks fit to impose.

(3) No person appointed under the provisions of sub-paragraph (b), (c), or (d), of paragraph (1) may conduct tests unless the Department has given its approval in writing to his appointment and such approval shall be granted only if the Department is satisfied that the person is capable of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

(4) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

Persons by whom theory tests may be conducted

19.—(1) Theory tests may be conducted by—

(a) an appointed person;

(b) the Department, in so far as concerns the testing of persons in the public service of the Crown;

(c) the Secretary of State for Defence, in so far as concerns the testing of persons in the public service of the Crown;

(d) subject to the approval of the Department, a person appointed by the Secretary of State for Defence to conduct theory tests on his behalf.

(2) An appointment made under paragraph (1)(a) may be made subject to such conditions as are, in the opinion of the Department, reasonably necessary in the general interests of candidates and where an appointed person fails to comply with such a condition the Department may appoint another person to carry out theory tests in substitution for that person notwithstanding that the first appointment has not been revoked.

(3) No person shall be eligible to appoint any person to conduct theory tests under the provisions of sub-paragraphs (c) or (d) of paragraph (1) unless, following an application made to the Department for the purpose of either of those sub-paragraphs, the Department is satisfied that—

(a) proper arrangements will be made by that person, or by the members of that class, for the conduct of tests in accordance with these Regulations; and

(b) proper records of such tests and the results thereof will be kept by him or them,

and has granted approval in writing, subject to such conditions as it thinks fit to impose.

(4) No person may be appointed under the provisions of paragraph (c) or (d) of paragraph (1) unless the person making the appointment has appointed a person to conduct practical tests under the provisions of regulation 18(1) and the Department has approved that appointment.

(5) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

(6) No person appointed by virtue of sub-paragraph (c) or (d) of paragraph (1) may conduct tests unless the Department has given its approval in writing to his appointment and such approval shall be granted only if the Department is satisfied that the person is capable of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

Revocation of authority to conduct tests

20.—(1) The Department may revoke—

- (a) an appointment made under regulation 19(1)(a); or
- (b) an approval given under regulation 18(1)(d) or 19(1)(d),

by notice in writing and the authority of the person whose appointment is revoked or whose approval is withdrawn to conduct theory tests or, as the case may be, to appoint other persons to conduct unitary, practical or theory tests, shall cease upon the date specified in the notice.

(2) Where a person has his appointment revoked or if an approval given in respect of him under regulation 18(3) or 19(3) is withdrawn, that person shall immediately return to the Department all forms of pass certificates supplied by him under regulation 36(8) which he still holds.

Applications for tests

Applications for practical and unitary tests

21.—(1) An applicant wishing to take a practical or unitary test to be conducted by an examiner shall—

- (a) apply for an appointment for such a test to the Department;
- (b) provide the Department with such details relating to himself, the licence which he holds, the preferred location of the test, the nature of the test and the vehicle on which the test is to be taken as the Department may reasonably require; and
- (c) pay such fee as is specified in regulation 22.

(2) Upon receipt of such details and such fee the Department shall make the arrangements necessary for the taking of the appropriate test.

(3) An applicant for whom an appointment is made as aforesaid in respect of a motor vehicle in any category may not apply for a further appointment for a practical or, as the case may be, a unitary test on a vehicle of the same class unless—

- (a) the first appointment has been cancelled; or
- (b) the test due on the first appointment does not take place for any reason other than cancellation; or
- (c) he has kept the first appointment (whether or not the test is completed).

Fees in respect of tests

22.—(1) No fee shall be payable in respect of a practical or unitary test conducted by a person appointed under paragraphs (b), (c) or (d) of regulation 18(1).

(2) Subject to paragraph (4), the fee payable in respect of a practical or unitary test to be conducted by an examiner for a licence authorising the driving of a motor vehicle of a class included in a category or sub-category specified in column (1) of the table in Schedule 4 is the fee specified in relation to that category or sub-category in column (2).

(3) No fee is payable in respect of a test for a licence authorising only the driving of invalid carriages.

(4) Where an appointment for a practical test to commence during normal hours is cancelled by the Department and the appointment cannot reasonably be rearranged so that the test commences during normal hours, the applicant shall pay the fee prescribed for a test commencing during normal hours notwithstanding that it commences out of hours.

(5) For the purposes of this regulation and Schedule 4, a test commences—

- (a) during normal hours if the time for which the test appointment is made is any time between 0830 hours and 1630 hours on a working day, and
- (b) out of hours, if the time for which the test appointment is made is any other time.

Applications for theory tests

23.—(1) An applicant wishing to take a theory test to be conducted by an appointed person shall—

- (a) apply for an appointment to that person;
- (b) provide that person with such details relating to himself, the licence which he holds, the preferred location of the test, and the nature of the test to be taken as he may reasonably require; and
- (c) pay the fee specified in regulation 24.

(2) An applicant for whom an appointment is made as aforesaid in respect of any category of motor vehicle may not apply for a further appointment for a theory test in respect of the same category unless—

- (a) the first appointment has been cancelled;
- (b) the test due on the first appointment does not take place for any reason other than cancellation; or
- (c) he has kept the first appointment (whether or not the test is completed).

Fees for theory tests

24. The fee payable for a theory test to be conducted by an appointed person in respect of any category of motor vehicle shall be £16·50 and is payable to the Department.

Cancellation of tests

25. For the purposes of Article 8(b) of the Order (which Article specifies the cases in which a fee paid on an application for an appointment for a test may be repaid) notice cancelling an appointment—

- (a) for a practical or unitary test to be conducted by an examiner must be given to the Department not less than 3 clear working days before the day for which the appointment is made;
- (b) for a theory test to be conducted by an appointed person must be given not less than 3 clear working days before the day for which the appointment is made.

Requirements at tests

Vehicles suitable for test

26.—(1) Subject to paragraph (2), a practical or unitary test prescribed in respect of a category or sub-category shown in column (1) of the Table shall be conducted in a vehicle having a specification

equivalent to or (other than in the case of a test in respect of category F, G, H, K or P) higher than that shown in relation to that category or sub-category in column (2).

(2) Where an application for a practical test prescribed in respect of category A contains a declaration that the applicant is suffering from a relevant disability of such a nature that he is unable to ride a motor bicycle without a side-car, the applicant may take the test on a bicycle and side-car combination which has a power to weight ratio not exceeding 0.16 kw/kg.

(3) A person submitting himself for a practical or unitary test shall provide a vehicle which—

- (a) corresponds to the specification referred to in paragraph (1) or (2), as the case may be;
- (b) 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;
- (c) in the case of a test prescribed in respect of category B + E, C, C + E, D or D + E—
 - (i) is not carrying goods or burden other than fixed items which are characteristic of the class to which it belongs, and
 - (ii) is fitted with a seat which is firmly secured to the vehicle in such a position that the examiner can properly conduct the test and is protected from bad weather during the test;
- (d) in the case of a test prescribed in respect of category D, is so constructed that the examiner can, from the deck of the vehicle on which the driver is seated, clearly observe the road to the rear of the vehicle without the use of any optical device, unless—
 - (i) the construction of the vehicle makes it impossible to fulfil that requirement, and
 - (ii) the examiner consents to the requirement not being complied with in consequence of an arrangement to conduct part of the test elsewhere than on a road;
- (e) in the case of a test prescribed in respect of category B + E, C + E or D + E, is fitted with linkage and braking mechanisms which are designed for use when the trailer is fully laden; and
- (f) is reasonably representative of the class to which it belongs and is otherwise suitable for the purposes of the test.

(4) For the purposes of the Table, “minimum test vehicle” means, in relation to any category, a vehicle of a specification shown in relation to the category or sub-category in column (2).

TABLE

Column (1) Category	Column (2) Specification
A in the case of a test conducted on or before 30th June 1997	A motor bicycle without a side-car having an engine with a cylinder capacity of not more than 250 cubic centimetres.
A in the case of a test conducted on or after 1st July 1997	A motor bicycle without a side-car having an engine with a cylinder capacity of over 120 cubic centimetres but not more than 125 cubic centimetres and capable of a speed of 100 kilometres per hour.
A1	A motor bicycle without a side-car having an engine with a cylinder capacity of 75 cubic

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column (1) Category	Column (2) Specification
	centimetres but not more than 120 cubic centimetres.
B	Any four-wheeled vehicle in category B capable of a speed of 100 kilometres per hour.
B1 (invalid carriages)	An invalid carriage.
B1 in the case of any other test	Any vehicle in sub-category B1 capable of a speed of 60 kilometres per hour.
B + E	A combination of a minimum test vehicle for category B and a trailer having a maximum authorised mass of 1,000 kilograms which is capable of a speed of 100 kilometres per hour.
C1	Any vehicle in sub-category C1 having a maximum authorised mass of 4,000 kilograms and capable of a speed of 80 kilometres per hour.
C1 + E	A combination of a minimum test vehicle for sub-category C1 and a trailer having a maximum authorised mass of 2,000 kilograms, the overall length of which is 8 metres and which is capable of a speed of 80 kilometres per hour.
D1	Any vehicle in sub-category D1 capable of a speed of 80 kilometres per hour.
D1 + E	A combination of a minimum test vehicle for sub-category D1 and a trailer having a maximum authorised mass of 1,250 kilograms which is capable of a speed of 80 kilometres per hour.
C	Any vehicle in category C, other than an articulated goods vehicle, having a maximum authorised mass of 10,000 kilograms and a length of 7 metres which is capable of a speed of 80 kilometres per hour.
C + E	<p>Either—</p> <p>(a) an articulated goods vehicle combination having a maximum authorised mass of 18,000 kilograms and a length of 12 metres which is capable of a speed of 80 kilometres per hour, or</p> <p>(b) a combination of a minimum test vehicle for category C and a trailer having a length of 4 metres and a maximum authorised mass of 4 tonnes, which has, in aggregate, a maximum authorised mass of</p>

Column (1) Category	Column (2) Specification
	18,000 kilograms and an overall length of 12 metres and which is capable of a speed of 80 kilometres per hour.
D	Any vehicle in category D having a length of 9 metres and capable of a speed of 80 kilometres per hour.
D + E	A combination of a minimum test vehicle for category D and a trailer having a maximum authorised mass of 1,250 kilograms which is capable of a speed of 80 kilometres per hour.
F	Any vehicle in category F.
G	Any vehicle in category G.
H	Any vehicle in category H.
K	Any vehicle in category K.
P	Any vehicle in category P.

Further requirements at tests

27.—(1) No person shall submit himself for a theory test, practical test or unitary test unless he satisfies the residence requirement specified in Article 5(1A) of the Order(22) and where any question arises as to whether a person is normally resident in Northern Ireland or the United Kingdom (as the case may be) he shall be deemed to be normally resident there if he shows that he will have lived there for not less than 185 days during the year ending on the day for which the test appointment is made.

(2) A person submitting himself for a theory test shall—

(a) before the test commences—

- (i) except in a case to which paragraph (5) applies, produce to the person conducting the test an appropriate licence authorising him to drive a motor vehicle of a class included in the category or sub-category in respect of which the test is to be taken,
- (ii) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 5 as evidence of his identity, and
- (iii) sign a record of his attendance at the test;

(b) during the test comply with all reasonable instructions given by the appointed person for the purpose of ensuring the proper and orderly conduct of the test.

(3) A person submitting himself for a practical test on a motor vehicle of a class included in any category shall, except in a case where—

- (a) he has made an election in accordance with regulation 30(2);
- (b) he is exempt from the requirement to pass a theory test by virtue of regulation 31; or
- (c) by virtue of regulation 29(2), no theory test is prescribed for that class,

produce to the person conducting the test before the test commences a valid certificate furnished under regulation 36(2)(a) showing that he has passed the theory test prescribed in respect of the same category or a valid certificate corresponding to such a certificate furnished under the law of Great Britain.

- (4) A person submitting himself for a practical or unitary test shall, before the test commences—
- (a) except in a case to which paragraph (5) applies, produce to the person conducting the test an appropriate licence authorising him to drive a motor vehicle of the class on which the test is to be taken;
 - (b) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 5 as evidence of his identity; and
 - (c) sign, on a form produced to him by the person conducting the test, a declaration to the effect that there is in force, in relation to the use of the vehicle provided for the purposes of the test, a policy of insurance which complies with the requirements of Part VIII of the Order.

(5) In the case of an applicant who is a full time member of the armed forces of the Crown (to whom the provisions of regulation 8(1) do not apply), he shall before the commencement of a theory test or, as the case may be, a practical or unitary test prescribed in respect of a category specified in column (1) of the Table in regulation 8 satisfy the examiner that he has passed the test prescribed in respect of the category specified in column (2) in relation to the first category.

- (6) A person submitting himself for a practical or a unitary test shall, during the test—
- (a) except where the test is for a licence authorising him to drive a motor vehicle of a class included in category A, G, H or P or a motor vehicle in sub-category B1 or B1 (invalid carriages) which has no seat other than the driver's seat, allow to travel in the vehicle—
 - (i) the person authorised to conduct the test; and
 - (ii) any person authorised by the Department to attend the test for the purpose of supervising it or otherwise;
 - (b) where the test is for a licence authorising him to drive a motor vehicle of a class included in category A, G, H or P or a motor vehicle in sub-category B1 or B1 (invalid carriages) which has no seat other than the driver's seat, allow the attendance of—
 - (i) the person authorised to conduct the test; and
 - (ii) any person authorised by the Department for the purpose of supervising the test or otherwise.

(7) In this regulation and regulation 28—

“appropriate licence” means a licence, other than an excepted provisional licence, which—

- (a) is valid at the date of the test;
- (b) bears the signature of the person who has submitted himself for the test; and
- (c) is either—
 - (i) a provisional licence authorising the person submitting himself for the test to drive motor vehicles of the same class as the vehicle which he has provided for the test,
 - (ii) a full licence which by virtue of Article 14(2) of the Order and regulation 14, authorises that person to drive motor vehicles of that class subject to the same conditions as if he were so authorised by a provisional licence, or
 - (iii) a Great Britain licence corresponding to either of those licences; and

“excepted provisional licence” means a licence which—

- (a) was in force at a time before 1st January 1997; and
 - (b) is issued as a provisional licence in respect of a motor vehicle of a class included (by virtue of these Regulations) in category C + E or D + E or sub-categories C1, D1 (not for hire or reward), or D1 + E (not for hire or reward) and C1 + E (8.25 tonnes),
- but does not include a licence which was granted to a person to whom the provisions of regulation 8 do not apply by virtue of paragraph (2) of that regulation.

Examiner's right to refuse to conduct test

28.—(1) Subject to paragraphs (2) and (3), where a person submitting himself for—

- (a) a theory test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by regulation 27(2); or
- (b) a practical or unitary test fails to satisfy the person authorised to conduct it that he has complied with any requirement imposed by regulation 26(2) or (3) or regulation 27(3), (4) or (5),

the person authorised to conduct the test must refuse to do so.

(2) Where the person who has submitted himself for—

- (a) a practical test fails to produce a document required to be produced under regulation 27(3); or
- (b) a practical or unitary test fails to produce an appropriate licence as required under regulation 27(4)(a),

if the person authorised to conduct the test is satisfied from other evidence that the document in question exists he may conduct the test.

(3) Where a person with special needs has failed to give to the person conducting a theory test such notice of those needs (not being less than 15 working days) as he may reasonably require the person authorised to conduct the test may refuse to do so.

(4) Where a person who requires the assistance of an interpreter at the theory test attends at the test with an interpreter who is—

- (a) not approved by the Department to act as such; or
- (b) with whom the test candidate is acquainted,

the person authorised to conduct the test must refuse to do so.

(5) In this regulation, “special needs” means a reasonable requirement for special treatment during the test arising by virtue of—

- (a) the test not being available in a language which the test candidate understands;
- (b) the test candidate having reading difficulties; or
- (c) the test candidate being physically disabled.

Nature and conduct of tests

Nature of tests

29.—(1) Subject to regulation 31, the test for a licence authorising the driving of a motor vehicle of a class included in category A, B, C, D or P shall be conducted in two parts, namely—

- (a) a theoretical test; and
- (b) a practical test of driving skills and behaviour,

and a person taking such a test must pass both parts.

(2) The test for a licence authorising the driving of a motor vehicle of a class included in category B + E, C + E and D + E—

- (a) in a case where the test is for a licence authorising the driving of vehicles in sub-category C1 + E and the applicant is the holder of a full licence which was in force at a time before 1st January 1997 and authorises the driving of motor vehicles included in sub-category C1 but not the driving of any other vehicles included in category C, shall consist of the theory test prescribed in respect of category C and the practical test prescribed in respect of category C + E; and
- (b) in any other case, shall consist of a practical test only.

(3) A person shall be treated as having passed—

- (a) the theory test if he satisfies the person conducting it that he has a knowledge and sound understanding of the specified matters;
- (b) the practical test if he satisfies the person conducting it of his ability to comply with the specified requirements.

(4) The test for a licence authorising the driving of a motor vehicle of a class included in category F, G, H or K shall be a unitary test and a person taking such a test shall be treated as having passed it if he satisfies the person conducting it that he is—

- (a) generally competent to drive a vehicle of that class without danger to, and with due consideration for, other road users;
- (b) fully conversant with the Highway Code; and
- (c) able to comply with the specified requirements.

(5) The practical test and the unitary test shall each be conducted so that—

- (a) the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads; and
- (b) the time during which that person is required to drive on roads is—
 - (i) in the case of a test for a licence authorising the driving of a class of vehicle included in category B + E, C, C + E, D or D + E, not less than 50 minutes;
 - (ii) in the case of any other test, not less than 25 minutes.

(6) The theory test shall—

- (a) be conducted as a written examination consisting of—
 - (i) 25 questions in the case of the tests prescribed in respect of categories C and D, and
 - (ii) 35 questions in any other case,
 the questions being in either a multiple choice or multiple response form and testing a candidate on the specified matters in accordance with Schedule 6;
- (b) have a duration of 40 minutes or, in the circumstances specified in paragraph (7), 80 minutes.

(7) The circumstances referred to in paragraph (6) are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.

(8) The specified matters for a theory test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table are the matters specified in relation to that category in column (2).

(9) The specified requirements for a practical or unitary test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the table are the requirements specified in relation to that category in column (3).

TABLE

Column (1)	Column (2)	Column (3)
<i>Category</i>	<i>Specified matters</i>	<i>Specified requirements</i>
A	Matters specified in Part 1 of Schedule 6	Requirements specified in Part 1 of Schedule 7
B	Matters specified in Part 2 of Schedule 6	Requirements specified in Part 2 of Schedule 7
B + E	—	Requirements specified in Part 2 of Schedule 7
C	Matters specified in Part 3 of Schedule 6	Requirements specified in Part 3 of Schedule 7
D	Matters specified in Part 4 of Schedule 6	Requirements specified in Part 4 of Schedule 7
C + E	—	Requirements specified in Part 3 of Schedule 7
D + E	—	Requirements specified in Part 4 of Schedule 7
F	—	Requirements specified in Parts 5 and 6 of Schedule 7
G	—	Requirements specified in Parts 5 and 6 of Schedule 7
H	—	Requirements specified in Parts 5 and 7 of Schedule 7
K	—	Requirements specified in Part 5 of Schedule 7
P	Matters specified in Part 1 of Schedule 6	Requirements specified in Part 1 of Schedule 7

Order of test

30.—(1) Where a test is required to be conducted in two parts, unless he makes an election in accordance with paragraph (2), a person taking the test—

- (a) must pass the theory test before he takes the practical test; and
- (b) shall not be entitled to apply for an appointment for a practical test in respect of a motor vehicle of a class included in any category until he has been furnished with—
 - (i) a certificate under regulation 36(2)(a) stating that he has passed the relevant theory test, or
 - (ii) a certificate corresponding to such a certificate furnished under the law of Great Britain stating that he has during the relevant period passed the theory test in respect of the same category.

(2) A person may elect to apply for a practical test for a licence authorising the driving of a motor vehicle of any class, other than motor bicycles falling within sub-category A1, before he has been furnished with such certificate as is referred to in paragraph (1)(b) if the application is for an appointment for a test to be taken on or before—

- (a) 31st December 1996, in the case of a test for a licence authorising the driving of motor vehicles of any other class included in category A, B or P;
- (b) 30th June 1997 in the case of a test for a licence authorising the driving of motor vehicles of a class included in any other category;

and where he passes that practical test on or before that date the following paragraphs shall apply.

(3) He may not submit the certificate furnished under regulation 37(2) in respect of that practical test, in support of an application for a licence, as evidence that he has passed a test unless it is accompanied by—

- (a) a certificate furnished under regulation 36(2)(a) stating that he has, during the relevant period, passed the relevant theory test; or
- (b) a certificate corresponding to such a certificate furnished under the law of Great Britain stating that he has during the relevant period passed the theory test in respect of the same category.

(4) If he does not pass the relevant theory test during the relevant period, the passing of the practical test shall from the expiration of that period be disregarded for the purposes of regulations 12(8) and 29.

(5) In this regulation—

“the relevant theory test” means the theory test prescribed in respect of the category which includes the class of motor vehicle on which the practical test was taken;

“the relevant period” means the period commencing with the date on which the practical test is passed and ending on the date—

- (i) which falls 6 months later, or
- (ii) on which the person who took the practical test is disqualified by order of a court under Article 152 or 196 of the Order until tested,

whichever is the earlier.

Exemption from theory test

31.—(1) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category A if—

- (a) on or after 1st July 1996, he has passed the test prescribed in respect of category P;
- (b) on or after 1st January 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category A;
- (c) he has passed a test prescribed in respect of category B, and is a full-time member of the armed forces of the Crown;
- (d) he holds a full licence authorising the driving of motor vehicles of a class included in category B;
- (e) he has passed a Great Britain test of competence or is the holder of a Great Britain licence corresponding to any of those tests or that licence.

(2) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category B if—

- (a) on or after 1st July 1996, he has passed the test prescribed in respect of category P;
- (b) he has passed a test prescribed in respect of motor vehicles of another class included in category B;
- (c) he has passed a test prescribed in respect of motor vehicles of a class included in category A, and is a full-time member of the armed forces of the Crown;

- (d) he holds a full licence authorising the driving of motor vehicles of a class included in category A;
 - (e) he has passed a Great Britain test of competence or is the holder of a Great Britain licence corresponding to any of those tests or that licence.
- (3) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category C if—
- (a) on or after 1st July 1997, he has passed the test prescribed in respect of motor vehicles of another class included in category C;
 - (b) he holds a full licence authorising the driving of motor vehicles of another class included in category C, other than a licence authorising the driving only of vehicles included in sub-category C1 which was in force at a time before 1st January 1997;
 - (c) he has passed a Great Britain test of competence corresponding to that test or is the holder of a Great Britain licence corresponding to that licence.
- (4) A person is exempt from the requirement to pass a theory test for the purpose of obtaining a licence authorising him to drive a motor vehicle of a class included in category D if—
- (a) on or after 1st July 1997, he has passed a test prescribed in respect of motor vehicles of another class included in category D;
 - (b) he holds a full licence authorising the driving of motor vehicles of another class included in category D other than—
 - (i) vehicles of a class included in sub-category D1 (not for hire or reward), and
 - (ii) vehicles in category D which are driven otherwise than for hire or reward;
 - (c) he has passed a Great Britain test of competence corresponding to that test or is the holder of a Great Britain licence corresponding to that licence.
- (5) Where a person is disqualified by order of a court under Article 152 or 196 of the Order until tested, he shall not be exempt from the requirement to pass a theory test in respect of any class of motor vehicle by virtue of the foregoing provisions until the day following the date on which the disqualification is deemed to have expired in relation to that class.

Entitlements upon passing test

Entitlement upon passing a test other than a test following disqualification until tested under Article 152 or 196 of the Order

32.—(1) Where a person passes a test prescribed in respect of a class of motor vehicles included in any category or sub-category (or a Great Britain test of competence corresponding to that test) the Department shall grant to him a licence in accordance with paragraphs (2) and (3).

(2) Subject to regulation 33, the licence shall authorise the driving of all classes of motor vehicle included in that category or sub-category unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case it shall authorise the driving only of invalid carriages;
- (c) the test or, as the case may be, the practical test is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case it shall authorise the driving only of such classes of vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with

a side-car may be treated in an appropriate case as a motor vehicle adapted on account of a disability).

(3) The licence shall in addition authorise the driving of all classes of motor vehicle included in a category or sub-category which is specified in column (2) of Schedule 1 as an additional category or sub-category in relation to a category or sub-category specified in column (1) unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case it shall authorise the driving only of such classes of vehicle included in the additional category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case it shall authorise the driving only of invalid carriages;
- (c) the test or, as the case may be, the practical test, is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case it shall authorise the driving only of such classes of vehicle included in the additional category or sub-category as are so adapted.

Entitlement upon passing a test other than a test following disqualification until tested under Article 152 or 196 of the Order: category A

33.—(1) This regulation applies where—

- (a) a person passes a test (or a Great Britain test of competence corresponding to such a test) for a licence authorising the driving of motor vehicles of a class included in sub-category A1; and
- (b) the practical test is passed on or after 1st January 1997.

(2) Where this regulation applies the Department shall grant to the person who passed the test—

- (a) in a case where he has passed the practical test (or the Great Britain test of competence corresponding to the practical test), on or before 30th June 1997, on a motor bicycle without a side-car having an engine with a cylinder capacity of not more than 250 cubic centimetres, a licence authorising him to drive all classes of motor vehicle included in category A;
- (b) in a case where he has passed the practical test (or the Great Britain test of competence corresponding to the practical test) on a motor bicycle without a side-car having an engine with a cylinder capacity of over 120 cubic centimetres, a licence authorising him to drive all classes of motor vehicle included in category A and motor bicycles up to 25 kilowatts with a power to weight ratio which does not exceed 0.16 kw/kg;
- (c) in a case where the practical test (or the Great Britain test of competence corresponding to the practical test) was passed on any other motor bicycle without a side-car having an engine with a cylinder capacity of 75 cubic centimetres but not more than 120 cubic centimetres (but subject to paragraph (2)) a licence authorising him to drive all classes of motor vehicle included in category A1;
- (d) in a case where he has passed the practical test in Great Britain on a motor bicycle and side-car combination and the engine of the bicycle has a maximum net power output of not less than 35 kilowatts, a licence authorising him to drive all classes of motor bicycle and side-car combinations included in category A;
- (e) subject to paragraph (3), in a case where the practical test (or the Great Britain test of competence corresponding to the practical test) was passed on a motor bicycle and a side-car combination the power to weight ratio of which does not exceed 0.16 kw/kg but which does not fall within sub-paragraph (d), a licence authorising him to drive motor bicycles and side-car combinations.

(3) A licence granted to a person who has passed a test on or after 1st July 1997, by virtue of paragraph (2)(b), shall authorise him to drive all classes of motor vehicle included in category A upon the expiration of a period of two years commencing on the date when he passed the test.

Upgrading of entitlements by virtue of passing second test

34.—(1) A person who has passed a test prescribed in respect of—

- (a) category D or sub-category D1 as specified in column (1) of Table A in Schedule 8; and
- (b) category C + E or sub-category C1 + E as respectively specified at the top of columns (2) and (3) of Table A,

is deemed, subject to paragraph (2), competent to drive (in addition to the classes of motor vehicle in respect of which the tests were passed) vehicles included in the category or sub-category shown in column (2) or (3) of Table A in relation to the relevant test pass in column (1).

(2) Where, in a case to which paragraph (1) applies, each practical test is passed on a vehicle having automatic transmission the person passing the tests is deemed competent to drive only such classes of vehicle in the upgrade category as have automatic transmission.

(3) A person who has passed a test prescribed in respect of—

- (a) a category or sub-category specified in column (A) of Table B in Schedule 8 which authorises the driving only of classes of vehicle having automatic transmission; and
- (b) a category or sub-category specified at the top of one of the columns in that Table numbered (1) to (8), which authorises the driving of vehicles with manual transmission,

is deemed, subject to paragraph (6), competent to drive (in addition to the two classes in respect of which the tests were passed) all vehicles included in the category or sub-category shown in the relevant numbered column in relation to the relevant test pass in column (A).

(4) In the case of a person who has passed a test for a licence authorising the driving of any class of vehicles in category D not more than 5.5 metres in length, Tables A and B shall be read as if—

- (a) for “D” there were substituted “vehicles in category D not more than 5.5 metres in length”; and
- (b) for “D + E” there were substituted “vehicles in category D + E where the tractor vehicle is not more than 5.5 metres in length”,

in each case where those expressions occur.

(5) In the case of a person who holds a licence which, by virtue of these Regulations, authorises the driving of vehicles in category D otherwise than for hire or reward (notwithstanding that he may not have passed a test authorising the driving of such vehicles) Tables A and B shall be read as if—

- (a) for “D” there were substituted “vehicles in category D, driven otherwise than for hire or reward”; and
- (b) for “D + E” there were substituted “vehicles in category D + E driven otherwise than for reward”.

(6) In the case of a person who has passed a test for a licence authorising the driving of vehicles in category C + E which are drawbar trailer combinations, Tables A and B shall be read as if, in the relevant columns of those Tables—

- (a) for “C + E” there were substituted “vehicles in category C + E which are drawbar trailer combinations”; and
- (b) for “C1 + E” there were substituted “vehicles in category C1 + E which are drawbar trailer combinations”.

(7) Where, in Table B, the upgrade category is qualified by the expression “(a)”, the person is deemed competent to drive only such classes of vehicle therein as have automatic transmission.

(8) Where a person has passed a test prescribed in respect of category B + E which authorises the driving only of classes of vehicle having automatic transmission and a test prescribed in respect of any class of vehicle in category B, C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B + E with manual transmission.

(9) Where a person who—

- (a) has passed a test prescribed in respect of category B; or
- (b) is the holder of a licence, which was in force at a time before 1st January 1997, authorising the driving of motor vehicles of classes included in categories B and B + E and sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward),

which is limited to classes of vehicle having automatic transmission, passes a test prescribed in respect of category B + E, C or D which authorises the driving of vehicles with manual transmission, he is deemed competent to drive vehicles in category B (and, in the case mentioned in subparagraph (b), vehicles in sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward)), which have manual transmission.

(10) In this regulation—

- (a) “upgrade category” means the additional category or sub-category which the person passing the tests (or holding the licence and passing the test) is deemed competent to drive by virtue of the relevant provision of this regulation; and
- (b) a reference to a test or a practical test includes, as the case may be, a reference to a Great Britain test of competence or a Great Britain practical test corresponding thereto.

Entitlement upon passing a test following disqualification until tested under Article 152 or 196 of the Order

35.—(1) Where a person—

- (a) is disqualified by order of a court under Article 152 or 196 of the Order until tested; and
- (b) passes the driving test prescribed in respect of a class of motor vehicles included in any category,

the disqualification shall be deemed to have expired in relation to that class and such other classes of motor vehicle as are specified in paragraphs (2), (3) and (4).

(2) Subject to paragraph (4), the disqualification shall be deemed to have expired in relation to all classes of vehicle included in the category or sub-category referred to in paragraph (1)(b) unless—

- (a) the test or, as the case may be, the practical test is passed on a motor vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of vehicle included in that category or sub-category as have automatic transmission;
- (b) the practical test is passed on an invalid carriage, in which case the disqualification shall be deemed to have expired in relation only to invalid carriages;
- (c) the test or, as the case may be, the practical test, is passed on a motor vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in that category or sub-category as are so adapted (and for the purposes of this paragraph, a motor bicycle with a side-car may be treated as an appropriate case as a motor vehicle adapted on account of a disability).

(3) The disqualification shall be deemed to have expired in relation to all classes of vehicle included in any other category which is specified in column (2) of Schedule 1 as being an additional category or sub-category in relation to that category or sub-category unless—

- (a) the test or, as the case may be, the practical test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as have automatic transmission;
 - (b) the practical test is passed on an invalid carriage, in which case the disqualification shall be deemed to have expired only in relation to invalid carriages;
 - (c) the test or, as the case may be, the practical test, is passed on a vehicle which is adapted on account of a disability of the person taking the test, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in the additional category or sub-category as are so adapted.
- (4) Where the person who is disqualified passes the practical test on a vehicle of a class included in category B the disqualification shall be deemed to have expired additionally in relation to all classes of vehicle included in—
- (a) categories B + E, C, C + E, D and D + E unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in those categories as have automatic transmission; and
 - (b) categories F, G, H, K, L and P.
- (5) Where a person is, pursuant to regulation 45, disqualified by the Department until he passes a driving test prescribed in respect of a class of large goods or passenger-carrying vehicle, the disqualification shall not be deemed to have expired in relation to any class of large goods or passenger-carrying vehicle until he passes that test.

Test results

Evidence of result of theory tests

36.—(1) A person conducting a theory test shall, as soon as practicable after its completion, arrange for the test paper returned by a test candidate to be marked for the purpose of ascertaining whether the candidate has demonstrated knowledge and understanding of the specified matters in accordance with these Regulations.

- (2) A person conducting the theory test shall furnish—
- (a) a person who passes the test with a certificate (a “pass certificate”) in the form set out in Part 1 of Schedule 9;
 - (b) a person who fails to pass the test with a statement (a “failure statement”) in the form set out in Part 2 of Schedule 9.

(3) Where a person who has conducted a theory test is satisfied that a pass certificate or a failure statement has been furnished in error to a person who took a theory test, he shall, upon receipt of that document from the person who took the test and subject to paragraph (4), furnish that person with a correct certificate or statement, as the case may be.

(4) Where the person who took the test alleges that a failure statement has been furnished in error returns the statement not later than 14 days after it was sent to him to the person who conducted the test with a request in writing that the paper be remarked, the person who conducted the test shall comply with that request for the purpose of ascertaining whether an error has been made but subject thereto he shall not be obliged to remark any paper.

(5) A pass certificate issued in error may not be presented, in support of an application for a licence, as evidence that a person has passed the test mentioned in such certificate.

(6) A pass certificate shall be valid for the purposes of regulation 27(3) for a period commencing on the date on which the test was taken and ending—

- (a) two years later; or
- (b) on the date on which the person to whom the certificate was given is disqualified by order of a court under Article 152 or 196 of the Order until he passes the driving test,

whichever is the earlier.

(7) A pass certificate is invalid if the person to whom it is issued is at that time ineligible, by virtue of an enactment contained in the 1981 Order or these Regulations, to take the test to which the certificate relates.

(8) A person authorised to conduct theory tests by virtue of sub-paragraph (c) of regulation 19(1) shall issue pass certificates and failure statements using forms supplied by the Department who may make a charge of £5.00 per form.

Evidence of the result of practical and unitary tests

37.—(1) Subject to paragraph (2), a person conducting a practical or unitary test shall furnish—

- (a) a person who passes the test with a certificate in the form set out in Part 1 of Schedule 10;
- (b) a person who fails to pass the test with a statement in the form set out in Part 2 of Schedule 10.

(2) Where, by virtue of regulation 30(2), a person—

- (a) elects to apply for an appointment for a practical test before being furnished with a certificate stating that he has passed a theory test; and
- (b) passes that practical test taken on that appointment,

the person conducting the practical test shall furnish that person with a certificate in the form set out in Part 3 of Schedule 10.

(3) Where the person who took the practical test has produced a valid theory test pass certificate in accordance with regulation 27(3), he shall surrender that certificate to the person conducting the test upon receipt of the certificate furnished under paragraph (1)(a).

(4) A certificate issued—

- (a) under paragraph (1)(a) or (2) is invalid if the person to whom it is issued is at that time ineligible, by virtue of an enactment contained in the 1981 Order or these Regulations, to take the test to which the certificate relates;
- (b) under paragraph (1)(a) is invalid if, at the time when it is issued, the person conducting the practical test is unaware that the theory test pass certificate produced to him in accordance with regulation 27(3) is invalid by virtue of regulation 36(7).

(5) A person authorised to conduct practical or unitary tests by virtue of sub-paragraphs (b), (c) or (d) of regulation 18(1) shall issue pass certificates using forms supplied by the Department.

Part IV

Goods and Passenger-Carrying Vehicles

General

Prescribed classes of goods and passenger-carrying vehicle

38.—(1) All classes of motor vehicle included in categories C, C + E, D and D + E, except vehicles of classes included in sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward), are prescribed for the purposes of Article 6(5) of the Order.

(2) Subject to paragraph (3), all classes of motor vehicle included in categories C, C + E, D and D + E, except vehicles of classes included in sub-categories C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward), are prescribed for the purposes of Article 15(1) and (2) of the Order.

(3) In the case of a licence in force at a time before 1st January 1997, paragraph (2) shall apply as if “C1,” was inserted after “sub-categories”.

(4) All classes of motor vehicle included in categories C, C + E, D and D + E, except vehicles of classes included in sub-categories C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward), are prescribed for the purposes of Article 15A(3) and (4) of the Order.

Prescribed classes of large goods and passenger-carrying vehicle

39.—(1) Articles 70 to 79 of the Order and regulations 44 to 48 shall not apply to large goods vehicles—

- (a) of a class included in category F, G or H, sub-category C1 + E (8.25 tonnes); or
- (b) which are exempted goods vehicles or military vehicles.

(2) Articles 70 to 79 of the Order and regulations 44 to 48 shall not apply to—

- (a) any passenger-carrying vehicle manufactured more than 30 years before the date when it is driven and not used for hire or reward or for the carriage of more than 8 passengers;
- (b) a passenger-carrying vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the passenger-carrying vehicle and its passengers) or for other similar purposes.

(3) All classes of large goods and passenger-carrying vehicles to which Articles 70 to 79 of the Order apply are prescribed for the purposes of Article 74(7) of the Order.

Exempted goods vehicles and military vehicles

40.—(1) For the purposes of this Part, an exempted goods vehicle is a vehicle falling within any of the following classes—

- (a) a vehicle propelled by steam;
- (b) any road construction vehicle 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);
- (c) any engineering plant other than a mobile crane;
- (d) a works truck;
- (e) an industrial tractor;

- (f) an agricultural motor vehicle which is not an agricultural or forestry tractor;
 - (g) a digging machine;
 - (h) any vehicle which is not used on public roads or, if it is so used during any calendar week—
 - (i) is used only in passing from land in the occupation of a person keeping the vehicle to other land in the occupation of that person, and
 - (ii) is not used on public roads for distances exceeding an aggregate of six miles in that calendar week;
 - (j) any vehicle other than an agricultural or forestry tractor which—
 - (i) is used only for purposes relating to agriculture, horticulture or forestry,
 - (ii) is used on public roads only in passing between different areas of land occupied by the same person, and
 - (iii) in passing between any two such areas does not travel a distance exceeding 1.5 kilometres on public roads;
 - (k) a vehicle used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;
 - (l) a vehicle manufactured before 1st January 1960 used unladen and not drawing a laden trailer;
 - (m) an articulated goods vehicle the unladen weight of which does not exceed 3.05 tonnes;
 - (n) a vehicle in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965⁽²³⁾;
 - (o) any vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the large goods vehicle and its load) or for other similar purposes;
 - (p) a 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 goods or load other than a disabled vehicle when so raised and water, fuel, accumulators and articles required for the operation of, or in connection with, such apparatus or otherwise for dealing with disabled vehicles, and
 - (iii) has an unladen weight not exceeding 3.05 tonnes;
 - (q) a passenger-carrying vehicle recovery vehicle; and
 - (r) a mobile project vehicle.
- (2) For the purposes of this Part, an exempted military vehicle is a vehicle falling within any of the following classes—
- (a) a vehicle designed for fire fighting or fire salvage purposes which is the property of, or for the time being under the control of, the Secretary of State for Defence, when being driven by a member of the armed forces of the Crown;
 - (b) 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⁽²⁴⁾ which were continued permanently

⁽²³⁾ S.I. 1965/1536

⁽²⁴⁾ S.R. & O. 1939 No. 1304

in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959(25) and by section 2 of the Emergency Powers Act 1964(26); and

- (c) an armoured vehicle other than a track-laying vehicle which is the property of, or for the time being under the control of, the Secretary of State for Defence.

(3) In this regulation—

“digging machine” has the same meaning as in paragraph 4(4) of Schedule 1 to the Vehicle Excise and Registration Act 1994;

“agricultural motor vehicle”, “engineering plant”, “industrial tractor”, “track-laying” and “works truck” have the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(27);

“public road”, “road construction vehicle” and “road construction machinery” have the same meanings respectively as in section 62(1) of the Vehicle Excise and Registration Act 1994.

Correspondences

41.—(1) For the purposes of Article 6(5) of the Order, a heavy goods vehicle or public service vehicle of a class specified in column (1) of the table corresponds to a class of large goods vehicle or passenger-carrying vehicle, as the case may be, specified in column (2) in relation to the class of vehicle in column (1).

(2) For the purposes of paragraph (1), where a heavy goods vehicle driver’s licence held before 1st April 1991 was restricted to vehicles having a permissible maximum weight not exceeding 10 tonnes by virtue of—

- (a) paragraph 3(3) and (5) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976(28); or
- (b) paragraph (1) or (2) of regulation 27 of the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981(29) before they were revoked by the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations (Northern Ireland) 1991(30),

such restriction shall be disregarded.

TABLE

Column (1) Class of heavy goods or public service vehicles	Column (2) Corresponding class of large goods or passenger-carrying vehicle
Heavy goods vehicles	Large goods vehicles
1	Categories C and C + E
1A	Categories C and C + E (limited, in each case, to vehicles with automatic transmission)
2	Category C and vehicles in category C + E which are drawbar trailer combinations

(25) 1959 c. 19

(26) 1964 c. 38

(27) S.R. 1989 No. 299 to which there are amendments not relevant to these Regulations

(28) S.I. 1976/581 (N.I. 11); see paragraph 3(1) and (2) of Schedule 6 to the Order

(29) S.R. 1981 No. 240

(30) S.R. 1991 No. 99

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column (1) Class of heavy goods or public service vehicles	Column (2) Corresponding class of large goods or passenger-carrying vehicle
2A	Category C and vehicles in category C + E which are drawbar trailer combinations (limited, in each case, to vehicles with automatic transmission)
3	Category C and vehicles in category C + E which are drawbar trailer combinations
3A	Category C and vehicles in category C + E which are drawbar trailer combinations (limited, in each case, to vehicles with automatic transmission)
Public Service vehicles	
Passenger-carrying vehicles	
1	Categories D and D + E
1A	Categories D and D + E (limited, in each case, to vehicles with automatic transmission)
2	Categories D and D + E
2A	Categories D and D + E (limited, in each case, to vehicles with automatic transmission)
3	Category D
3A	Category D (limited to vehicles with automatic transmission)
4	Sub-category D1 and vehicles in category D not more than 5.5 metres in length
4A	Sub-category D1 and vehicles in category D not more than 5.5 metres in length (limited, in each case, to vehicles with automatic transmission)

Dual purpose vehicles

42.—(1) Except in the case of a vehicle mentioned in paragraph (2), Articles 70 to 79 of the Order and regulations 44 to 48 shall apply to dual purpose vehicles to the extent that they apply to passenger-carrying vehicles.

(2) Articles 70 to 79 of the Order and regulations 44 to 48 shall apply to any dual purpose vehicle which is—

- (a) adapted to carry not more than 36 persons in addition to the driver;
- (b) driven by a member of the armed forces of the Crown; and
- (c) used to carry passengers for naval, military or air force purposes,

to the extent that they apply to large goods vehicles.

Persons under the age of 21

Large goods vehicles drivers' licences issued to persons under the age of 21: trainee drivers

43.—(1) A large goods vehicle driver's licence issued to a person under the age of 21 shall be subject to the following conditions, prescribed for the purposes of Article 72(1) of the Order(31), namely that—

- (a) in the case of any LGV trainee driver's licence, the holder shall not drive a large goods vehicle of any class in respect of which the licence is issued (or in respect of which it is treated as a provisional licence by virtue of Article 14 of the Order) unless either—
 - (i) he is a registered employee of a registered employer, and
 - (ii) the vehicle is a large goods vehicle of a class to which his training agreement applies and is owned or operated by that registered employer or by a registered LGV driver training establishment; or
- (b) in the case of a licence holder who is a part-time member of the armed forces of the Crown and the vehicle is owned by the Secretary of State for Defence and used for naval, military or air force purposes.

(2) An LGV trainee driver's full licence is subject to the conditions that the holder—

- (a) is a registered employee of a registered employer;
- (b) shall drive only large goods vehicles of a class to which his training agreement applies and which are owned or operated by that registered employer or by a registered LGV driver training establishment; and
- (c) shall not drive a vehicle of any class if the vehicle is being used to draw a trailer, otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full large goods vehicle driver's licence authorising the driving of a vehicle of that class which is not an LGV trainee driver's licence.

(3) The Holder of an LGV trainee driver's full licence authorising the driving of a class of large goods vehicles included in category C may not drive large goods vehicles of a class included in category C + E as if he were authorised by a provisional licence to do so before the expiration of a period of two years from the date on which he passed the test for a licence authorising the driving of vehicles of a class included in category C.

(4) In this regulation—

“LGV trainee driver's licence” means a large goods vehicle driver's licence which—

- (a) is a licence to drive vehicles of a class included in Category C or C + E;
- (b) is granted to a person under the age of 21 on the date of the application; and
- (c) is in force for a period during the whole or part of which the holder is under the age of 21;

“registered”, in relation to an employee, employer or training establishment, means registered for the time being by the Training Committee in accordance with the Training Scheme;

“training agreement”, in relation to an individual who is undergoing, or is to undergo, driver training under the Training Scheme, means the agreement between that individual and a registered employer;

“the Training Committee” means the Northern Ireland Committee for Young LGV Drivers in the Road Goods Transport Industry in Northern Ireland which is referred to in the Training Scheme;

“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 17 of the Order) for training young drivers of large goods vehicles and which provides for—

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

Drivers' conduct

Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation

44.—(1) The prescribed circumstances for the purposes of Article 73(1)(a) of the Order are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, the counterpart of his ordinary driving licence bears more than one relevant endorsement.

(2) Where a large goods vehicle driver's licence is revoked under Article 73(1)(a) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the Department.

(3) Where the Department determines that a person whose licence has been revoked under Article 73(1)(a) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the Department may determine.

Applicants for and holders of a licence who are disqualified by order of a court

45.—(1) Subject to paragraphs (2) to (4), where a person's licence is treated as having no effect by virtue of Article 194(4) of the Order the Department may—

- (a) order that person to be disqualified indefinitely or for such period as the Department thinks fit under Article 74(2)(a) of the Order; or
- (b) except where the licence treated as having no effect by virtue of Article 194(4) is a provisional licence, if it appears to the Department that, owing to the conduct of the person, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes a test—
 - (i) prescribed in respect of any category of motor vehicle which he was authorised to drive by that licence, and
 - (ii) and which, by virtue of these Regulations, he is at that time eligible to take,
 order him to be disqualified for holding or obtaining a full licence until he passes such a test under Article 74(2)(b) of the Order.

(2) Where a person's licence is treated as having no effect by virtue of Article 194(4) of the Order and the Department would have been required to revoke that person's large goods or passenger-carrying vehicle driver's licence by virtue of Article 73(1)(a) of the Order and regulation 44 had he not been disqualified by order of a court, the Department must order that person to be disqualified indefinitely or for a period under Article 74(1) of the Order.

(3) The cases in which a person to whom paragraph (2) applies must be disqualified indefinitely or for a period shall be determined by the Department.

(4) Where the Department determines that a person to whom paragraph (2) applies is to be disqualified for a period that person shall be disqualified until he reaches 21 years of age or for such longer period as the Department may determine.

Notice of application for removal of disqualification

46.—(1) Where a person who has been disqualified for holding or obtaining a licence intends to apply to a court to remove the disqualification he shall, at least 10 clear days before the day on which the court sits, give notice in writing of his intention to make such application—

- (a) where the disqualification was imposed by order of a court of summary jurisdiction, or of a county court on appeal, to the Superintendent of the Royal Ulster Constabulary for the petty sessions district in which the prosecution which resulted in the conviction was originally brought; or
- (b) where the disqualification was imposed in any other manner, to the Superintendent of the Royal Ulster Constabulary for the petty sessions district in which was committed the offence for which the person was convicted.

(2) Such notice shall set forth the grounds of the application and shall be given by leaving a copy thereof at the office of the Superintendent, or by forwarding the same by post to him at his office, and shall be in the form set out in Schedule 11.

Removal of disqualification

47.—(1) Subject to paragraph (2) and (3) the Department may remove a disqualification under Article 74(4) of the Order, if an application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods commencing on the date of the disqualification—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case.

(2) An application may not be made if the applicant has during the relevant period been convicted (or treated as convicted) of an offence by virtue of which he has incurred any further relevant endorsements.

(3) Where an application under paragraph (1) for the removal of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.

Part V

Disabilities

Licence groups

48.—(1) In this Part—

“Group 1 licence” means a licence in so far as it authorises its holder to drive classes of motor vehicle included in categories A, B, B + E, F, G, H, K, L and P;

“Group 2 licence” means, subject to paragraph (2), a licence in so far as it authorises its holder to drive classes of motor vehicle included in any other category or sub-category; and

“licence” includes, unless the context otherwise requires, a Great Britain licence and a Community licence.

(2) In so far as a licence authorises its holder to drive vehicles of a class included in sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward) it is a Group 1 licence while it remains in force if—

- (a) it was in force at a time before 1st January 1997; or
- (b) it was granted upon the expiry of the licence which was in force at a time before 1st January 1997.

(3) A licence shall be a Group 1 licence in so far as it authorises, by virtue of any provision of regulation 5, the driving of a class of motor vehicles which is not included in a category or sub-category specified in relation to a Group 1 licence in paragraph (1) or (2).

Disabilities prescribed in respect of Group 1 and 2 licences

49.—(1) The following disabilities are prescribed for the purposes of Article 9(2) of the Order as relevant disabilities in relation to an applicant for, or a person who holds, a Group 1 or Group 2 licence—

- (a) epilepsy;
- (b) severe mental disorder;
- (c) liability to sudden attacks of disabling giddiness or fainting, other than attacks falling within sub-paragraph (d);
- (d) liability to sudden attacks of disabling giddiness or fainting which are caused by any disorder or defect of the heart as a result of which the applicant for the licence or, as the case may be, the holder of the licence has a device implanted in his body, being a device which, by operating on the heart so as to regulate its action, is designed to correct the disorder or defect; and
- (e) persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency.

(2) The disability prescribed in paragraph (1)(d) is prescribed for the purpose of Article 9(4)(b) of the Order in relation to an applicant for a Group 1 or Group 2 licence if the applicant suffering from that disability satisfies the Department that—

- (a) the driving of a vehicle by him in pursuance of the licence is not likely to be a source of danger to the public; and
- (b) he has made adequate arrangements to receive regular medical supervision by a cardiologist (being a supervision to be continued throughout the period of the licence) and is conforming to those arrangements.

(3) The following disabilities are prescribed for the purposes of paragraphs (a) and (c) of Article 9(4) of the Order namely, any disability consisting solely of any one or more of the following—

- (a) the absence of one or more limbs;
- (b) the deformity of one or more limbs; or
- (c) the loss of use of one or more limbs which is not progressive in nature.

(4) In this regulation—

- (a) in paragraph (1)(b), the expression “severe mental disorder” includes mental illness, arrested or incomplete development of the mind, psychopathic disorder and severe impairment of intelligence or social functioning;
- (b) in paragraph (2)(b), the expression “cardiologist” means a registered medical practitioner who specialises in disorders or defects of the heart and who, in that connection, holds a hospital appointment;

- (c) in paragraph (3), references to a limb include references to a part of a limb, and the reference to loss of use, in relation to a limb, includes a reference to a deficiency of limb movement or power.

Disabilities prescribed in respect of Group 1 licences

50.—(1) There is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a person who holds, a Group 1 licence, the inability to read in good light (with the aid of glasses or contact lenses if worn) a registration mark fixed to a motor vehicle and containing letters and figures 79.4 millimetres high at a distance of—

- (a) 12.3 metres, in the case of an applicant for a licence authorising only the driving of motor vehicles of a class included in category K; or
- (b) 20.5 metres, in any other case.

(2) Epilepsy is prescribed for the purposes of Article 9(4)(b) of the Order if an applicant for a Group 1 licence suffering from epilepsy satisfies one of the following conditions, namely that—

- (a) he has been free from any epileptic attack during the period of one year immediately preceding the date when the licence is granted; or
- (b) (if not so free from attack) he has had an epileptic attack whilst asleep more than three years before the date when the licence is granted and has had attacks only whilst asleep between the date of that attack and the date when the licence is granted,

and that the driving of a vehicle by him in accordance with the licence is not likely to be a danger to the public.

(3) The disability prescribed in paragraph (1) is prescribed for the purposes of Article 11(5)(b) (ii) of the Order in relation to an applicant for, or a person who holds, a Group 1 licence.

Disabilities prescribed in respect of Group 2 licences

51.—(1) There is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a person who holds, a Group 2 licence, the inability to read in good light (with the aid of corrective lenses if necessary) a registration mark fixed to a motor vehicle and containing letters and figures 79.4 millimetres high at a distance of 20.5 metres.

(2) There is also prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to a person other than an excepted licence holder who is an applicant for or who holds a Group 2 licence, such abnormality of sight in one or both eyes that he cannot meet the relevant standard of visual acuity.

(3) The relevant standard of visual acuity for the purposes of paragraph (2) means—

- (a) in the case of a person who—
 - (i) was the holder of a Group 2 licence or an obsolete vocational licence upon each relevant date specified in column (1) of the Table, and
 - (ii) if he is an applicant for a Group 2 licence, satisfies the Department that he has adequate recent driving experience and has not during the period of 10 years immediately before the date of the application been involved in any road accident in which his defective eyesight was a contributory factor,

the standard prescribed in relation to him in column (2) of Table 1;

- (b) in the case of a person who—
 - (i) does not fall within sub-paragraph (a), and
 - (ii) was the holder of a Group 2 licence upon the relevant date specified in column (1) of Table 2,

the standard prescribed in relation to him in column (2) of Table 2;

- (c) in the case of any other person, a standard of visual acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye and at least 6/12 in the worse eye and, if corrective lenses are worn, uncorrected acuity of at least 3/60 in both eyes.

(4) There is prescribed in relation to a person—

- (a) to whom paragraph (3)(c) applies; and
 (b) who is able to meet the relevant standard of visual acuity prescribed in that sub-paragraph only with the aid of corrective lenses;

poor toleration of the correction made by the lenses.

(5) There is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to a person who is an applicant for or who holds a Group 2 licence, sight in only one eye unless—

- (a) he held an obsolete vocational licence on 1st April 1991, the Department who granted the last such licence knew of the disability before 1st January 1991, and—
 (i) in a case of a person who also held such a licence on 1st January 1983, the visual acuity in his sighted eye is no worse than 6/12, or
 (ii) in any other case, the visual acuity in his sighted eye is no worse than 6/9, and
 if he is an applicant for a Group 2 licence, he satisfies the Department that he has had adequate recent driving experience and has not during the period of 10 years immediately before the date of the application been involved in any road accident in which his defective eyesight was a contributory factor; or
 (b) the person is an excepted licence holder.

(6) Diabetes requiring insulin treatment is prescribed for the purposes of Article 9(2) of the Order in relation to an applicant for or a person who holds a Group 2 licence unless the person suffering from the disability held an obsolete vocational licence on 1st April 1991 and the Department who granted the last obsolete vocational licence knew of the disability before 1st January 1991.

(7) Liability to seizures arising from a cause other than epilepsy is prescribed for the purposes of Article 9(2) of the Order in relation to an applicant for or a person who holds a Group 2 licence.

(8) Epilepsy is prescribed for the purposes of Article 9(4)(b) of the Order in the case of an applicant for a Group 2 licence suffering from epilepsy satisfies the Department that—

- (a) during the period of 10 years immediately preceding the date when the licence is granted—
 (i) he has been free from any epileptic attack, and
 (ii) he has not required any medication to treat epilepsy; and
 (b) that the driving of a vehicle by him in accordance with the licence is not likely to be a danger to the public.

(9) In this regulation—

- (a) references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale;
 (b) “excepted licence holder” means a person who—
 (i) was the holder of a licence authorising the driving of vehicles included in sub-categories C1 and C1 + E (8.25 tonnes) which was in force at a time before 1st January 1997, and
 (ii) is an applicant for, or the holder of, a Group 2 licence solely by reason that the licence applied for or held authorises (or would, if granted, authorise) the driving of vehicles included in those sub-categories; and

- (c) “obsolete vocational licence” means a licence to drive heavy goods vehicles or public service vehicles which was in force at a time before 1st April 1991 (whether or not it was continued in force by Article 4(2) of the Road Traffic (Amendment) (Northern Ireland) Order 1991(32)).

TABLE 1

Column (1) Person holding Group 2 licence or obsolete vocational licence on—	Column (2) Standard of visual acuity applicable—
1. 1st January 1983 and 1st April 1991	Acuity (with the aid of corrective lenses if necessary) of at least 6/12 in the better eye or at least 6/36 in the worse eye, or uncorrected acuity of at least 3/60 in at least one eye.
2. 1st October 1992, but not on 1st January 1983	Acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye or at least 6/12 in the worse eye, or uncorrected acuity of at least 3/60 in at least one eye.

TABLE 2

Column (1) Person holding Group 2 licence on—	Column (2) Standard of visual acuity applicable—
1. 31st December 1996, but not on 1st October 1992	Acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye and at least 6/12 in the worse eye and, if corrective lenses are needed to meet that standard, uncorrected acuity of at least 3/60 in at least one eye.
2. 1st January 1997, but not on 31st December 1996	Acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye and at least 6/12 in the worse eye and, if corrective lenses are needed to meet that standard, uncorrected acuity of at least 3/60 in both eyes.

Disabilities requiring medical investigation: High Risk Offenders

52.—(1) Subject to paragraph (2), the circumstances prescribed for the purposes of paragraph (5) of Article 11 of the Order, under paragraph (4) of that Article, are that the person who is an applicant for, or holder of, a licence—

- (a) has been disqualified by an order of a court by reason that the proportion of alcohol in his body exceeded—
- (i) 87.5 microgrammes per 100 millilitres of breath, or
 - (ii) 200 milligrammes per 100 millilitres of blood, or
 - (iii) 267.5 milligrammes per 100 millilitres of urine;

- (b) has been disqualified by order of a court by reason that he has failed, without reasonable excuse, to provide a specimen when required to do so pursuant to Article 18 of the 1995 Order; or
 - (c) has been disqualified by order of a court on two or more occasions within any period of 10 years by reason that—
 - (i) the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of Article 16 of the 1995 Order, or
 - (ii) he was unfit to drive through drink contrary to Article 15 of that Order.
- (2) For the purposes of paragraph (1)(a) a court order shall not be taken into account unless it was made on or after 1st April 1991 and paragraph (1)(c) shall not apply to a person unless the last such order was made on or after 1st April 1991.

Part VI

Supplementary

Transitional provisions

Effect of change in classification of vehicles for licensing purposes

53.—(1) In a licence (whether full or provisional) granted before 1st January 1997, a reference to motor vehicles of an old category shall be construed as a reference to motor vehicles of a new category and a reference to motor vehicles of a class included in an old category shall be construed as a reference to vehicles of the class included in the new category.

(2) For the purposes of paragraph (1), a reference in a licence to motor vehicles of an old category (or a class included in that category) includes a reference in a licence granted before 1st January 1991 to a group or class of motor vehicles which is, by virtue of any enactment, to be construed as a reference to vehicles of the old category (or a class included in that category).

(3) If an application for the grant of a licence in respect of a class of motor vehicles included in an old category has been made but the licence has not been granted or refused before the date upon which this regulation comes into force, the application shall be taken on or after that date to be an application in respect of the class included in the new category.

(4) A person who before 1st January 1997 has passed a test prescribed in respect of (or authorising the driving of) motor vehicles of a class included in an old category shall be regarded as having passed a test prescribed in these Regulations authorising the driving of motor vehicles of the corresponding class in the new category.

(5) Where a licence granted before 1st January 1997 authorises only the driving of a class of motor vehicles included in an old category having automatic transmission, it shall authorise the driving of the corresponding class of vehicles in the new category having automatic transmission.

(6) In this regulation—

“old category” and “class included in an old category” means respectively a category (or, as the case may be, a sub-category) and a class of vehicles specified in column (1) of the Table; and “new category” and “class included in a new category”, in relation to an old category, mean respectively a category (or, as the case may be, a sub-category) and a class of vehicles specified in column (2) of the Table corresponding to the relevant old category or class included therein.

TABLE

<i>Column (1)</i> <i>Old category or class</i>	<i>Column (2)</i> <i>Corresponding new category or class</i>
A	A
B1	B1
B1, limited to invalid carriages	B1 (invalid carriages)
B	B
B plus E	B + E
C1	C1
C1 plus E	C1 + E (8.25 tonnes)
C	C
C plus E	C + E
C plus E, limited to drawbar trailer combinations only	Vehicles in category C + E which are drawbar trailer combinations
D1	D1 (not for hire or reward)
D1 + E	D1 + E (not for hire or reward)
D, limited to 16 seats	D1
D, limited to vehicles not more than 5.5 metres in length	D1 and vehicles in category D not more than 5.5 metres in length
D, limited to vehicles not driven for hire or reward	Vehicles in category D which are driven otherwise than for hire or reward
D	D
D plus E	D + E
F	F
G	G
H	H
K	K
L	L
N	N
P	P

Mobile cranes as exempted goods vehicles

54. Paragraph (1)(c) of regulation 40 (exempted vehicles) shall apply until 1st January 1998 as if the words “other than a mobile crane” were omitted.

Miscellaneous

Persons who become resident in Northern Ireland

55.—(1) A person who becomes resident in Northern Ireland who is—

- (a) the holder of a relevant permit; and
- (b) is not disqualified for holding, or obtaining a licence in Northern Ireland,

shall, during the period of one year after he becomes so resident, be treated for the purposes of Article 3 of the Order as the holder of a licence authorising him to drive all classes of small vehicle which he is authorised to drive by that permit.

(2) The following enactments relating to licences or licence holders shall apply in relation to relevant permits or the holders of such permits (as the case may be) subject to modifications in accordance with the following provisions—

- (a) Article 169(1) of the Order (production of licence to court) shall apply as if the reference to a licence were a reference to a relevant permit, but with the omission of the words “for the purpose of endorsement”;
- (b) Article 197(3) of the Order (production of licence) shall apply as if the references to a licence were references to a relevant permit, but with the omission of sub-paragraph (b) and the words “for the purpose of endorsement” where they occur;
- (c) Article 194(9) of the Order (duty of a court when it orders a disqualification to be removed) shall apply in relation to the holder of a relevant permit as if for the words “endorsed on the licence” onwards there were substituted the words “notified to the Department”;
- (d) Article 197(8) of the Order (powers and duties of a court when it orders a disqualification or an endorsement) shall apply in relation to the holder of a relevant permit as if for the words “shall also on the production of the licence” onwards there were substituted the words “shall also on the production of the permit retain it and forward it to the Department which shall keep the permit until the disqualification has expired or been removed or the person entitled to the permit leaves Northern Ireland and in any case has made a demand in writing for its return to him”;
- (e) Article 180(2), (3) and (4) of the Order (which authorise a police constable to require the production of a licence)(**33**) shall apply as if the references to a driving licence or licence were references to a relevant permit; and
- (f) Article 174(2) of the Order (forgery of documents, etc.)(**34**) shall apply as if the reference to a licence were a reference to a relevant permit.

(3) In this regulation “relevant permit” means—

- (i) a “domestic driving permit”,
- (ii) a “Convention driving permit”, or
- (iii) a “British Forces (BFG) driving licence”,

within the meaning of Article 3(7) of the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990(**35**) which is—

- (a) for the time being valid for the purposes for which it was issued; and
- (b) is not a domestic driving permit or a British Forces (BFG) driving licence in respect of which any order made, or having effect as if made, by the Department is for the time being in force under Article 2(b) of that Order.

(33) Article 180 was amended by [S.R. 1996 No. 426](#) Schedule 1 paragraph 23

(34) Article 174 was amended by [S.R. 1996 No. 426](#) Schedule 1 paragraph 22

(35) [S.R. 1990 No. 190](#) as amended by [S.R. 1996 No. 426](#) Schedule 2 paragraph 2

(4) In this regulation, “permit” means a “Convention driving permit”, a “domestic driving permit” or a “British Forces (BFG) driving licence” as defined in Article 3(7) of the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990 not being a domestic driving permit or a British Forces (BFG) driving licence in the case of which any order made, or having effect as if made, by the Department is for the time being in force under Article 2(b) of the said Order.

Revocation

56. The Regulations specified in Schedule 12 are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on 21st November 1996.

L.S.

J. Ritchie
Assistant Secretary

The Department of Finance and Personnel approves regulations 7, 10, 16, 21, 22, 23 and 24.
Sealed with the Official Seal of the Department of Finance and Personnel on 21st November 1996.

L.S.

D. Thomson
Assistant Secretary