
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 542

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

Part III

Tests of Competence to Drive

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.