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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 542**

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

**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(1);
- (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<sup>(2)</sup> which were continued permanently in force, in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959<sup>(3)</sup> and by section 2 of the Emergency Powers Act 1964<sup>(4)</sup>; 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<sup>(5)</sup>;
- “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<sup>(6)</sup>; or
- (b) paragraph (1) or (2) of regulation 27 of the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981<sup>(7)</sup> before they were revoked by the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations (Northern Ireland) 1991<sup>(8)</sup>,

such restriction shall be disregarded.

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<sup>(2)</sup> S.R. & O. 1939 No. 1304

<sup>(3)</sup> 1959 c. 19

<sup>(4)</sup> 1964 c. 38

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

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

<sup>(7)</sup> S.R. 1981 No. 240

<sup>(8)</sup> 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.

**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
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<sup>(9)</sup>, 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;

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<sup>(9)</sup> Article 72(1) as substituted by [S.R. 1996 No. 426](#) Schedule 1 paragraph 14

“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.