
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 383

ROAD TRAFFIC AND VEHICLES

**Motor Vehicles (Driving Licences) (Amendment)
Regulations (Northern Ireland) 1997**

Made - - - - *19th August 1997*

Coming into operation *1st October 1997*

The Department of the Environment, in exercise of the powers conferred on it by Articles 4(7) and (8), 5(3) and (4), 13(1), 19C, 73(1) and (3), 74(4), 180(3A) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(1) and of every other power enabling it in that behalf, and in accordance with Article 19C(3) of that Order with the approval of the Department of Finance and Personnel(2) as regards regulations 4, 7, 22 and 23, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

(2) In these Regulations—

“the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996(3);
and

“the principal Regulations” means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(4).

Amendments to regulation 2 (interpretation)

2.—(1) Regulation 2 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (1)—

(a) after the definition of “the 1995 Order” there shall be inserted the following definition—

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- (1) [S.I. 1981/154 \(N.I. 1\)](#); see Article 2(2) for the definition of “Department” and “prescribed”; Articles 4, 5, 13 and 19C were substituted by [S.I. 1991/197 \(N.I. 3\)](#), Schedule 1; Articles 73 and 74 were substituted by [S.I. 1991/197 \(N.I. 3\)](#), Schedule 3; Articles 5(4), 13(1), 19C(1) and 73(3) were amended by [S.R. 1996 No. 426](#), Schedule 1, paragraphs 2, 5, 11 and 15 respectively; Articles 5, 19C, 73, 74 and 180 were amended by [S.I. 1996/1320 \(N.I. 10\)](#), Schedule 3, paragraphs 3, 8, 10, 11 and 21 respectively
- (2) Formerly the Department of Finance; see [S.I. 1982/338 \(N.I. 6\)](#), Article 3
- (3) [S.I. 1996/1320 \(N.I. 10\)](#)
- (4) [S.R. 1996 No. 542](#)

““appropriate driving test” and “extended driving test” have the same meanings as in Article 41 of the Offenders Order;”;

- (b) after the definition of “passenger-carrying vehicle recovery vehicle” there shall be inserted the following definition—

““penalty points” means penalty points attributed to an offence under Article 30 of the Offenders Order;”;

- (c) in the definition of “practical test” after the word “behaviour” there shall be added “and includes such a test conducted as part of an extended driving test”;

- (d) the definition of “relevant endorsement” shall be omitted;

- (e) in the definition of “test” after the word “Order” there shall be added “including an extended driving test”;

- (f) after the definition of “the Construction and Use Regulations” there shall be inserted the following definition—

““the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996;”;

- (g) in the definition of “theory test” after the words “theoretical test” there shall be added “and includes such a test conducted as part of an extended driving test”; and

- (h) in the definition of “unitary test” after the word “behaviour” there shall be added “and includes such a test conducted as an extended driving test”.

(3) In paragraph (2)(a)(ii) for the words “Article 194(4) of the Order” there shall be substituted “Article 42(1) of the Offenders Order”.

Amendment to regulation 9 (restrictions on the grant of large goods and passenger-carrying vehicle driver’s licences)

3. In paragraph (3)(b)(i) of regulation 9 of the principal Regulations, for the words “by virtue of which he has incurred any further relevant endorsements” there shall be substituted “as a result of which the number of penalty points to be taken into account under Article 31 of the Offenders Order at the date of the application exceeds 3”.

Grant of licences to drive vehicles in another category

4. After regulation 9 of the principal Regulations there shall be inserted—

“Grant of licences to drive vehicles in another category

9A. If a full licence holder wishes to obtain a licence to drive vehicles of another class in addition to the class of vehicles specified in the licence he shall on payment of the fee prescribed in regulation 10 and subject to Articles 5 and 13(1) of the Order be entitled to have issued to him a new licence for that purpose.”.

Amendments to regulation 18 (persons by whom practical and unitary tests may be conducted)

5.—(1) Regulation 18 of the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In paragraph (1), after the words “Practical and unitary tests” there shall be inserted “other than tests conducted for the purposes specified in paragraph (2)”.

- (3) After paragraph (1) there shall be inserted—

“(1A) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a practical or unitary test shall be conducted by—

- (a) an examiner; or
- (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.”.

(4) In paragraphs (2) and (3), after the words “of paragraph (1)” there shall be inserted “or under sub-paragraph (b) of paragraph (1A)”.

Amendments to regulation 19 (persons by whom theory tests may be conducted)

6.—(1) Regulation 19 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) After paragraph (1) there shall be inserted—

“(1A) Where the person submitting himself for a test is disqualified until he passes the appropriate driving test, a theory test shall be conducted by—

- (a) an appointed person;
- (b) the Secretary of State for Defence, for the purpose of testing persons in the public service of the Crown under his department;
- (c) the Department, in so far as concerns the testing of persons in the public service of the Crown.”.

(3) In paragraphs (3), (4) and (6), after the words “of paragraph (1)” there shall be inserted “or under sub-paragraph (b) of paragraph (1A)”.

Amendments to regulation 22 (fees in respect of tests)

7. In regulation 22 of the principal Regulations, after paragraph (2), there shall be inserted—

“(2A) Subject to paragraph (4), the fee (if any) payable in respect of a practical or unitary test to be conducted by an examiner which is, or forms part of, an extended driving test 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 (3) of that Table.”.

Amendments to regulation 29 (nature of tests)

8.—(1) Regulation 29 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In the shoulder note, after the word “tests” there shall be added “other than extended tests”.

(3) Paragraph (1) shall be re-numbered (1A) and before paragraph (1A) there shall be inserted—

“(1) This regulation applies to tests other than extended driving tests”.

Nature of extended driving tests

9. After regulation 29 of the principal Regulations there shall be inserted—

“Nature of extended driving tests

29A.—(1) Where a person is disqualified by order of a court under Article 41 of the Offenders Order until he passes an extended driving test, the test he must pass is a

test conducted in accordance with paragraphs (2) to (10) of regulation 29 as modified by paragraph (2) of this regulation.

(2) For the purpose of an extended driving test, regulation 29 shall apply as if for paragraph (5)(b) there were substituted—

“(b) the time during which that person is required to drive on roads is not less than 60 minutes.””

Amendment to regulation 30 (order of test)

10. In paragraph (5)(ii) of regulation 30 of the principal Regulations, for the words “Article 152 or 196 of the Order until tested” there shall be substituted “Article 41 of the Offenders Order until he passes the appropriate driving test”.

Amendment to regulation 31 (exemption from theory test)

11. In paragraph (5) of regulation 31 of the principal Regulations, for the words “Article 152 or 196 of the Order until tested” there shall be substituted “Article 41 of the Offenders Order until he passes the appropriate driving test”.

Amendment to regulation 32 (entitlement upon passing a test other than a test following disqualification until tested under Article 152 or 196 of the Order)

12. For the shoulder note of regulation 32 of the principal Regulations there shall be substituted “Entitlement upon passing a test other than an appropriate driving test”.

Amendment to regulation 33 (entitlement upon passing a test other than a test following disqualification until tested under Article 152 or 196 of the Order: category A)

13. For the shoulder note of regulation 33 of the principal Regulations there shall be substituted “Entitlement upon passing a test other than an appropriate driving test: category A”.

Amendment to regulation 35 (entitlement upon passing a test following disqualification until tested under Article 152 or 196 of the Order)

14.—(1) Regulation 35 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) For the shoulder note there shall be substituted “Entitlement upon passing an appropriate driving test”.

(3) In paragraph (1)—

(a) in sub-paragraph (a) for the words “Article 152 or 196 of the Order until tested” there shall be substituted “Article 41 of the Offenders Order until he passes the appropriate driving test”; and

(b) for sub-paragraph (b) there shall be substituted—

“(b) passes the appropriate driving test prescribed in respect of a class of motor vehicles included in any category or sub-category,”.

Amendment to regulation 36 (evidence of result of theory tests)

15. In paragraph (6)(b) of regulation 36 of the principal Regulations, for the words “Article 152 or 196 of the Order until he passes the driving test” there shall be substituted “Article 41 of the Offenders Order until he passes the appropriate driving test”.

Amendment to regulation 44 (obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation)

16. In paragraph (1) of regulation 44 of the principal Regulations, for the words from “the counterpart of” to the end there shall be substituted

“he has been convicted (or is to be treated as if he had been convicted) of an offence as a result of which—

- (a) the number of penalty points to be taken into account under Article 31 of the Offenders Order exceeds 3; or
- (b) his licence is treated as revoked under Article 42(1) of that Order.”.

Amendments to regulation 45 (applicants for and holders of a licence who are disqualified by order of a court)

17.—(1) Regulation 45 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraphs (1) and (2), for the words “having no effect by virtue of Article 194(4) of the Order” there shall be substituted “revoked by virtue of Article 42(1) of the Offenders Order”.

(3) In paragraph (1)(b), for the words “having no effect by virtue of Article 194(4)” there shall be substituted “revoked by virtue of Article 42(1)”.

Removal of disqualification

18. In regulation 47(2) of the principal Regulations, for the words “incurred any further relevant endorsements” there shall be substituted—

“incurred—

- (a) penalty points; or
- (b) an endorsement of a Great Britain driving licence held by him, or of its counterpart, with particulars of a conviction pursuant to provisions for the time being in force in Northern Ireland that correspond to Articles 49 and 50 of the Offenders Order”.

Effect of change in classification of vehicles for licensing purposes

19.—(1) Regulation 53 of the principal Regulations shall be amended in accordance with paragraphs (2) and (3).

(2) In paragraph (6)—

- (a) the word “and” after the definitions of “old category” and “class included in an old category” shall be omitted; and
- (b) at the end there shall be added—

“; and

“section 10B permit” means a permit granted under section 10B of the Transport Act (Northern Ireland) 1967”.

(3) In the Table at the end of the regulation, for the entry beginning “D, limited to vehicles not driven for hire or reward” there shall be substituted—

“D, limited to vehicles not driven for hire or reward

Vehicles in category D which are either driven while being used in accordance with

a section 10B permit or, if not being so used, driven otherwise than for hire or reward”.

Amendment to regulation 55 (persons who become resident in Northern Ireland)

20. In paragraph (2) of regulation 55 of the principal Regulations, for sub-paragraphs (a), (b), (c) and (d) there shall be substituted—

- “(a) Article 11 of the Offenders Order shall apply as if the references to a licence were references to a relevant permit and as if the words after paragraph (c) thereof were omitted;
- (b) Article 29(1) and (2) of the Offenders Order shall apply as if the references to a licence were references to a relevant permit, but with the omission—
 - (i) of any reference to the counterpart of a licence,
 - (ii) in paragraph (1) of the words “and a court proposes to make an order disqualifying him or an order under Article 49,”, and
 - (iii) in paragraph (2) of the words “, unless he satisfies the court that he has applied for a new licence and has not received it”;
- (c) Article 47(6) of the Offenders Order shall apply in relation to the holder of a relevant permit as if for the words from “endorsed on the counterpart of the licence” to the end there were substituted the words “notified to the Department”;
- (d) Article 52(2) of the Offenders Order shall apply in relation to the holder of a relevant permit, only where the court has ordered him to be disqualified and as if for the words from “send the licence” to the end there were substituted the words “send the permit, on its being produced to the court, 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”;

Statement of date of birth

21. After regulation 55 of the principal Regulations there shall be inserted—

“Statement of date of birth

55A.—(1) The circumstances in which a person specified in Article 180(3A) of the Order shall, on being required by a constable, state his date of birth are—

- (a) where that person fails to produce forthwith for examination his licence on being required to do so by a constable under that Article; or
- (b) where, on being so required, that person produces a licence—
 - (A) which the constable in question has reason to suspect—
 - (i) was not granted to that person;
 - (ii) was granted to that person in error; or
 - (iii) contains an alteration in the particulars entered on the licence (other than as described in sub-head (A)(ii)) made with intent to deceive;or
 - (B) in which the driver number has been altered, removed or defaced; or
- (c) where that person is a person specified in paragraph (3) of that Article and the constable has reason to suspect that he is under 21 years of age.

(2) In paragraph (1), “driver number” means the number described as the driver number in the licence.”.

Amendments to Schedule 2 (Licence Fees)

22.—(1) Schedule 2 of the principal Regulations shall be amended in accordance with paragraphs (2) to (4).

(2) In item 15, for the words “Article 152 or Article 196 of the Order” there shall be substituted “Article 35 or 40 of the Offenders Order”.

(3) In item 16, for column (1) there shall be substituted—

“A licence issued under regulation 9A (licences to drive vehicles in another category) or Article 50(3) of the Offenders Order (licence issued free from endorsement on surrender of a current licence)”.

(4) After item 16 there shall be inserted—

“17.	Except if it is a first licence, a provisional licence granted first upon the expiry of a period of disqualification ordered by a court under Article 41 of the Offenders Order whether or not the court also made an order under Article 35 or 40 of that Order.	£12”.
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Amendment to Schedule 4 (Fees for Tests)

23. For Schedule 4 to the principal Regulations there shall be substituted—

“SCHEDULE 4

Regulation 22

Fees for Tests

Column (1) <i>Category or sub-category of vehicle</i>	Column (2) <i>Test, other than an extended driving test, commencing—</i>		Column (3) <i>Extended driving test commencing—</i>
	<i>(a) During normal hours</i>	<i>(b) Out of hours</i>	<i>During normal hours</i>
1. A, A1, B1 (other than B1 (invalid carriages)) and P	£38·00	£48·50	£76·00
2. B	£27·00	£38·50	£54·00
3. F, G, H and K	£27·00	£38·50	—
4. B + E, C1, C1 + E, D1 + E, C, C + E, D and D + E	£49·50	£74·50	—
5. B1 (invalid carriages)	Nil	Nil	Nil”.

Amendments to Schedule 10 (Forms of Certificate and Statement of Practical and Unitary Test Result)

24.—(1) Schedule 10 of the principal Regulations shall be amended in accordance with paragraphs (2) to (5).

(2) In Part 1 (unitary test pass or practical test pass after theory test pass), after the words “Certificate of passing the” there shall be inserted “[*extended**]” and after the words “Road Traffic (Amendment) (Northern Ireland) Order 1991” there shall be inserted “[*and Article 41 of the Road Traffic Offenders (Northern Ireland) Order 1996**]”.

(3) In Part 2 (unitary test or practical test failure), after the words “Road Traffic (Northern Ireland) Order 1981” there shall be inserted “[*and for the purposes of Article 41 of the Road Traffic Offenders (Northern Ireland) Order 1996**]”.

(4) In Part 3 (practical test pass before theory test pass), after the words “Road Traffic (Amendment) (Northern Ireland) Order 1991” there shall be inserted “[*and for the purposes of Article 41 of the Road Traffic Offenders (Northern Ireland) Order 1996**]”.

(5) At the end of Parts 1, 2 and 3 there shall be inserted—

“*Words in italics to be omitted where inapplicable,”

Revocation

25. Regulation 46 of and Schedule 11 to the principal Regulations are hereby revoked.

Sealed with the Official Seal of the Department of the Environment on

L.S.

19th August 1997.

J. Ritchie
Assistant Secretary

The Department of Finance and Personnel approves regulations 4, 7, 22(4) and 23.

Sealed with the Official Seal of the Department of Finance and Personnel on

L.S.

19th August 1997.

D. Thomson
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 in consequence of certain provisions of the Road Traffic Offenders (Northern Ireland) Order 1996 (“the 1996 Order”). The principal changes concern the re-testing of drivers following disqualification.

The Regulations in particular make provision for—

- (a) the fees for and nature of the extended driving test ordered by a court under Article 41 of the 1996 Order (regulations 7 and 9);
- (b) the circumstances in which a person, who has been required by a constable to produce his driving licence, must state his date of birth (regulation 21); and
- (c) fees in respect of licences granted following expiry of disqualification and following the passing of a driving test ordered by a court under Article 41 of the 1996 Order (regulation 22).

The fee for a full licence granted upon expiry of a period of disqualification ordered by a court under Article 35 or 40 of the 1996 Order is £12 (regulation 22).

The fee for a provisional licence granted upon expiry of a period of disqualification ordered by a court under Article 41 of the 1996 Order is (unless it is a first licence) £12 (regulation 22).

The fees for the extended driving test are £76 in respect of tests taken in vehicle categories A, A1, B1 (other than B1 (invalid carriages)) and P and £54 in respect of tests taken in vehicle category B (regulation 23).