
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 179

**Motor Cars (Driving Instruction)
Regulations (Northern Ireland) 2004**

PART 6

SUPPLEMENTARY

Decisions

- 23.** A decision of the Registrar under regulations 7, 8 or 22 shall take effect –
- (a) where no appeal under regulation 24 is brought against the decision within the time limited for the appeal, on the expiration of that time;
 - (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
 - (c) where such an appeal is brought and not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and not otherwise.

Appeals

- 24.** A person who is aggrieved by a decision of the Registrar –
- (a) to refuse an application for the entry of his name in the register;
 - (b) to refuse an application for the renewal of an entry in the register;
 - (c) to remove his name from the register;
 - (d) to refuse his application for a trainee licence; or
 - (e) to revoke his trainee licence;

may by notice in writing appeal to the Department within a period of twenty-eight days in the case of (a), (b) or (c) or fourteen days in the case of (d) or (e) from the date of the notice of the decision or such longer period as the Department may in special circumstances allow, and the Department may make such determination as it thinks fit having regard to the circumstances.

Fees

- 25.—**(1) A person applying to submit himself to the theory test shall pay a fee of £72.
- (2) A person applying to submit himself to the driving ability and fitness test shall pay a fee of £130.
- (3) A person applying to submit himself to the instructional ability and fitness test shall pay a fee of £138.
- (4) The fee to be paid by a person who applies for the entry of his name on the register shall be £240.

(5) The fee to be paid by a person who applies for the renewal of an entry of his name in the register for a further period of four years shall be £240.

(6) The fee to be paid by a person who applies for the re-entry of his name in the register shall be £240 if that person's name has been removed from the register and, by virtue of regulation 28(2) he is not required again to pass the examination.

(7) The fee to be paid by a person exempted under regulation 28(1) applying for the entry of his name on the register shall be £240.

(8) The fee to be paid by a person applying for a trainee licence or a renewal thereof shall be £120.

Repayment of fees

26.—(1) The fees paid in pursuance of paragraphs (1) to (6) of regulation 25 shall be repaid –

- (a) if no appointment for a test is made or the appointment made is subsequently cancelled by the Department;
- (b) if the person for whom the appointment is made gives to the Department notice cancelling the appointment of not less than three clear days before the date of the appointment;
- (c) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to the vehicle in which the test was to take place;
- (d) if the person for whom the appointment is made satisfies the Department that he cannot, or, as the case may be, could not reasonably be present for testing on the date of the appointment due to exceptional circumstances occurring not more than 7 days before the said date and of which notice is given within 3 days of the occurrence thereof to the Department at the test centre where the test is, or as the case may be, was to be held; or
- (e) if a person whose name has been on the register decides to have their name removed from the register, then a part refund may be paid based on the number of full years left to run on the certificate.

(2) In this regulation “exceptional circumstances” means an accident, a fire, a failure in the supply of essential services or other unexpected happening (excluding a breakdown or mechanical defect in a vehicle or non-delivery of spare parts therefor).

Official title of registered person and certificate of registration

27.—(1) The official title for use by persons whose names are in the register shall be “Department of the Environment Approved Driving Instructor”.

(2) The certificate for issue to persons whose names are in the register as evidence of their names being therein shall be in the form set out in Schedule 3.

Exemption from regulations

28.—(1) The Registrar may exempt from the condition specified in regulation 5(1)(a) a person who satisfies the Registrar that his name is in the corresponding register established under the law of Great Britain and that he is resident in Northern Ireland.

(2) A person whose name has been removed from the register under regulation 8(4) who applies for his name to be re-entered in the register shall be required again to pass the examination unless his application is made before the end of a period of one year from the date of removal of his name from the register.

Revocations and transitional provisions

29.—(1) The Regulations specified in Schedule 5 are revoked.

(2) Part II of Schedule 5 contains transitional provisions relating to applications for the entry of a person's name in the register and for the grant of a licence made before 5th May 2004.