

STATUTORY RULES OF NORTHERN IRELAND

2010 No. 227

**The Motor Vehicles (Driving Instruction)
Regulations (Northern Ireland) 2010**

PART 5

SUPPLEMENTARY

Official title of registered person

14.—(1) The official title for use by persons whose names are in [^{F1}Part 1 of] the register shall be “[^{F2}Department for Infrastructure] Approved Driving Instructor [^{F3} or [^{F2}Department for Infrastructure] Approved Motorcycle Instructor” as the case may be].

[^{F4}(1A) The official title for use by persons whose names are in Part 2 of the register shall be the title used in that person’s home State.]

(2) The certificate for issue to persons whose names are in [^{F5}Part 1 of] the register, as evidence of their names being thereon, shall be in the form set out in [^{F6}[^{F7}Part 1] of] Schedule 5.

[^{F8}(3) The certificate for issue to persons whose names are in Part 2 of the register, as evidence of their names being thereon, shall be in the form set out in Part II of Schedule 5.]

Textual Amendments

- F1** Words in reg. 14(1) inserted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(6)(a)**
- F2** Words in reg. 14(1) substituted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(6)(b)**
- F3** Words in reg. 14(1) inserted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(12)(a)**
- F4** Reg. 14(1A) inserted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(6)(c)**
- F5** Words in reg. 14(2) inserted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(6)(d)(i)**
- F6** Words in reg. 14(2) inserted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(12)(b)**
- F7** Words in reg. 14(2) substituted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(6)(d)(ii)**

- F8** Reg. 14(3) inserted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(6)(e)**

Commencement Information

- I1** [Reg. 14](#) in operation at 2.8.2010, see [reg. 1](#)

Display of certificate

[^{F9}**15.** A person issued with a certificate referred to in regulation 14(2) [^{F10}or (3)] shall, at all times when acting in accordance with his approved [^{F11}or EU temporary] driving instructor's registration or his approved [^{F11}or EU temporary] motorcycle instructor's registration, wear the certificate or display the certificate in or on the vehicle as the case may be in such position and manner as to be plainly and distinctly visible.]

Textual Amendments

- F9** [Reg. 15](#) substituted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(13)**
- F10** Words in [reg. 15](#) inserted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(7)(a)**
- F11** Words in [reg. 15](#) inserted (31.7.2017) by [The Driving and Motorcycle Instructors \(Recognition of European Professional Qualifications\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/117\)](#), regs. 1(1), **6(7)(b)**

Instruction deemed to be given for payment of money

[^{F12}**16.** Instruction in the driving of a motor car or a motorcycle on a road, being instruction which is given free of charge, to a person who is not the holder of a current driving licence, by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars or motorcycles, and in connection with the supply of a motor car or motorcycle in the course of that business, shall be deemed to be given for the payment of money by the person to whom the instruction is given.]

Textual Amendments

- F12** [Reg. 16](#) substituted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(14)**

[^{F13}[^{F14}**Ratio of motorcycle trainees to approved or EU temporary motorcycle instructors]**

16A. During instruction in the riding of motorcycles on the public road there shall be no more than two motorcycle trainees in the charge of an approved [^{F15}or EU temporary] motorcycle instructor at any one time.]

Textual Amendments

- F13** [Reg. 16A](#) inserted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(15)**

- F14** Reg. 16A heading substituted (31.7.2017) by The Driving and Motorcycle Instructors (Recognition of European Professional Qualifications) Regulations (Northern Ireland) 2017 (S.R. 2017/117), regs. 1(1), **6(8)**
- F15** Words in reg. 16A inserted (31.7.2017) by The Driving and Motorcycle Instructors (Recognition of European Professional Qualifications) Regulations (Northern Ireland) 2017 (S.R. 2017/117), regs. 1(1), **6(9)**

Fees

17. The fee to be paid by a person in respect of the matter specified in an item in column (2) of the table in Schedule 6 shall be the amount specified in that item in column (3).

Commencement Information

- I2** Reg. 17 in operation at 2.8.2010, see **reg. 1**

Repayment of fees

18.—(1) The fees paid in pursuance of the matters specified in items 1 to 6 of Schedule 6 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 seven days before the said date and of which notice is given within three 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).

Commencement Information

- I3** Reg. 18 in operation at 2.8.2010, see **reg. 1**

Exemption from regulations

19. The Registrar may exempt from the condition specified in regulation 4(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.

Commencement Information

I4 [Reg. 19](#) in operation at 2.8.2010, see [reg. 1](#)

Exemption of police instructors

20.—(1) Article 48 of the Order of 2007 shall not apply to the giving of instruction by a police instructor in pursuance of arrangements made by the Chief Constable.

(2) In this regulation—

“police instructor” means—

- (a) an officer of the Police Service of Northern Ireland⁽¹⁾ whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars [^{F16}or the riding of motorcycles] to officers of the Police Service of Northern Ireland; or
- (b) any person employed by the Northern Ireland Policing Board for the purpose of giving such instruction to members of the Police Service of Northern Ireland.

Textual Amendments

F16 Words in [reg. 20\(2\)\(a\)](#) inserted (29.11.2010) by virtue of [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(16)**

Commencement Information

I5 [Reg. 20](#) in operation at 2.8.2010, see [reg. 1](#)

Exemption of Departmental Officers

21. Article 48 of the Order of 2007 shall not apply to any person employed as an examiner by the Department when that person is giving driving instruction [^{F17}or instruction in riding motorcycles] to officers of the Department.

Textual Amendments

F17 Words in [reg. 21](#) inserted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(17)**

Commencement Information

I6 [Reg. 21](#) in operation at 2.8.2010, see [reg. 1](#)

Exemption of Trainee Licence Holders

22. Article 48(1)(a) and (2)(a) of the Order of 2007 shall not apply to a person who holds a trainee licence [^{F18}in the driving of motor cars].

Textual Amendments

F18 Words in [reg. 22](#) inserted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(18)**

Commencement Information

I7 [Reg. 22](#) in operation at 2.8.2010, see [reg. 1](#)

Transitional provisions

23.—(1) Where a person has made an application for any part of the examination under the Regulations of 2004⁽²⁾ but at the date upon which these Regulations come into operation that application has not been determined the application shall be treated as an application for the corresponding examination under these Regulations.

(2) Where a person has passed a part of the examination under the Regulations of 2004 that person shall be deemed to have passed the corresponding part of the examination under these Regulations.

(3) Where a person has applied to be registered in the register under the Regulations of 2004 but at the date upon which these Regulations come into operation the application has not been determined, the application shall be treated as having been made under these Regulations.

(4) Where a person is registered in the register in accordance with the Regulations of 2004 that person shall be deemed to be registered in the register maintained under Article 51 of the Order of 2007 and shall be issued with a certificate under these Regulations which shall be valid for the unexpired period of registration remaining under the 2004 Regulations.

(5) Where a person has passed the instructional ability and fitness test examination under the Motor Cars (Driving Instruction)(Trainee Licence) Regulations (Northern Ireland) 2010 that person shall be treated as having passed the instructional ability and fitness test under these Regulations.

[^{F19}(6) Where a person immediately before the coming into operation of these Regulations was providing instruction in the riding of motorcycles, that person may continue to provide such instruction for a period of six months from and including the date on which these Regulations come into operation unless before that date he meets the requirements set out in regulation 7(4).

(7) Where a person satisfies the Department that he has acceptable equivalent qualifications and experience in providing instruction in the riding of motorcycles, that person may be deemed to have passed part or all of the examination for the purposes of these Regulations for the period of six months from and including the date on which these Regulations come into operation.]

Textual Amendments

F19 [Reg. 23\(6\)\(7\)](#) inserted (29.11.2010) by [The Motor Vehicles \(Driving Instruction\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/367\)](#), regs. 1, **2(19)**

Commencement Information

I8 [Reg. 23](#) in operation at 2.8.2010, see [reg. 1](#)

Changes to legislation: There are currently no known outstanding effects for the The Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010, PART 5. (See end of Document for details)

Revocations

24. Regulations 3 to 15 and 23 to 29 of, and Schedules 2 to 4 to, the Regulations of 2004 and regulations 1 and 2 of those Regulations in so far as they relate to the provisions aforesaid are hereby revoked.

Commencement Information

19 [Reg. 24](#) in operation at 2.8.2010, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010, PART 5.