

2010 No. 227

ROAD TRAFFIC AND VEHICLES

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

Made - - - - - *28th June 2010*

Coming into operation - *2nd August 2010*

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The Department of the Environment makes the following Regulations, in exercise of the powers conferred upon it by Articles 48(1), (2), (4) and (6), 50, 51(1), 52(1), (2), (3), (4), (6) and (7), 55(4), 56(1) and (3), 57(1) and (2), 62(1) and (2), 70(1), 75, 76 and 77 of the Road Traffic (Northern Ireland) Order 2007(a):

PART 1
PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010 and shall come into operation on 2nd August 2010.

Interpretation

2.—(1) In these Regulations—

“approved driving instructor” means a person whose name is entered in the register;

“certificate” means a document as shown in Schedule 5, issued to an Approved Driving Instructor as evidence of registration;

(a) S.I. 2007/916 (N.I. 10)

“community licence” means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

- (a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than an EEA State;
- (b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968; or
- (c) a document issued for a purpose corresponding to that mentioned in Article 13(2) of the Road Traffic (Northern Ireland) Order 1981;

“continued ability and fitness test” means the test of continued ability and fitness to give instruction in the driving of motor cars referred to in regulation 4(2) and the nature and content of which is prescribed in regulation 13;

“Department” means the Department of the Environment;

“driving ability and fitness test” means the practical test of ability and fitness to drive referred to in the definition of “examination” and the nature of which is prescribed in regulation 9;

“examination” means the examination of ability to give instruction in the driving of motor cars and for the purpose of these Regulations shall consist of the test of driving theory and hazard perception, the driving ability and fitness test and the instructional ability and fitness test;

“examiner”, in relation to part of the examination or the continued ability and fitness test, means an officer of the Department appointed to conduct that part of the examination or that test;

“instructional ability and fitness test” means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in the definition of “examination” and the nature of which is prescribed in regulation 10;

“motor car” means a motor vehicle (other than an invalid carriage or motor cycle)—

- (a) which is not constructed or adapted to carry more than nine persons inclusive of the driver; and
- (b) which has a maximum gross weight not exceeding 3.5 tonnes;

“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981(a);

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

“the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007(c);

“the Regulations of 2004” means the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 2004(d);

“theory test” means the test of driving theory and hazard perception referred to in the definition of “examination” the nature of which is prescribed in regulation 8; and

“trainee licence” means a licence granted by the Department in accordance with regulations made under Article 135 of the Order of 1981 for the purpose of gaining experience in giving driving instruction for motor vehicles.

(2) In these Regulations a reference to a part of the examination is a reference to one of the three parts of the examination set out in the definition of “examination” in paragraph (1).

(3) These Regulations shall apply to driving instruction in relation to motor cars.

(a) S.I. 1981/154 (N.I. 1)
(b) S.I. 1996/1320 (N.I. 10)
(c) S.I. 2007/916 (N.I. 10)
(d) S.R. 2004 No. 179

PART 2

REGISTRATION

Register

3. The register shall contain the names and addresses of persons approved by the Department as qualified to give instruction in the driving of motor cars and shall be compiled on behalf of the Department and maintained by the Registrar.

Registration

4.—(1) The Registrar shall enter in the register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar in relation to the following conditions—

- (a) that he has passed the examination;
- (b) that application is made within one year of passing the examination;
- (c) that he is the holder of a current licence of one of the following kinds, that is to say—
 - (i) a current licence to drive a motor car granted under Article 13(1) of the Order of 1981(a);
 - (ii) a current licence to drive a motor car granted under the corresponding law in force in Great Britain; or
 - (iii) a Community licence by which he is authorised to drive a motor car in Northern Ireland,

and that, during the period of six years ending with the day on which the application is made, one or more of the following requirements have been satisfied in relation to him for the periods amounting in the aggregate to at least four years—

- (aa) he has held a current licence of one of the kinds aforesaid,
- (bb) after having passed the test of competence prescribed under Article 5(1) of the Order of 1981 or, as the case may be, the law for the time being in force in Great Britain corresponding to that Article, to drive a motor vehicle, he has held a current provisional licence to drive a motor vehicle,
- (cc) he has held a current foreign licence, that is to say, a document issued under the law of a country or territory other than an EEA state (within the meaning of the Order of 1981) authorising the holder to drive a motor vehicle in that country;
- (d) that he has not, during any part of the period of four years ending with the day on which the application is made, been disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain; and
- (e) apart from the fulfilment of the foregoing conditions that he is a fit and proper person to have his name entered in the register.

(2) The entry or retention of a person's name in the register shall be subject to the condition that so long as the name is therein that person will, if at any time so required by the Registrar, undergo a practical test of his continued ability and fitness to give instruction in the driving of motor cars as set out in regulation 13.

(a) S.I. 1981/154 (N.I. 1) Article 13(1) as amended by S.I. 1991 (N.I. 3), S.R. 1996 No.426, S.I. 2003 (N.I. 16), 1998 (N.I. 7), 2003 (N.I. 16) and S.R. 2002 No. 374

Extension of registration

5.—(1) A person may apply to the Registrar for an extension of his registration under Article 56(1) of the Order of 2007 no later than 4 weeks before his registration is terminated under Article 55(1) of that Order.

(2) The prescribed requirements as to which the Registrar must be satisfied before extending the registration of an applicant under Article 56(3) of the Order of 2007 are—

- (a) that he has not refused to undergo a test such as is mentioned in regulation 13 during the previous period of registration;
- (b) that his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test which he has undergone during the said period, to be of a satisfactory standard;
- (c) that he has not during any part of the said period been disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence to drive a motor vehicle granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain;
- (d) that he is the holder of a current licence of one of the kinds mentioned in regulation 4(1)(c); and
- (e) that apart from the fulfilment of the foregoing conditions he continues to be a fit and proper person to have his registration extended.

Termination of registration

6.—(1) The prescribed conditions as to which the Registrar must be satisfied before terminating the registration of a person under Article 57(1) of the Order of 2007 are—

- (a) that he did not hold a current licence of one of the kinds mentioned in regulation 4(1)(c);
- (b) that he was disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence to drive a motor vehicle granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain;
- (c) that he refused to undergo a test such as is mentioned in regulation 13;
- (d) that he failed to appear for such a test on more than two occasions;
- (e) that he failed to pass such a test; or
- (f) that he ceased to be a fit and proper person to have his name included in the register.

(2) Where a person whose registration has been terminated under Article 57(1) applies under Article 51(2) of the Order of 2007 to be registered again and either—

- (a) the application is made after the end of the period of one year beginning with the date on which registration was terminated; or
- (b) his registration was terminated on the grounds that he has failed to pass such a test as is mentioned in regulation 13,

the Registrar shall not regard the condition specified in sub-paragraph (a) of regulation 4(1) as fulfilled unless he is satisfied that that person has again passed the examination mentioned in that sub-paragraph since the date on which his registration was terminated.

(3) A person whose registration was terminated under Article 55(1) of the Order of 2007 who applies to be registered 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 the registration was terminated.

PART 3

EXAMINATION OF ABILITY TO GIVE INSTRUCTION

General provisions

7.—(1) A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Department may determine.

(2) Where a person has passed the theory test (whether before or after these Regulations are made) he shall not be eligible to take it again during the following two years.

(3) Where a person has failed the theory test on his third attempt he shall not be eligible to take it again for a period of two years commencing on the date of the first attempt.

(4) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case—

- (a) he has passed the three parts of the examination in the following order:
 - (i) the theory test and hazard perception test;
 - (ii) the driving ability and fitness test; and
 - (iii) the instructional ability and fitness test;
- (b) he passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;
- (c) within two years after passing the theory test and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test; and
- (d) he passed the instructional ability and fitness test on his first, second or third attempt after he had passed the theory test, and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(5) For the purposes of this regulation—

- (a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;
- (b) subject to sub-paragraph (c), a reference to the passing of the theory test or the driving ability and fitness test (including paragraph (4)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions; and
- (c) if a person takes the theory test on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(6) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

Theory test and hazard perception test

8.—(1) The theory test shall be conducted in two parts, one part being the test of driving theory described in Schedule 1 and the other being the test of hazard perception as described in paragraph (4).

(2) The candidate must take the test of hazard perception immediately after taking the test of driving theory.

(3) The test of driving theory shall be conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate.

(4) The test of hazard perception shall—

- (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
- (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.

(5) A candidate taking the test of hazard perception must satisfy the examiner that his performance in the test of hazard perception demonstrates an ability to perceive hazards on the road.

(6) For the purposes of this regulation “film clip” means a sequence of visual images displayed electronically.

Driving ability and fitness test

9.—(1) The driving ability and fitness test shall consist of tests of eyesight and driving technique and the candidate shall be required to reach the qualifying standard in both tests on the same occasion.

(2) The test of eyesight shall be a test of the candidate’s ability to read in good daylight (with the aid of glasses or contact lenses if worn), a motor vehicle registration mark containing letters and figures—

- (a) 79 millimetres in height and 50 millimetres wide at a distance of 26.5 metres; or
- (b) 79 millimetres in height and 57 millimetres wide at a distance of 27.5 metres.

(3) The test of driving technique described in Schedule 2 shall, so far as possible, be conducted both on urban roads and on roads of different classes outside built-up areas and a candidate must satisfy the examiner that he has an adequate knowledge of the principles of good driving and road safety and that he can apply them in practice.

(4) The candidate shall, during the test, allow to travel in the vehicle—

- (a) the person authorised to conduct the test; and
- (b) any person authorised by the Department for the purpose of supervising the test.

Instructional ability and fitness test

10.—(1) The instructional ability and fitness test described in Schedule 3 shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner, as if the examiner were—

- (a) a novice or partly-trained pupil; or
- (b) a pupil who is approaching driving test standard.

(2) The candidate shall, during the test, allow to travel in the vehicle—

- (a) the person authorised to conduct the test; and
- (b) any person or persons authorised by the Department for the purpose of supervising the test or otherwise.

Motor car to be provided for practical part of examination

11.—(1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of that test, in respect of which the following conditions are satisfied.

(2) The vehicle must have four wheels and be either—

- (a) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel; or
- (b) a dual purpose vehicle as defined in Article 2(2) of the Order of 1981.

(3) The vehicle must—

- (a) have a readily adjustable driving seat and a seat for a forward-facing front passenger;
- (b) have a steering wheel on its off-side;
- (c) be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels;
- (d) have fitted for use with the driver's seat and front passenger seat a properly anchored and functioning three-point seat belt;
- (e) have fitted as an integral part of the front passenger seat a head restraint which satisfies the requirements of Council Directive 78/932/EEC(a), and be fitted with head restraints on the driver's seat and the forward facing front seats;
- (f) in the case of a vehicle with forward facing seats behind the driver's seat an inertia reel belt for one of those seats nearest either side of the vehicle and a three point belt, a lap belt, a disabled person's belt or a child restraint for at least one other of those seats;
- (g) be fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat; and
- (h) be otherwise suitable for the purposes of the test.

(4) The vehicle must not, during any driving ability and fitness test display the distinguishing mark referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(b) or anything resembling such a distinguishing mark.

(5) In the case of a vehicle provided for the purposes of an instructional ability and fitness test, there must be in force in relation to the use of the vehicle a policy of insurance that—

- (a) complies with the requirements of Article 92 of the Order of 1981 in relation to the candidate as driver of the vehicle;
- (b) complies with the requirements of that Article in relation to the examiner as the driver of the vehicle; and
- (c) insures the examiner as the driver of the vehicle in respect of liability for damage to the vehicle during the test,

and throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.

Further requirements at test

12.—(1) A person who submits himself for a test specified in regulation 8, 9 or 10 shall, before the test commences—

- (a) produce an appropriate licence authorising him to drive a motor vehicle of the class in which the test is to be taken for inspection; and
- (b) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 4 as evidence of his identity.

(2) In this regulation “appropriate licence” means a licence which fulfils the conditions laid out in regulation 4(1)(c).

(a) Council Directive of 16 October 1978 on the approximation of laws relating to head restraints of seats of motor vehicles (O.J. No. L325,20.11.78, p.1)

(b) S.R. 1996 No. 542

PART 4

TEST OF CONTINUED ABILITY AND FITNESS TO GIVE INSTRUCTION

Nature of test and provision of a motor car

13.—(1) The following provisions shall have effect where a person is required to undergo the continued ability and fitness test.

(2) The test shall consist of the attendance of the examiner, while the person is giving instruction to a pupil or pupils.

(3) Unless the examiner otherwise directs, the test shall be carried out in a motor car on a road while the examiner is in the vehicle and a pupil is under instruction.

(4) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities—

- (a) his method, clarity, adequacy and correctness of instruction;
- (b) his observation and proper correction of the pupil's errors;
- (c) his manner, patience and tact in dealing with the pupil; and
- (d) his ability to inspire confidence.

(5) The candidate shall provide a motor car which is a passenger vehicle and which conforms to the requirements as laid out in regulation 11(2) and (3) and in respect of which there shall be in existence at the time of the test a policy of insurance which shall include the liability of the driver and the person in charge of the vehicle to passengers in the vehicle.

(6) The candidate shall, during the test, allow to travel in the vehicle—

- (a) the person authorised to conduct the test; and
- (b) any person or persons authorised by the Department for the purpose of supervising the test or otherwise.

(7) Where a candidate has undergone a test of continued ability and fitness to instruct and has not been successful and where another opportunity at the test is given, he shall be required to undergo the test within fourteen weeks from the date of being unsuccessful.

PART 5

SUPPLEMENTARY

Official title of registered person

14.—(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 thereon, shall be in the form set out in Schedule 5.

Display of certificate

15. A person issued with a certificate referred to in regulation 14(2) shall, at all times when acting in accordance with his approved driving instructor's registration, wear the certificate or display the certificate in the vehicle in such position and manner as to be plainly and distinctly visible.

Instruction deemed to be given for payment of money

16. Instruction in the driving of a motor car 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, and in connection with the supply of a motor car 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.

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).

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).

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.

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(a) whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars 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.

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 to officers of the Department.

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.

Transitional provisions

23.—(1) Where a person has made an application for any part of the examination under the Regulations of 2004(b) 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.

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.

Sealed with the Official Seal of the Department of the Environment on 28th June 2010.



Deirdre Kenny
A senior officer of the
Department of the Environment

(a) 2000 c. 32
(b) S.R. 2004 No. 179

SPECIFIED MATTERS FOR THEORY TEST

The test of driving theory shall consist of a theoretical examination, in which the candidate is required to answer from his own knowledge, on all or any of the following subjects—

- (a) the principles of road safety generally and their application in particular circumstances;
- (b) the techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil on the matters set out in paragraph (b), the correction of the pupil's errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers;
- (d) the theory of learning and the theory and practice of teaching and assessment;
- (e) the Official Highway Code for Northern Ireland, published by The Stationery Office and other matters in the booklet in which it is published;
- (f) the booklet "The Official DSA Guide to Learning To Drive" issued by the Department for Transport and published by The Stationery Office;
- (g) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence prescribed by regulation 36(2)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(a);
- (h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and
- (i) the book "The Official DSA Guide to Driving - The Essential Skills", issued by the Department for Transport and published by The Stationery Office.

(a) S.R. 1996 No. 542

**SPECIFIED MATTERS FOR DRIVING ABILITY AND FITNESS
TEST**

1. The candidate taking the test of driving technique shall be required to satisfy the examiner of his ability to perform on five occasions (or at the discretion of the person conducting the test, show how to perform) a check on the condition and safety of one component of the vehicle, chosen at the discretion of the person conducting the test, from the list of components specified in paragraph 2, and conduct an actual check on the condition of a second component, similarly chosen from the list.

2. For the purposes of paragraph 1 the list of components of the vehicle is as follows: tyres, steering, brakes, fluids (e.g. engine oil, coolant, washer fluid), lights, reflectors, direction indicators and audible warning device.

3. A candidate taking the test of driving technique shall in particular be required to satisfy the examiner on—

- (a) his expert handling of controls;
- (b) his use of correct road procedure;
- (c) his anticipation of the actions of other road users and taking of appropriate action;
- (d) his sound judgement of distance, speed and timing; and
- (e) his consideration for the convenience and safety of other road users.

4. The candidate taking the test of driving technique shall be required to demonstrate his ability to perform all or any of the following manoeuvres—

- (a) moving away straight ahead or at an angle;
- (b) overtaking, meeting or crossing the path of other vehicles and taking an appropriate course;
- (c) turning right-hand and left-hand corners;
- (d) stopping the vehicles as in an emergency; and
- (e) carrying out manoeuvres involving the use of reverse gear.

SCHEDULE 3

Regulation 10

SPECIFIED MATTERS FOR INSTRUCTIONAL ABILITY AND FITNESS TEST

1. The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction—

- (a) explaining the controls of the vehicle;
- (b) moving off;
- (c) making normal stops;
- (d) reversing, and while doing so entering limited openings to the right or to the left;
- (e) turning to face the opposite direction, using forward and reverse gears;
- (f) parking close to the kerb, using forward and reverse gears;
- (g) using mirrors and explaining how to make an emergency stop;
- (h) approaching and turning corners;
- (i) judging speed, and making normal progress;
- (j) road positioning;
- (k) dealing with road junctions;
- (l) dealing with crossroads;
- (m) dealing with pedestrian crossings;
- (n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users; and
- (o) giving correct signals.

2. The candidate's knowledge and ability shall be assessed on—

- (a) the method, clarity, adequacy and correctness of his instruction;
- (b) the observation and correction of the examiner's driving errors; and
- (c) his manner generally.

SCHEDULE 4

Regulation 12

EVIDENCE OF IDENTITY OF TEST CANDIDATES

1. The documents referred to in Regulation 12 are—
 - (a) a current passport;
 - (b) a current cheque guarantee card or credit card bearing a photograph and signature of the person;
 - (c) an employer’s identity card bearing a photograph and signature of the person;
 - (d) a trade union card bearing a photograph and signature of the person;
 - (e) a current electoral identity card issued by the Chief Electoral Officer for Northern Ireland and bearing a photograph and signature of the person; and
 - (f) a photograph of the person which has been endorsed with a certificate in the prescribed form signed by an acceptable person.

2. In this Schedule—

“acceptable person” means a Member of Parliament, district council councillor, Justice of the Peace, minister of religion, barrister, solicitor, teacher, medical practitioner, bank official, permanent civil servant or police officer.

“the prescribed form”, in relation to a certificate, means the following—

“I, [Name of acceptable person], certify that this is a true likeness of [Name of candidate], who has been known to me for [Number of Years] years in my capacity as [Specify capacity].

Signed

Date

Business or profession

Telephone Number

SCHEDULE 5

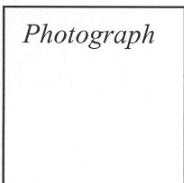
Regulation 14

FORM OF CERTIFICATE OF REGISTRATION

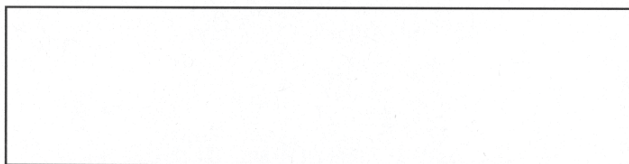
Department of the Environment Approved Driving Instructor
Road Traffic (Northern Ireland) Order 2007

Certificate of Registration

Photograph

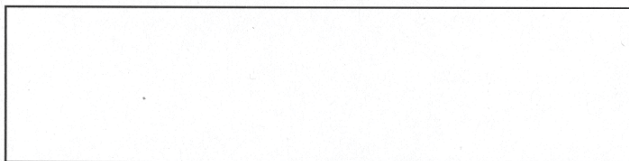


On behalf of the Department of the Environment I
certify that

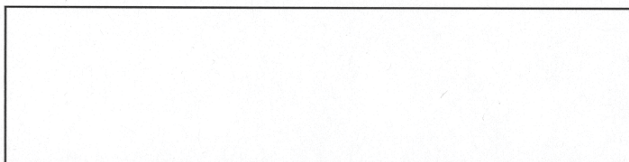


is included in the Register of Approved Driving
Instructors as qualified in giving instruction in the
driving of motor cars.

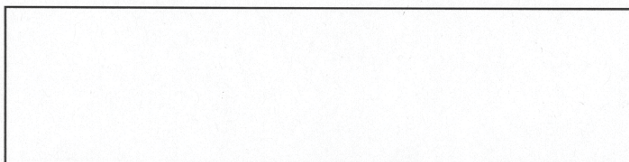
Date of issue



Valid until



Signed



Registrar

Certificate Number.....

SCHEDULE 6

Regulation 17

FEES

<i>Matter in respect of which application is made</i>		<i>Fee payable</i>
1.	Submission to the theory test	£72
2.	Submission to the driving ability and fitness test	£130
3.	Submission to the instructional ability and fitness test	£138
4.	Entry of name on the register	£240
5.	Renewal of entry of name in the register for a further period of four years	£240
6.	Re-entry of name in the register as if that person's name has been removed from the register and, by virtue of regulation 6(3) he is not required again to pass the examination	£240
7.	Entry of name on the register without passing examination by virtue of regulation 19	£240

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Road Traffic (Northern Ireland) Order 2007 introduces new provisions dealing with driving instruction. As a consequence these Regulations partially revoke the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 2004 (the 2004 Regulations) and re-enact with several amendments.

The Regulations provide for the establishment and maintenance of a Register of driving instructors and prescribe the requirements necessary for registration.

In particular, the Regulations—

- (a) prescribe the time limits within which a person must apply for an extension of his registration and the requirements as to which the Registrar must be satisfied before granting an extension (regulation 5);
- (b) prescribe the conditions as to which the Registrar must be satisfied before terminating a person's registration and the conditions which must be satisfied when a person again applies to be registered after having previously had their registration terminated (regulation 6);
- (c) make it a requirement for an approved driving instructor to display his certificate when giving driving instruction (regulation 15);
- (d) prescribe the circumstances under which driving instruction provided free of charge is deemed to be given for the payment of money (regulation 16);
- (e) prescribe the fees to be paid with regard to the registration process and the circumstances under which those fees paid are to be refunded (regulations 17 and 18 and Schedule 6);
- (f) provide for exemptions from the requirement for registration for certain persons (regulations 20, 21 and 22); and
- (g) make transitional provisions in respect of—
 - (i) applications made but not determined, and
 - (ii) persons registered as driving instructors,before these Regulations come into operation (regulation 23).

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2010 No. 227

ROAD TRAFFIC AND VEHICLES

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

£5.75