
STATUTORY RULES OF NORTHERN IRELAND

2017 No. 117

**The Driving and Motorcycle Instructors
(Recognition of European Professional
Qualifications) Regulations (Northern Ireland) 2017**

PART 3

Amendment of subordinate legislation

Amendment of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996

5.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(1) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “approved motorcycle instructor” substitute—

““approved motorcycle instructor” means a motorcycle instructor whose name is registered in Part 1 of the register.”; and

(b) after the definition of “dual purpose vehicle” insert—

““EU temporary motorcycle instructor” means a motorcycle instructor registered in Part 2 of the register”.

(3) In regulation 12 (conditions attached to provisional licences)—

(a) in paragraphs (5A) and (5C) after the term “approved motorcycle instructor”, in each place that it occurs, insert “or EU temporary motorcycle instructor”;

(b) in paragraph (5A)(d) after “14(2)” insert “or (3)”; and

(c) in paragraph (5C)(d) after “14(2)” insert “or (3)”.

(4) In regulation 47A(2) and (4) (provision of approved training courses) after the term “approved motorcycle instructor”, in each place that it occurs, insert “or EU temporary motorcycle instructor”.

(5) In regulation 47B(3) (nature and conduct of training courses) after the term “approved motorcycle instructor” insert “or EU temporary motorcycle instructor”.

(6) In regulation 47C(1) (withdrawal of approval to provide training courses or to act as instructor) after the term “approved motorcycle instructor”, in each place that it occurs, insert “or EU temporary motorcycle instructor”.

(7) In regulation 47D (cessation of conduct of training) after the term “approved motorcycle instructor” insert “or EU temporary motorcycle instructor”.

(8) In regulation 47F (ratio of trainees to instructors) after the term “approved motorcycle instructor” in each place that it occurs insert “or EU temporary motorcycle instructor”.

(1) S.R. 1996 No. 542 relevant amending regulations are S.R. 1997 No. 383, S.R. 2003 Nos. 64 and 371, S.R. 2008 No. 418, S.R. 2009 No. 14 and S.R. 2011 No. 21

(9) In regulation 47G(1), (1A) and (4) to (6) (evidence of successful completion of course) after the term “approved motorcycle instructor”, in each place that it occurs, insert “or EU temporary motorcycle instructor”.

Amendment of the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010

6.—(1) The Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010⁽²⁾ are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation)—

- (a) in the definitions of “approved driving instructor” and “approved motorcycle instructor” for “entered in” substitute “registered in Part I of”;
- (b) for the definition of “certificate” substitute ““certificate” means a document issued to an approved driving instructor, an approved motorcycle instructor, an EU temporary driving instructor or an EU temporary motorcycle instructor as evidence of registration as shown in Part I or Part II of Schedule 5;”;
- (c) after the definition of “driving ability and fitness test” insert—
“EU temporary driving instructor” and “EU temporary motorcycle instructor” mean a person who is registered in Part 2 of the register;”;
- (d) after the definition of “examiner” insert—
““home State” has the same meaning as in regulation 2(1) of the Regulations of 2015;”;
- (e) for the definition of “the register” substitute ““the register” means either the register of approved driving instructors, the register of approved motorcycle instructors, the register of EU temporary driving instructors or the register of EU temporary motorcycle instructors, as the case may be;” and
- (f) after the definition of “the Regulations of 2004” insert—
““the Regulations of 2015” means the European Union (Recognition of Professional Qualifications) Regulations 2015⁽³⁾”;

(3) For regulation 3 (register) substitute the following—

“Register

3. The register is to be compiled on behalf of the Department and maintained by the Registrar.”.

(4) In regulation 4 (registration)—

- (a) in paragraph (1), for the words from the beginning to “conditions—” substitute “The conditions prescribed under Article 52(1) of the Order of 2007 for registration in Part 1 of the register are—”; and
- (b) after paragraph (1) insert—
“(1A) Where the Registrar is satisfied that a person who has applied under Article 52(1) of the Order of 2007 for registration in Part 1 of the register is entitled to give paid instruction in any description of driving instruction by virtue of Part 3 of the Regulations of 2015, regulation 4(1)(a) and (b) shall not apply in relation to the applicant.”.

(5) In regulation 6(1) (termination of registration)—

(2) S.R. 2010 No. 227 as amended by S.R. 2010 No. 367 and S.R. 2015 No. 5

(3) S.I. 2015/2059

- (a) in sub-paragraph (f) omit “or”;
 - (b) after sub-paragraph (g) insert—
 - “(h) that he was not entitled to have been entered in the register by virtue of Part 2 of the Regulations of 2015;
 - (i) that he is no longer registered in the register maintained by the officer referred to in section 125(2) of the Road Traffic Act 1988(4);
 - (j) that his declaration under Part 2 of the Regulations of 2015 is no longer valid as he is no longer registered in his home State; or
 - (k) that in accordance with regulation 13(2) of the Regulations of 2015, his provision of professional services is deemed not to be on a temporary and occasional basis.”;
 - (c) in paragraph (2) after “whose registration” insert “in Part 1 of the register”; and
 - (d) in paragraph (3) after “whose registration” insert “in Part 1 of the register”.
- (6) In regulation 14 (official title of registered person)—
- (a) in paragraph (1) after “names are in” insert “Part 1 of”;
 - (b) in paragraph (1) for “Department of the Environment”, in each place that it occurs, substitute “Department for Infrastructure”;
 - (c) after paragraph (1) insert—
 - “(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.”;
 - (d) in paragraph (2)—
 - (i) after “names are in” insert “Part 1 of”;
 - (ii) for “either Part I or Part II” substitute “Part 1”; and
 - (e) after paragraph (2) insert—
 - “(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.”.
- (7) In regulation 15 (display of certificate)—
- (a) after “14(2)” insert “or (3)”; and
 - (b) after “approved”, in each place that it occurs, insert “or EU temporary”.
- (8) For the heading to regulation 16A (ratio of motorcycle trainees to approved motorcycle instructors), substitute “Ratio of motorcycle trainees to approved or EU temporary motorcycle instructors”.
- (9) In regulation 16A (ratio of motorcycle trainees to approved motorcycle instructors) after “approved” insert “or EU temporary”.
- (10) For Schedule 5 substitute Schedule 5 as set out in Schedule 1 to these Regulations.
- (11) In Schedule 6 (fees) for the table substitute the table set out in Schedule 2 to these Regulations.