
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART V

DRIVING INSTRUCTION

Disabled persons: emergency control certificates, etc.

Assessment of disabled person's ability to control a motor vehicle in an emergency

65.—(1) This Article applies to any person who, by or under any provision of this Part—

- (a) is authorised to apply to undergo an emergency control assessment; or
- (b) is required by the Registrar to submit himself for an emergency control assessment.

(2) An emergency control assessment is an assessment of whether the person being assessed would be able either—

- (a) to take control of a motor vehicle of a class covered by his disabled person's limited driving licence without any modifications; or
- (b) to take control of a motor vehicle of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor vehicle;

if an emergency arose while he was giving, in such a motor vehicle, instruction in the driving of an appropriate motor vehicle.

(3) Where a person is authorised to apply to undergo an emergency control assessment, for his application to be duly made, it must be made to the Department and must include—

- (a) a declaration by the person making the application, in such form as the Department may require, stating every relevant disability or prospective disability from which the person is suffering or has at any time (or, if a period is prescribed by regulations, has during that period) suffered; and
- (b) such other particulars as the Department may require.

(4) Where a person is required to submit himself for an emergency control assessment he must furnish to the Department such particulars as the Department may require.

(5) Regulations may require a person who applies to undergo an emergency control assessment (or a part of such an assessment), or is required to submit himself for such an assessment, to pay a fee to the Department, or such other person as the Department may specify, in respect of that assessment.

(6) An emergency control assessment—

- (a) shall be conducted by a person appointed by the Department (in this Article referred to as "the assessor"); and
- (b) shall consist of such practical tests and other means of assessment as the Department may determine.

(7) On completing an emergency control assessment of a person, the assessor shall grant him an emergency control certificate if he is satisfied either—

- (a) that, in the circumstances mentioned in paragraph (2), that person would be able to take control of a motor vehicle of a class covered by his disabled person's limited driving licence without any modifications; or
- (b) that, in the circumstances mentioned in paragraph (2), that person would be able to take control of a motor vehicle of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor vehicle,

but if the assessor is not so satisfied, he shall refuse to grant a certificate to that person.

(8) An emergency control certificate granted to any person—

- (a) shall specify the class of motor vehicle covered by his disabled person's limited driving licence in relation to which the assessor is satisfied as mentioned in paragraph (7)(a) or (b), specifying, in a case falling within sub-paragraph (b) the modifications that are appropriate; and
- (b) may include a recommendation that the person should undergo a further emergency control assessment after the end of such period as is specified in the certificate,

and shall otherwise be in such form as the Department may determine.

(9) Different modifications for different classes of motor vehicle may be specified under paragraph (8)(a).

(10) The assessor who has assessed any person under this Article—

- (a) if he grants an emergency control certificate, shall—
 - (i) give or send the certificate to that person; and
 - (ii) send a copy of the certificate to the Registrar; and
- (b) if he refuses to grant such a certificate, shall—
 - (i) give notice in writing to that person of his decision and of the reasons for it; and
 - (ii) send a copy of the notice to the Registrar.

Further assessments

66.—(1) A person who has undergone an emergency control assessment may not apply to undergo a further assessment until after the end of—

- (a) the period of 6 months beginning with the date of his most recent previous assessment; or
- (b) such other period as may be prescribed by regulations,

unless, by virtue of Article 53(8)(c) or paragraph (2), he is required by the Registrar to submit himself for a further assessment.

(2) A person who is not registered but who holds a current emergency control certificate shall, if at any time required to do so by the Registrar, submit himself for a further emergency control assessment on the day (within such period as may be prescribed by regulations) and at the place specified by the Registrar.

(3) In considering whether to exercise, in respect of any person, his power under paragraph (2), the Registrar shall have regard to any recommendation included in that person's current emergency control certificate as to the period after the end of which he should undergo a further emergency control assessment.

(4) A person who—

- (a) holds a current emergency control certificate; but

(b) wishes to undergo a further emergency control assessment with a view to establishing his ability to control any class of motor vehicle not specified in his current certificate, may, with the consent of the Registrar and subject to paragraph (1), apply to undergo a further assessment; but a person applying to undergo a further assessment under this paragraph shall not be required to make the declaration required by Article 65(3)(a).

(5) An application made under paragraph (4) for the consent of the Registrar shall be made in such manner and be accompanied by such particulars as the Registrar may require.

(6) If, as a result of undergoing a further emergency control assessment, a person is granted a fresh emergency control certificate the grant of that certificate shall, with effect from the date on which it is notified as taking effect, revoke the previous certificate.

(7) If, in the case of an emergency control assessment conducted in respect of a person who holds a current emergency control certificate, the assessor is not satisfied as to either of the matters specified in sub-paragraphs (a) and (b) of Article 65(7), he shall revoke the certificate.

(8) Where a person's emergency control certificate is revoked under paragraph (7) the assessor shall—

- (a) serve notice in writing on him specifying—
 - (i) the grounds for the revocation; and
 - (ii) the date, not being earlier than the date of service of the notice, on which the revocation is to take effect; and
- (b) send a copy of the notice to the Registrar.

(9) In this Article “assessor” has the same meaning as in Article 65.

Duty to disclose further disability

67.—(1) If at any time a registered disabled instructor becomes aware—

- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Department under Article 53(3) or Article 65(3) or (4); or
- (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since his current emergency control certificate was granted,

he must forthwith notify the Registrar in writing of the nature and extent of his disability.

(2) Paragraph (1) does not require a person to notify the Registrar if—

- (a) the disability is one from which he has not previously suffered; and
- (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of 3 months beginning with the date on which he first becomes aware that he suffers from it.

(3) A person who fails without reasonable excuse to notify the Registrar as required by paragraph (1) is guilty of an offence.

Offences relating to giving by disabled person of paid driving instruction

68.—(1) No registered disabled instructor shall give paid instruction in the driving of a motor vehicle unless he is the holder of a current emergency control certificate.

(2) No registered disabled instructor shall give, in any unauthorised motor vehicle, paid instruction in the driving of a motor vehicle.

(3) Where a registered disabled instructor gives instruction in contravention of this Article—

- (a) the instructor;
- (b) if the instructor is employed by another person to give that instruction, that other person (as well as the instructor); and
- (c) if the instructor is a franchisee under a driving instruction franchise, the franchisor (as well as the instructor),

is guilty of an offence.

(4) In paragraph (2) “unauthorised motor vehicle”, in relation to any person, means a motor vehicle other than one which falls within the class of motor vehicle specified in his current emergency control certificate and, where modifications are specified in that certificate, is modified in accordance with the specification.