
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART V

DRIVING INSTRUCTION

Examinations and training

Examinations

62.—(1) Regulations may make provision with respect to—

- (a) the nature of examinations of the fitness and ability (or continued fitness and ability) to give driving instruction (which may consist of practical tests and other tests and means of assessment) and the administrative arrangements for submitting for such examinations;
- (b) the qualification, selection and appointment of persons by whom they may be conducted, conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment and the revocation of any appointment;
- (c) evidence of the results of such examinations; and
- (d) the making available of information about the results of such examinations,

and generally with respect to such examinations.

(2) In particular, the regulations may make provision—

- (a) for requiring a person submitting himself for any part of an examination which consists of practical tests, to provide a safe and suitable vehicle for the purposes of the practical tests and for requiring that, if the vehicle is a vehicle of a prescribed description, the vehicle has been certified in the prescribed manner after a prescribed inspection as satisfying such requirements as may be prescribed;
- (b) for the charging (whether on the making by a person of arrangements to submit himself for any part of an examination or otherwise) of reasonable fees for or in connection with the examination, or any part of it, and any inspection and certification of a vehicle required by regulations under sub-paragraph (a) in relation to any part of the examination;
- (c) for requiring a person who desires to submit himself, or is required to submit himself, for an examination, or any part of it, to supply the Registrar with such particulars as the Department may determine; and
- (d) for ensuring that a person submitting himself for an examination, or any part of it, and failing to pass it shall not be eligible to submit himself for another examination, or any part of it, by the same or any other person before the end of a prescribed period, unless in accordance with the power conferred on the Department by Article 63.

Review of examinations etc.

63.—(1) On the application of a person who has undergone a relevant instructor examination, or a part of a relevant instructor examination, the Department may determine whether the examination, or the part of the examination, was properly conducted.

(2) In this Part “relevant instructor examination” means—

- (a) an examination of ability and fitness referred to in Article 52(2)(a) or 53(6)(a);
- (b) an examination of continued ability and fitness referred to in Article 52(4)(a) or 53(8)(a);
or
- (c) an emergency control assessment under Article 65.

(3) If it appears to the Department that it was not properly conducted, the Department may—

- (a) (except in the case of an emergency control assessment) order that the applicant shall be eligible to submit himself for another examination before the end of the period prescribed under Article 62; and
- (b) (in any case) order that any fee payable by the applicant in respect of the examination shall not be paid, or, if it has been paid, shall be repaid.

Training

64.—(1) Regulations may provide that a person—

- (a) shall not be permitted to take any part of a relevant instructor examination;
- (b) shall not be registered; or
- (c) shall not have his registration extended,

unless he has successfully completed training in accordance with the regulations.

(2) Regulations may make provision in relation to training—

- (a) by means of courses provided in accordance with the regulations;
- (b) by means of study conducted in accordance with the regulations; and
- (c) by any other prescribed means.

(3) Regulations under this Article may include provision exempting persons from any requirement imposed by virtue of paragraph (1); and regulations including such provision may (in particular)—

- (a) limit an exemption to persons in prescribed circumstances;
- (b) attach conditions to an exemption;
- (c) regulate applications for an exemption; and
- (d) include provision for the evidencing by a person of his being within an exemption.

(4) Regulations under this Article may provide that training is not to be taken into account for the purposes of the regulations if it was completed before such time as is prescribed.

(5) Regulations under this Article may, in particular, include—

- (a) provision about the nature of training;
- (b) provision for the approval by the Department of persons providing training or giving instruction as part of training and the withdrawal of approval (including provision for appeals to a court of summary jurisdiction acting for the petty sessions district in which the person resides against refusal and withdrawal of approval) and provision for exemptions from any requirement of approval;

- (c) provision for the training or assessment, or the supervision of training or assessment, of persons providing training or giving instruction as part of training;
 - (d) provision for the evidencing of the successful completion of training; and
 - (e) provision authorising the Department to make available information about persons providing training or giving instruction as part of training.
- (6) Regulations under this Article may include provision for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Department by the regulations.