
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 179

**Motor Cars (Driving Instruction)
Regulations (Northern Ireland) 2004**

PART 5

TRAINEE LICENCE SCHEME

Application for a licence

16.—(1) Applications for a licence shall be made in such form and contain such information as the Department may determine.

(2) 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.

Licence

17.—(1) An applicant for a licence shall apply to the Registrar who, subject to regulation 18, shall grant a licence on being satisfied that the applicant –

- (a) fulfils the conditions laid out in regulation 5(1)(c) and (d);
- (b) is a fit and proper person to hold a licence;
- (c) has passed the theory test and the driving ability and fitness test;
- (d) has passed the driving ability and fitness test after passing the theory test;
- (e) has passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;
- (f) makes the application within two years after passing the theory test;
- (g) has not failed the instructional ability and fitness test more than twice since he passed the theory test;
- (h) submits with his application for a licence the name, address and registration number of the approved driving instructor who has consented to take responsibility for his supervision in accordance with regulation 21(2) (and the counter-signature of the application by that approved driving instructor shall be taken as sufficient evidence of such consent).

(2) The Registrar shall also be satisfied that the approved driving instructor referred to in paragraph (h) is fit and able to undertake responsibility for the supervision, and in determining whether or not he is able to undertake that responsibility the Registrar shall have regard to the number of licence holders in respect of whom he has already consented to undertake similar responsibility.

Refusal to grant a licence

18.—(1) The Registrar may refuse to grant a licence to an applicant to whom two or more such licences have previously been issued.

(2) Where the Registrar refuses to grant a licence under regulation 17 or paragraph (1) he shall give written notice of the decision to the applicant and shall state the grounds for the refusal.

Duration of licence

19.—(1) Subject to paragraph (2) and regulation 21 a licence shall remain in force until –

- (a) the expiration of a period of six months commencing on the date of issue, or
- (b) the day immediately following the day on which the holder of the licence failed the instructional ability and fitness test at the third attempt, whichever shall first occur.

(2) Where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire until –

- (a) the commencement of the new licence, or
- (b) if the Registrar decides to refuse the application, until the time limited for an appeal under regulation 24 against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

Form of licence

20. A licence shall be in the form set out in Schedule 1.

Conditions subject to which licences are granted

21.—(1) A licence shall be granted subject to such of the conditions specified in paragraphs (2) to (4) as apply to it.

(2) A licence which is not a substitute licence shall be subject to the following conditions, namely that the licence holder must –

- (a) for one-fifth of the total time he spends giving instruction in the driving of a motor car, receive direct supervision from an approved driving instructor present with him in the car;
- (b) maintain, for each working day while the licence is in force, a record in the form specified in Schedule 2 of the time he spends giving such instruction;
- (c) sign the record at the end of every working day and, if he has received supervision from an approved driving instructor on any day, ensure that the instructor also signs the record for that day;
- (d) produce on request, for examination by a person authorised by the Registrar in that behalf, all the records maintained under sub-paragraph (b) during the period ending on the day before the date of the request and further, if required to do so, deliver those records to such a person for retention by him; and
- (e) not later than 7 days after the expiry of the licence, deliver to a person authorised by the Registrar in that behalf all the records maintained under sub-paragraph (b) during the period when the licence was in force, other than such records as have been delivered under sub-paragraph (d) and not returned to him.

(3) The holder may give instruction in the driving of a motor car only on behalf of the approved driving instructor identified in the licence.

(4) Every licence is subject to the condition that, in the event of the licence holder arranging to have the supervision referred to above, or any part thereof, undertaken by a different approved driving instructor from the person named in his application, he must submit to the Registrar full details of any consequential changes to the particulars submitted under regulation 17(h) resulting from the new arrangement together with the consent (in any form permitted under regulation 17(h)) of the new approved driving instructor to that arrangement.

(5) In this regulation –

“substitute licence” means a licence granted pursuant to an application made in accordance with regulation 19(2) so as to come into effect immediately upon the expiry of the previous licence; and

“working day” means any day during which the licence holder gives paid instruction in the driving of a motor car.

Revocation of licence

22.—(1) The Registrar may revoke a licence at any time during the currency of the said licence if he is satisfied that the licence holder –

- (a) did not hold a current licence of one of the kinds mentioned in regulation 5(1)(c);
- (b) was disqualified under Article 35 of the Order of 1996;
- (c) has ceased to be a fit and proper person to hold a licence;
- (d) was granted a licence by mistake or obtained a licence by fraud; or
- (e) has failed to comply with any of the conditions subject to which the licence was granted.

(2) Where the Registrar decides to revoke a licence he shall give written notice to the holder stating the grounds for revocation.