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## STATUTORY INSTRUMENTS

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# 1981 No. 154

## Road Traffic (Northern Ireland) Order 1981

### PART II

#### GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

##### *Physical fitness*

##### **Requirements as to physical fitness of drivers**

9.—(1) An application for the grant of a licence must include a declaration by the applicant, in such form as the Department may require, stating whether he is suffering or has at anytime (or, if a period is prescribed for the purposes of this paragraph, has during that period) suffered from any relevant disability or any prospective disability.

(2) In this Part—

“disability” includes disease<sup>F1</sup> and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency],

“relevant disability” in relation to any person means—

- (a) any prescribed disability, and
- (b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and

“prospective disability” in relation to any person means any other disability which—

- (a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but
- (b) by virtue of the intermittent or progressive nature of the disability, or otherwise, may become a relevant disability in course of time.

(3) If it appears from the applicant's declaration, or if on inquiry the Department is satisfied from other information, that the applicant is suffering from a relevant disability, the Department must, subject to the following provisions of this Article, refuse to grant a licence.

(4) The Department must not by virtue of paragraph (3) refuse to grant a licence—

- (a) on account of any relevant disability which is prescribed for the purposes of this subparagraph, if the applicant has at any time passed a relevant test and it does not appear to the Department that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Department at that time,
- (b) on account of any relevant disability which is prescribed for the purposes of this subparagraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled,

*Status: Point in time view as at 01/01/2006. This version of this provision has been superseded.*

*Changes to legislation: Road Traffic (Northern Ireland) Order 1981, Section 9 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) on account of any relevant disability which is prescribed for the purposes of this sub-paragraph, if the application is for a provisional licence.

(5) Where as a result of a test of competence to drive or of information obtained under the relevant powers the Department is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disability such that there is likely to be a danger to the public—

- [<sup>F2</sup>(a) if he drives any vehicle,
- (b) if he drives a vehicle other than a vehicle of a particular class, or
- (c) if he drives a vehicle except in accordance with particular conditions,]

[<sup>F2</sup>the Department must serve notice in writing to that effect on that person and must include in the notice a description of the disability.]

(6) Where a notice is served in pursuance of paragraph (5)(a), then—

- (a) if the disability is not prescribed under paragraph (2), it shall be deemed to be so prescribed in relation to the person[<sup>F1</sup> on whom the notice is served], and
- (b) if the disability is prescribed for the purposes of paragraph (4)(c) it shall be deemed not to be so prescribed in relation to him.

[<sup>F2</sup>(7) Where a notice is served in pursuance of paragraph (5)(b), the Department may—

- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice or
- (b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence limited to vehicles of that class,

and, if the Department so directs in the notice, his entitlement to drive other classes of vehicle by virtue of Article 14(2) shall be limited as specified in the notice.

(7A) Where notice is served in pursuance of paragraph (5)(c), the Department may—

- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or
- (b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Department so directs in the notice, any entitlement which the person has to drive vehicles by virtue of Article 14(2) shall be subject to conditions as specified in the notice.

(7B) A person complies with this paragraph if—

- (a) he surrenders the existing licence and its counterpart, and
- (b) where the Department so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

(8) If it considers it appropriate to do so, the Department may, after serving a notice under any of the sub-paragraphs of paragraph (5), serve a further notice under that sub-paragraph or a notice under another of those sub-paragraphs; and on its serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.]

(9) In paragraph (5) the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence prescribed for the purposes of Article 5 or so much of such a test as is required to be taken in pursuance of Article 11(5)(c) and to information obtained in pursuance of Article 11(5)(a) or (b).

(10) A person whose licence is revoked by virtue of paragraph (8) must deliver the licence and its counterpart to the Department forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.

[<sup>F1</sup>(10A) In paragraph (9) the references to Article 11 include references to that Article as applied by Article 15D[<sup>F3</sup> or 19H].]

(11) In this Article “relevant test”, in relation to an application for a licence, means any such test of competence as is mentioned in Article 5 or a test as to fitness or ability in pursuance of Article 6 of this Order as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

(12) Without prejudice to paragraph (11), for the purposes of paragraph (4)(a)—

(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—

(i) under a provision of the law of Great Britain or a relevant external law corresponding to paragraphs (3) and (4) or (6) of Article 5, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or

(ii) is sufficient for the granting of a British forces licence authorising the driving of vehicles of those classes, and

(b) in the case of an applicant who is treated as having passed a relevant test by virtue of sub-paragraph (a), disclosure of a disability to his licensing authority shall be treated as disclosure to the Department.

**F1** SR 1996/426

**F2** SR 2002/374

**F3** [2003 NI 16](#)

**Status:**

Point in time view as at 01/01/2006. This version of this provision has been superseded.

**Changes to legislation:**

Road Traffic (Northern Ireland) Order 1981, Section 9 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.