

## 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,

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(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).

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(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.

<b>F1</b>	SR 1996/426
<b>F2</b>	SR 2002/374
<b>F3</b>	2003 NI 16

### **Revocation of licence because of disability or prospective disability**

**10.**—(1) If the Department is at any time satisfied on inquiry—

- (a) that a licence holder is suffering from a relevant disability, and
- (b) that the Department would be required by virtue of Article 9(3)<sup>F4</sup> . . . to refuse an application for the licence made by him at that time,

the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) If the Department is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Department may—

- (a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and
- (b) on receipt of the licence so revoked and its counterpart and of an application made for the purposes of this paragraph, grant to the licence holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).

[<sup>F5</sup>(2A) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and

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(b) a photograph which is a current likeness of him,

before granting a licence to him on application made for the purposes of paragraph (2)<sup>[F6]</sup> or paragraph (6).]

(3) A person whose licence is revoked under paragraph (1) or (2) must deliver up 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 under this Order.

<sup>[F7]</sup>(4) Where a person whose licence is revoked under paragraph (1) or (2)—

(a) is not in possession of his licence and its counterpart in consequence of the fact that he has surrendered them to a constable or an authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order, but

(b) delivers them to the Department immediately on their return.

he is not in breach of the duty under paragraph (3).]

<sup>[F6]</sup>(5) Where the Department—

(a) is at any time sent by the licensing authority in Great Britain a licence under section 109B of the Road Traffic Act 1988, and

(b) by virtue of the reasons given by that authority for sending the licence is at that time satisfied as mentioned in paragraph (1)(a) and (b) or that the licence holder is suffering from a prospective disability,

the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(6) Where the reasons given by the licensing authority in Great Britain for sending the licence relate to a prospective disability of the holder, the Department may, on an application made for the purposes of this paragraph, grant to the holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).]

**F4** SR 1996/426

**F5** SR 2002/374

**F6** [2003 NI 16](#)

**F7** [1996 NI 10](#)

### **Provision of information, etc., relating to disabilities**

**11.**—(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

(a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Department, 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 the licence was granted,

the licence holder must forthwith notify the Department in writing of the nature and extent of his disability.

(2) The licence holder is not required to notify the Department under paragraph (1) if—

(a) the disability is one from which he has not previously suffered, and

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- (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 Department as required by paragraph (1) shall be guilty of an offence under this Order.
- [<sup>F8</sup>(3A) Proceedings for an offence under paragraph (3) are subject to Article 7 of the Offenders Order.]
- (4) If—
  - (a) the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence; or
  - (b) the Department has reasonable grounds for believing that a person who is an applicant for, or the holder of a licence may be suffering from a relevant or prospective disability;paragraph (5) applies for the purpose of enabling the Department to satisfy itself whether or not that person may be suffering from that or any other relevant or prospective disability.
- (5) The Department may by notice in writing served on the applicant or holder—
  - (a) require him to provide the Department, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in paragraph (6), or
  - (b) require him, as soon as practicable, to arrange to submit himself for examination—
    - (i) by such registered medical practitioner or practitioners as may be nominated by the Department, or
    - (ii) with respect to a disability of a prescribed description, by such other person as may be so nominated,for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability, or
  - (c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for such a test of competence to drive as the Department directs in the notice—
    - (i) of all or any of the classes to which the application relates, or
    - (ii) which he is authorised to drive (otherwise than by virtue of Article 14(2)) by the licence which he holds,as the case may be.
- (6) The authorisation referred to in paragraph (5)(a)—
  - (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and
  - (b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Department any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.
- (7) If the Department considers it appropriate to do so in the case of any applicant or licence holder, the Department—
  - (a) may include in a single notice under paragraph (5) requirements under more than one sub-paragraph of that paragraph, and
  - (b) may at any time after the service of a notice under that paragraph serve a further notice or notices under that paragraph.

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- (8) If any person on whom a notice is served under paragraph (5)—
- (a) fails without reasonable excuse to comply with a requirement contained in the notice, or
  - (b) fails any test of competence which he is required to take as mentioned in sub-paragraph (c) of that paragraph,

the Department may exercise its powers under Articles 9 and 10 as if it were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any sub-paragraph of Article 9(4) or, if the Department so determines, as if it were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.

(9) Except where the requirement is made in the circumstances prescribed for the purposes of paragraph (4), it shall be for the Department (and not for any other person) to defray any fees or other reasonable expenses of a registered medical practitioner in connection with—

- (a) the provision of information in pursuance of an authorisation required to be provided under paragraph (5)(a), or
- (b) any examination which a person is required to undergo as mentioned in paragraph (5)(b).

**F8** 1996 NI 10

VALID FROM 15/11/2007

**[<sup>F9</sup>Driving after refusal or revocation of licence**

**11A.—**(1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if—

- (a) at any earlier time the Department—
  - (i) has in accordance with Article 9(3) refused to grant such a licence,
  - (ii) has under Article 10(1) or (2) revoked such a licence, or
  - (iii) has served a notice on that person in pursuance of Article 15C(1) or (2) or 19G requiring him to deliver to the Department a Community or Great Britain licence authorising him to drive a motor vehicle of that or a corresponding class, and
- (b) since that earlier time he has not been granted—
  - (i) a licence under this Part, or
  - (ii) a Community licence,
 authorising him to drive a motor vehicle of that or a corresponding class.

(2) Article 4 shall apply in relation to paragraph (1) of this Article as it applies in relation to Article 3.]

**F9** Art. 11A inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **33(3)**; S.R. 2007/454, **art. 2**, Sch.

**Notification of refusal of insurance on grounds of health**

**12.—**(1) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VIII on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify

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the Department of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

[<sup>F10</sup>(2) “Authorised insurer” means an insurer who is a member of the Motor Insurers Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

(3) “Insurer” means—

- (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out relevant contracts of insurance; or
- (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out relevant contracts of insurance.

(4) A contract is a relevant contract of insurance if the risk insured against relates to—

- (a) the insured sustaining accidental injury or death as a result of travelling as a passenger;
- (b) land vehicles;
- (c) goods in transit; or
- (d) motor vehicle liability.

(5) This Article must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any order for the time being in force under that section; and
- (c) Schedule 2 to that Act.]

**F10** SI 2001/3649

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