SCHEDULES

SCHEDULE 1

Article 3.

PROVISIONS SUBSTITUTED FOR PART II OF PRINCIPAL ORDER

"PART II

GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

Drivers of motor vehicles to have driving licences

3.—(1) It is an offence under this Order for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence authorising him to drive a motor vehicle of that class.

(2) It is an offence under this Order for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.

(3) This Article is subject to paragraph 10 of Schedule 2 to the Road Traffic (Amendment) (Northern Ireland) Order 1991.

Exceptions

4.—(1) Notwithstanding Article 3, a person may drive or cause or permit another person to drive a vehicle of any class if—

(a) the driver has held—

(i) a licence under this Part to drive vehicles of that or a corresponding class, or

(ii) a Great Britain licence to drive vehicles of that or a corresponding class, or

(iii) a British external licence or British forces licence to drive vehicles of that or a corresponding class, or

(iv) an exchangeable licence to drive vehicles of that or a corresponding class, and

(b) either—

(i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Department, or

(ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of Article 15(5) or (6) otherwise than by reason of a current disqualification or of its having been granted in error, and

(c) any conditions which by virtue of Article 13(3) or 14(2) apply to the driving under the authority of the licence of vehicles of that class are complied with.

(2) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of paragraph (1)(b)(i) if—

(a) the requirements of sub-paragraphs (a), (b) so far as it relates to initial evidence and (c) of paragraph (1) of Article 13 have been satisfied;

(b) the applicant—

(i) is not subject to a current disqualification which is relevant to the licence he applies for, and

(ii) is not prevented from obtaining it by Article 5; and

(c) the declaration made in pursuance of Article 9(1) indicates that he is not suffering from a relevant disability.

(3) A disqualification is relevant to a licence for which a person makes an application if—

(a) in the case of an application made by virtue of any provision of paragraph (1)(a), the disqualification subsists under or by virtue of any provision of this Order and relates to vehicles of the class to which his application relates;

(b) in the case of an application made by virtue of paragraph (1)(a)(ii), the disqualification subsists under or by virtue of any provision of the law of Great Britain and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

(c) in the case of an application made by virtue of paragraph (1)(a)(iii), the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and

(d) in the case of an application made by virtue of paragraph (1)(a)(iv), the disqualification subsists under or by virtue of any provision of the law of the member State or country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.

(4) The benefit of paragraph (1) does not extend—

(a) beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (1)(b) or (as the case may be) in pursuance of Article 15(8) in consequence of the revocation or surrender so mentioned, or

(b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date on which the application is received by the Department or (as the case may be) the revocation or surrender mentioned in paragraph (1)(b), or

(c) in a case where a licence is refused under Article 9(3) beyond the day on which the applicant receives notice of the refusal.

(5) The Department may by regulations provide that paragraph (1) shall also apply (where the requirements of that paragraph are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.

(6) Regulations made by virtue of paragraph (5) shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.

(7) Regulations may provide that a person who becomes resident in Northern Ireland shall, during the prescribed period after he becomes so resident, be treated for the purposes of Article 3 as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—

(a) he satisfies the prescribed conditions, and

(b) he is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom.

(8) Regulations made by virtue of paragraph (7) may provide for the application of any statutory provision relating to licences, counterparts of licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

(9) Notwithstanding Article 3—

(a) a person who is not the holder of a licence may act as steersman of a motor vehicle which is controlled by a pedestrian and not constructed or adapted for use, or used, for the carriage of a driver or passenger, and

(b) a person may cause or permit another person who is not the holder of a licence so to act.

(10) In this Part—

"British external licence" means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

"British forces licence" means a licence granted in the Federal Republic of Germany by the British authorities to members of the British forces or of the civilian components of those forces or their dependants; and

"relevant external law" means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part.

Tests

Tests of competence to drive

5.—(1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he satisfies the Department—

(a) that at some time during the period of 2 years ending with the date the application is made but not earlier than the appointed day he has passed—

(i) the test of competence to drive prescribed by virtue of paragraph (3), or

(ii) a Great Britain test of competence to drive which corresponds to such a test, or

(iii) a test of competence which under paragraph (7) is a sufficient test;

or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(b) that at some time not earlier than the appointed day he has held—

(i) a full licence authorising the driving of vehicles of that class, or

(ii) a full Great Britain licence authorising the driving of vehicles of a class corresponding to the class

(or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(c) that at some time during the period of 2 years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under any relevant external law or for the purpose of obtaining a British forces licence; or

(d) that at some time not earlier than the appointed day he has held a full British external licence or a full British forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(e) that at some time during the period of 2 years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law of another member State or of Gibraltar or a designated country or territory; or

(f) that, at the time of the application for the licence—

(i) he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class, and

(ii) he is normally resident in Northern Ireland or (where the exchangeable licence is a community licence) the United Kingdom but has not been so resident for more than the prescribed period.

This paragraph is subject to the provisions of this Part as to provisional licences and to the provisions of any regulations made by virtue of Article 19C(1)(g).

(2) For the purposes of paragraph (1)—

(a) a licence which has been revoked under Article 15(5) or any corresponding provision of the law of Great Britain or under any corresponding provision of the relevant external law as a licence granted in error shall be disregarded for the purposes of sub-paragraph (b) or, as the case may be, sub-paragraph (d) of that paragraph;

(b) a test of competence to drive any class of goods vehicle or any class of passenger-carrying vehicle conducted under a relevant external law is to be disregarded for the purposes of sub-paragraph (c) of that paragraph unless the Department, by order, designates that law as one which makes satisfactory provision for tests of competence to drive such vehicles;

(c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of sub-paragraph (d) of that paragraph unless the Department, by order, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.

(3) Regulations may make provision with respect to—

(a) the nature of tests of competence to drive for the purposes of this Article,

(b) the qualifications, selection and appointment of persons by whom they may be conducted and the revocation of an appointment,

(c) evidence of the results of such tests,

and generally with respect to such tests.

(4) In particular, regulations may, without prejudice to the generality of paragraph (3), provide—

(a) for requiring a person submitting himself for a test to provide a vehicle for the purposes of the test, in the case of prescribed classes of goods vehicle, loaded or unloaded as may be prescribed and, if requirements as respects loading are prescribed, loaded in accordance with the requirements,

(b) for requiring a fee, of such amount as may be specified in the regulations to be paid by a person who submits himself for a test or applies for an appointment for a test,

(c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself for another test by the same or any other person

before the expiration of a period specified in the regulations, except under an order made by a court under the power conferred by Article 7.

(5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—

(a) any provision that could be made for a test not consisting of separate parts, and

(b) provision for the supply by the Department of forms for certificates evidencing the results and for charges to be made for the supply.

(6) Regulations may prescribe cases in which persons are exempt from the requirements imposed by paragraph (3); and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.

(7) For the purposes of paragraph (1)(a)(iii) or Article 6(2)(b)(iii), a test of competence shall be sufficient for the granting of a licence authorising the driving of—

(a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive,

(b) vehicles of all classes which are designated by regulations as a group for the purposes of paragraph (1)(a) if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, and

(c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this sub-paragraph as competent also to drive vehicles of a class included in that other group.

(8) If vehicles of any classes are designated by regulations as a group for the purposes of paragraph (1)(b), a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of paragraph (1)(b)(i) or Article 6(4)(a) to authorise the driving of—

(a) vehicles of all classes included in the group, and

(b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

The reference in this paragraph to a licence does not include a licence which has been revoked in pursuance of Article 15(5).

(9) For the purposes of this Article and Article 4(1), an exchangeable licence issued in respect of a member State, country or territory shall not be treated as authorising a person to drive a vehicle of any class if—

(a) the licence is not for the time being valid for that purpose, or

(b) it was issued in respect of that class for a purpose corresponding to that mentioned in Article 13(2).

(10) A test of competence falling within sub-paragraphs (a)(ii), (c) or (e) of paragraph (1) shall be sufficient for the granting of a licence authorising the driving of—

(a) vehicles of all classes designated by regulations as a group for the purposes of paragraph (1)(a), if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, or of any class corresponding to a class included in the group, and

(b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in sub-paragraph (a) is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

(11) A full Great Britain licence, a full British external licence, a full British forces licence or an exchangeable licence shall be treated for the purposes of sub-paragraph (b)(ii), (d) or (f) (as the case may be) of paragraph (1) as authorising the driving of—

(a) vehicles of all classes designated by regulations as a group for the purposes of paragraph (1)(b), if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and

(b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in subparagraph (a) is treated as competent also to drive vehicles of a class included in that other group.

(12) In this Article "designated country or territory" means a country or territory designated under Article 19D(2) for the purposes of the definition of exchangeable licence.

The alternative requirements to those in Article 5

6.—(1) The alternative requirements referred to in Article 5(1) are the following.

(2) The requirement which is alternative to that specified in Article 5(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of paragraph (3)—

(a) is available to that person if the application is made within the period of 10 years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of 10 years ending with the date the application is made he has passed—

(i) the test of competence to drive prescribed by virtue of Article 5(3) or a test of competence to drive which corresponds to such a test, or

(ii) a Great Britain test of competence to drive which corresponds to any test falling within (i), or

(iii) a test of competence which under Article 5(7) is a sufficient test or a test of competence to drive which corresponds to such a test.

(3) The requirement which is alternative to that specified in Article 5(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this paragraph—

(a) is available to that person if the application is made within the period of 5 years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of 5 years ending with the date the application is made he has passed—

(i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or

(ii) a corresponding Great Britain test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.

(4) The requirement which is alternative to that specified in Article 5(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than

any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of paragraph (5) is that at sometime before the appointed day but not earlier than 1st January 1976 he has held—

(a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or

(b) a full Great Britain licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.

(5) The requirement which is alternative to that specified in Article 5(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this paragraph is that at some time before the appointed day but not earlier than the beginning of the period of 5 years ending on that date he has held—

(a) a full heavy goods vehicle or a public service vehicle driver's licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or

(b) a full Great Britain licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Great Britain licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.

(6) The requirement which is alternative to that specified in Article 5(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—

(a) is available to that person if the application is made within the period of 10 years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of 10 years ending with the date the application is made he has held a full British external licence or a full British forces licence to drive vehicles of that or a corresponding class.

(7) In this Article "heavy goods vehicle" has the same meaning as it had for the purposes of Article 79 before its repeal by Article 4 of the Road Traffic (Amendment) (Northern Ireland) Order 1991.

Review of conduct of test

7.—(1) On the application of a person who has submitted himself for a test of competence to drive, a court of summary jurisdiction acting for the petty sessions district in which he resides may determine whether the test was properly conducted in accordance with regulations.

(2) The court may, if it appears that the test was not so conducted—

(a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of Article 5(4)(c), and

(b) order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(3) If regulations make provision for a test of competence to drive to consist of separate parts, this Article applies in relation to each part as well as in relation to the whole of the test.

Repayment of test fees

8. A fee paid in pursuance of regulations made by virtue of Article 5(4) on application for an appointment for a test may be repaid in the following cases and not otherwise—

(a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Department;

(b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this sub-paragraph by regulations;

(c) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or

(d) if an order for the repayment of the fee is made by the court under Article 7 pursuant to a finding that the test was not properly conducted in accordance with the regulations.

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,

"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 sub-paragraph, 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 sub-paragraph, 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,

(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—

(a) if he drives any vehicle, or

(b) if he drives a vehicle other than a vehicle of a particular class, 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 who took the test, 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.

(7) Where a notice is served in pursuance of paragraph (5)(b), any licence granted to the person who took the test shall be limited to vehicles of the particular class specified in the notice and, if the Department so directs in the notice, his entitlement to drive other classes of vehicles by virtue of Article 14(2) shall be limited as specified in the notice.

(8) If the Department considers it appropriate to do so the Department may, after serving a notice in pursuance of paragraph (5)(a), serve a notice in pursuance of paragraph (5)(b) or, after serving a notice in pursuance of paragraph (5)(b), serve a notice in pursuance of paragraph (5)(a) or a further notice in pursuance of paragraph (5)(b); and on its serving a further notice under any of those provisions the notice previously served shall cease to have effect and any limited licence previously granted shall be revoked by the subsequent 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.

(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.

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) or (7) 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).

(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.

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

(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.

(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.

(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).

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 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.

(2) In paragraph (1) "authorised insurer" means a person or body of persons carrying on insurance business within Group 2 in Part II of Schedule 2 of the Insurance Companies Act 1982 and being a member of the Motor Insurers' Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

Granting of licences, their form and duration

Grant of licences

13.—(1) Subject to paragraph (2) and Article 9 and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, the special provisions of Articles 70 to 79, the Department must grant a licence to a person who—

(a) makes an application for it in such manner and containing such particulars as the Department may specify, and pays the fee (if any) which is prescribed,

(b) provides the Department with such evidence or further evidence in support of the application as the Department may require,

(c) surrenders to the Department any previous licence (and its counterpart) granted to him at some time during the period of 10 years ending on the date of the receipt of the application by the Department or provides the Department with an explanation for not surrendering them which the Department considers adequate and, where the application is made by virtue of Article 5(1)(d) or (f) surrenders to the Department his British external licence, his British forces licence or his exchangeable licence, as the case may be, and

(d) is not in accordance with Article 4(3) subject to a current disqualification which is relevant to the licence he applies for and is not prevented from obtaining it by the provisions of Article 5.

(2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in Article 5 shall apply to such a licence.

(3) A provisional licence—

(a) shall be granted subject to prescribed conditions;

(b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed;

(c) may, in the case of a person appearing to the Department to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence.

(4) Regulations may authorise or require the Department to refuse a provisional licence authorising the driving of a motor cycle of a prescribed class if the applicant had held such a provisional licence and the licence applied for would come into force within the prescribed period—

(a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor cycle, or

(b) beginning at such other time as may be prescribed.

(5) A provisional licence shall not authorise the driving of a heavy motor cycle, that is to say, a motor cycle the cylinder capacity of whose engine exceeds 250 cubic centimetres or any such lesser capacity as the Department may by regulations prescribe (not being a vehicle having three wheels), until the holder of the licence shall have passed the appropriate test.

(6) A person who fails to comply with any condition applicable to him by virtue of paragraph (3) is guilty of an offence under this Order.

Form of licence

14.—(1) A licence shall be in such form as the Department may determine and shall—

(a) state whether, apart from paragraph (2), it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,

(b) specify the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 17, and

(c) in the case of a provisional licence, specify the conditions subject to which it is granted.

(2) Subject to paragraphs (3) to (5), a person who holds a licence which authorises its holder to drive motor vehicles of certain classes only (not being—

(a) a provisional licence, or

(b) any other prescribed description of licence);

may drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

(3) A licence shall not by virtue of paragraph (2) authorise a person to drive a vehicle of a class for the driving of which he could not, by reason of Article 17, lawfully hold a licence.

(4) In such cases or as respects such classes of vehicles as the Department may prescribe, the provisions of paragraphs (2) and (3) shall not apply or shall apply subject to such limitations as it may prescribe.

(5) Paragraph (2) does not authorise a person on whom a notice under Article 9(5)(b) has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.

(6) A person who fails to comply with any condition applicable to him by virtue of paragraph (2) is guilty of an offence under this Order.

Duration of licences

15.—(1) In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it shall, unless revoked or surrendered and subject to paragraph (3), remain in force—

(a) for a period of 10 years;

(b) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer; or

(c) if the Department so determines in the case of a licence granted to a person appearing to be suffering from a relevant or prospective disability for a period of not more than 3 years and not less than one year as the Department may determine;

and any such period shall begin with the date on which the licence is expressed to come into force.

(2) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

(a) except in a case falling within any of the following sub-paragraphs, for a period of 10 years or for a period ending on the forty-fifth anniversary of the applicant's date of birth, whichever is the shorter,

(b) except in a case falling within sub-paragraph (d) or (e)—

(i) where the applicant's age at the date on which the licence is to come into force will exceed 40 but not 45 years, for a period of 5 years, or

(ii) where the applicant's age at the date on which the licence is to come into force will exceed 45 but not 65 years, for the period ending on the sixty-sixth anniversary of the applicant's date of birth or for a period of 5 years, whichever is the shorter,

(c) except in a case falling within sub-paragraph (e), where the applicant's age at that date will exceed 65 years, for a period of one year,

(d) except in a case falling within sub-paragraph (c) or (e), if the Department so determines in the case of a licence to be granted to a person appearing to it to be suffering from a relevant or prospective disability, for such period of not more than 3 years and not less than one year as the Department may determine, and

(e) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this sub-paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

(3) Where a person, having been granted a provisional licence, is granted a full licence, the full licence shall, unless revoked or surrendered, remain in force for the unexpired period of the provisional licence.

(4) To the extent that a provisional licence authorises the driving of a motor cycle of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

(a) for such period as may be prescribed, or

(b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—

(i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor cycle, or

(ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

(5) Where it appears to the Department—

(a) that a licence granted by it to any person was granted in error or with an error or omission in the particulars specified in the licence, or

(b) that the counterpart of a licence granted by it to any person is required to be endorsed in pursuance of any statutory provision or was issued with an error or omission in the particulars specified in the counterpart or required to be endorsed on it, or

(c) that the particulars specified in a licence granted by the Department to any person or in its counterpart do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,

the Department may serve notice in writing on that person revoking the licence and requiring him to surrender the licence and its counterpart forthwith to the Department and it shall be the duty of that person to comply with the requirement.

(6) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence and its counterpart to the Department and provide it with particulars of the alterations falling to be made in the name or address and, in the case of a provisional licence as respects which the prescribed conditions are satisfied, with a statement of his sex and date of birth.

(7) A person who without reasonable excuse fails to comply with the duty under paragraph (5) or (6) is guilty of an offence under this Order.

(8) On the surrender of a licence and its counterpart by any person in pursuance of paragraph (5) or (6), the Department—

(a) must, except where the licence was granted in error or the licence and its counterpart are surrendered in pursuance of paragraph (5) in consequence of an error or omission appearing to the Department to be attributable to that person's fault or in consequence of a current disqualification, and

(b) may in such an excepted case which does not involve a current disqualification,

grant to that person free of charge a new licence for such period (subject to paragraph (9)) that it expires on the date on which the surrendered licence would have expired had it not been surrendered.

(9) Where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that, if that error had not been made, that licence would have been expressed to expire on a different date, the period of the new licence shall be such that it expires on that different date.

Appeals

Appeals relating to licences

16.—(1) A person who is aggrieved by the Department's—

(a) refusal to grant or revocation of a licence in pursuance of Article 9 or 10,

(b) determination under Article 15(1)(c) to grant a licence for three years or less, or

(c) revocation of a licence in pursuance of Article 15(5),

or by a notice served on him in pursuance of Article 9(5) may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which he resides.

(2) On any such appeal the court may make such order as it thinks fit and the order shall be binding on the Department.

(3) It is hereby declared that, without prejudice to Article 7, in any proceedings under this Article the court is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

Disqualification (otherwise than on conviction)

Disqualification of persons under age

17.—(1) A person shall be disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation to it in the second column of that Table.

TABLE

Class of vehicle	Age (in years)
1. Invalid carriage	16
2. Motor cycle	16
3. Small passenger vehicle or small goods vehicle	17
4. Agricultural tractor	17
5. Medium-sized goods vehicle	18
6. Other motor vehicles	21

(2) The Department may by regulations provide that paragraph (1) shall have effect as if for the classes of vehicles and the ages specified in the Table thereto there was substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(3) Subject to paragraph (4), the regulations may—

(a) apply to persons of a class specified in or under the regulations;

(b) apply in circumstances so specified;

(c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions;

(d) contain such transitional and supplemental provisions (including provisions amending Article 19D or 78) as the Department considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations under paragraph (2) are to apply where an approved training scheme for drivers is in force, it shall be sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In paragraph (4)—

"approved" means approved for the time being by the Department for the purpose of the regulations;

"training scheme for drivers" means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this Article (but apart from any such scheme) is 21 years.

(6) No approved training scheme for drivers shall be amended without the approval of the Department.

Disqualification to prevent duplication of licences

18. A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

Restrictions affecting certain vehicles and drivers

Speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences

19. Any person who drives on a road, at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed by regulations made by the Department subject to affirmative resolution—

(a) a motor vehicle on which a distinguishing mark is required to be displayed to indicate that it is being driven by the holder of a provisional licence, or

(b) a motor vehicle displaying such a distinguishing mark, whether or not that distinguishing mark is required to be displayed,

shall be guilty of an offence under this Order.

Restrictions on newly qualified drivers and drivers disqualified until tested

19A.—(1) Where, pursuant to Article 13 or 152 or an order made under Article 196, a person is required to pass a test of competence to drive motor vehicles of any class, other than large goods vehicles, passenger-carrying vehicles and taxis, before he becomes entitled to hold or obtain a licence authorising him to drive motor vehicles of that class, he shall, for a period of 12 months, (calculated without taking into account any period during which he is disqualified for holding or obtaining a licence for driving a motor vehicle of that class) or such lesser period similarly calculated as may be prescribed, after passing that test, be subject, while driving on a road a motor vehicle of any class in respect of which he was not, immediately before he passed that test, entitled to hold or obtain a licence, to the restrictions, conditions, requirements and prohibitions prescribed under paragraph (3) (in this Article and in Article 19B referred to as the "prescribed restrictions").

(2) Where the Department grants or returns a licence to any person who, while driving a motor vehicle of any class specified in the licence, will for any period during the currency of the licence be subject to the prescribed restrictions, the Department shall enter on or affix to the licence (in this Article referred to as a "temporarily restricted licence") a notice or other indication to show—

(a) the period of restriction;

(b) the class of vehicles affected by the prescribed restrictions; and

(c) that the holder is subject for that period to the prescribed restrictions while driving vehicles of that class.

(3) The prescribed restrictions shall be such restrictions, conditions, requirements or prohibitions as are prescribed under this Article and shall include—

(a) a requirement that a distinguishing mark of such a nature as may be prescribed in the regulations shall be displayed in such manner as may be so prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the prescribed restrictions when driving that vehicle;

(b) a prohibition on driving on any road at a speed exceeding 45 miles per hour, or such other speed as may be prescribed in the regulations, any motor vehicle on which the distinguishing mark referred to in sub-paragraph (a) is required to be displayed.

(4) Any person who contravenes any of the prescribed restrictions shall be guilty of an offence under this Order.

(5) Where during a period of restriction the holder of a temporarily restricted licence commits any offence under this Order or regulations made under this Order while driving or in charge of a motor vehicle of any class in relation to which he is subject to the prescribed conditions and where the court by which he is convicted of that offence makes an order (not being an order made or deemed to be made under Article 196) that he shall be disqualified for holding or obtaining a licence to drive a vehicle of that class, the court shall further order that he shall, for a period of 12 months commencing upon the date on which he ceases to be so disqualified, be subject to the prescribed restrictions while driving a vehicle of any class in relation to which he was subject to those restrictions.

(6) Where during a period of restriction the holder of a temporarily restricted licence commits, while driving or in charge of a motor vehicle of any class in relation to which he is subject to the prescribed conditions—

(a) an offence under paragraph (4); or

(b) an offence under any of the following provisions of this Order, that is to say—

(i) Article 90 (insurance or security against third-party risks);

(ii) Article 139 (reckless driving or causing death or injury thereby);

(iii) Article 153 (careless driving);

(iv) Article 155 (exceeding speed limit);

(v) Article 160 (unlawful carriage of passengers on motor cycles);

(vi) Article 175 (duties on occurrence of accident caused by motor vehicle); or

(c) any other prescribed offence relating to road traffic or motor vehicles;

the court by which he is convicted of that offence, if it does not order him to be disqualified for holding or obtaining a licence to drive a motor vehicle of that class, shall, in addition to any other penalty, order that for a further period of not less than 3 months nor more than 12 months from the date of the expiry of the period of restriction or from the date of the conviction, whichever is the later, he shall be subject to the prescribed restrictions while driving a motor vehicle of any class in relation to which he was subject to those restrictions.

(7) Where under paragraph (5) or (6) a court orders that a person shall be subject for a period specified in the order to the prescribed restrictions while driving motor vehicles of any class so specified, the court shall further order that every licence held by him during that period authorising him to drive vehicles of that class shall be endorsed with such a note or indication as is mentioned in paragraph (2), and Article 197 shall apply with any necessary modifications to an order under this paragraph as it applies to an order imposing a disqualification for holding or obtaining a licence.

(8) Paragraphs (5) to (7) shall have effect in relation to any person, who holds a provisional licence and who has passed a test of competence to drive vehicles of the class to which that licence relates, in the same manner as they apply to the holder of a temporarily restricted licence.

(9) This Article shall not apply—

(a) to the holder of a licence granted or returned by reason of a test passed by him before 1st April 1968;

(b) to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or in such circumstances as may be prescribed;

(c) to such extent and in such circumstances as may be prescribed to a person holding a licence by reason of a test passed by him at a time when he held a licence or permit which by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952 entitled him to drive motor vehicles in Northern Ireland.

(10) In this Article—

"period of restriction" means any period during which a person is subject to the prescribed restrictions;

"prescribed" means prescribed by regulations made by the Department subject to affirmative resolution.

Speed limit on certain vehicles displaying distinguishing mark referred to in Article 19A(3)(a)

19B. Any person who drives on a road at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed under Article 19A, a motor vehicle displaying such a distinguishing mark as is referred to in paragraph (3)(a) of that Article shall, where he is not subject to the prescribed restrictions within the meaning of that Article while driving that vehicle, be guilty of an offence under this Order.

Miscellaneous

Regulations

19C.—(1) Without prejudice to the generality of Article 218(1), regulations under this Part may make provision with respect to—

(a) licences and counterparts of licences,

(b) making any particulars with respect to any persons who are disqualified or whose licences are suspended or whose counterparts of licences are endorsed available for use by the Royal Ulster Constabulary,

(c) preventing a person holding more than one licence,

(d) facilitating identification of holders of licences,

(e) providing for the issue, on payment of such fee as may be prescribed, of new licences and counterparts of licences in the place of licences or counterparts of licences lost or defaced,

(f) the correspondence for any purpose of this Part of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted),

(g) the effect of a change in the classification of motor vehicles for the purposes of this Part on licences then in force or issued or on the right to or the subsequent granting of licences, and

(h) enabling a person—

(i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of sub-paragraph (g), and

(ii) who satisfies such conditions as may be prescribed,

to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him.

(2) The regulations may—

(a) provide for exemptions from any provision of the regulations, and

(b) contain such incidental and supplemental provisions as the Department considers expedient for the purposes of the regulations,

and nothing in the other provisions of this Part shall be construed as prejudicing the generality of the preceding provisions of this paragraph or section 17 of the Interpretation Act (Northern Ireland) 1954.

(3) Any fee prescribed under this Part shall be of an amount approved by the Department of Finance and Personnel.

Interpretation

19D.—(1) In this Part—

"agricultural tractor" means a tractor used primarily for work on land in connection with agriculture;

"the appointed day" means the day appointed under Article 1(2) of the Road Traffic (Amendment) (Northern Ireland) Order 1991 for the coming into operation of Articles 3 to 6 of that Order;

"articulated goods vehicle" means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and "articulated goods vehicle combination" means an articulated goods vehicle with a trailer so attached;

"British external licence" and "British forces licence" have the meanings given by Article 4(10);

"Community licence" means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

(a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than a member State, or

(b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968;

"disability" has the meaning given by Article 9(2);

"disqualified" means disqualified for holding or obtaining a licence (or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates);

"exchangeable licence" means a Community licence or a document which would be a Community licence if—

(a) Gibraltar, and

(b) each country or territory within this paragraph by virtue of an order under paragraph (2),

were or formed part of a member State other than the United Kingdom;

"full licence" means a licence other than a provisional licence;

"Great Britain driving licence" or "Great Britain licence" means a licence to drive a motor vehicle granted under the law of Great Britain;

"licence" (except where the context otherwise requires) means a licence to drive a motor vehicle granted under this Part and "counterpart", in relation to a licence, means a document in such form as the Department may determine, issued with the licence, containing such information as it determines and designed for the endorsement of particulars relating to the licence;

"maximum gross weight", in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

"maximum train weight", in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;

"medium-sized goods vehicle" means a motor vehicle which is constructed or adapted to carry or to haul goods and is not adapted to carry more than nine persons inclusive of the driver and the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes;

"passenger-carrying vehicle" has the meaning given by Article 78;

"permissible maximum weight", in relation to a goods vehicle (of whatever description), means—

(a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,

(b) in the case of an articulated goods vehicle—

  (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,

  (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,

  (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,

  (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,

(c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

"prospective disability" has the meaning given by Article 9(2);

"provisional licence" means a licence granted by virtue of Article 13(2);

"regulations" means regulations made under Article 19C;

"relevant disability" has the meaning given by Article 9(2);

"relevant external law" has the meaning given by Article 4(10);

"relevant maximum weight", in relation to a motor vehicle or trailer, means—

(a) in the case of a vehicle which is required by regulations under Article 28 to have a maximum gross weight for the vehicle marked on a plate attached to the vehicle, the maximum gross weight marked on such a plate,

(b) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under Article 28 if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,

(c) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the

vehicle, that is to say such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Department for the class of vehicle into which that vehicle falls;

"relevant maximum train weight", in relation to an articulated goods vehicle combination, means—

(a) in the case of an articulated goods vehicle which is required by regulations under Article 28 to have a maximum train weight for the combination marked on a plate attached to the vehicle, the maximum train weight marked on the motor vehicle,

(b) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under Article 28 if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,

(c) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the combination, that is to say such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Department of the class of articulated goods vehicle combination into which that combination falls;

"semi-trailer", in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

"small goods vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed or adapted to carry or to haul goods and is not adapted to carry more than nine persons inclusive of the driver and the permissible maximum weight of which does not exceed 3.5 tonnes;

"small passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) which is constructed solely to carry passengers and their effects and is adapted to carry not more than nine persons inclusive of the driver; and

"test of competence to drive" means such a test conducted under Article 5.

(2) If the Department is satisfied that satisfactory provision for the granting of licences to drive motor vehicles is made by the law of a country or territory which neither is nor forms part of a member State, the Department may by order designate that country or territory as a country or territory within paragraph (b) of the definition of exchangeable licence in paragraph (1).

(3) In the application of this Part to licences granted before 1st January 1991—

(a) any reference to a licence and its counterpart shall be construed as a reference to a licence only, and

(b) any reference to the counterpart of a licence shall be construed as a reference to the licence itself.

Provisions as to Great Britain drivers' licences

19E.—(1) The holder of a Great Britain driving licence may drive, and a person may cause or permit the holder of such a licence to drive, in Northern Ireland, a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part or the special provisions set out in Articles 70 to 79, notwithstanding that he is not the holder of a licence under this Part.

(2) Any driver holding a Great Britain driving licence shall be under the like obligation to produce such a licence and its counterpart as if they had been a licence granted under this Part and the counterpart of such a licence; and the provisions of this Order as to the production of licences and counterparts of licences granted under this Part shall apply accordingly.

(3) The holder of any such licence who by an order of the court is disqualified for holding or obtaining a licence under this Part must produce the licence so held by him and its counterpart to the court within such time as the court may determine, and the court must, on production of the licence and its counterpart, forward them to the Department.

(4) If the holder fails to produce the licence and its counterpart within that time, he is guilty of an offence under this Order.

(5) If the holder of any such licence is convicted of an offence and the court orders particulars of the conviction to be endorsed in accordance with Article 197, the court shall send those particulars to the Department.".

SCHEDULE 2 Article 4.

EXISTING HEAVY GOODS VEHICLES AND
PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

PART I

EXISTING HEAVY GOODS VEHICLES AND PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

Preliminary

1. In this Part—

"conduct" means—

(a) in relation to the holder of an existing heavy goods vehicle licence, his conduct as a driver of a motor vehicle, and

(b) in relation to the holder of an existing public service vehicle licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a public service vehicle licence,

including, in either case, such conduct in Great Britain;

"existing licence" means a licence to drive heavy goods vehicles or public service vehicles (as the case may be) continued in force by Article 4(2), and "existing heavy goods vehicle licence" and "existing public service vehicle licence" shall be construed accordingly;

"full", in relation to an existing heavy goods vehicle licence, indicates a licence other than a provisional licence;

"heavy goods vehicle" has the same meaning as it had for the purposes of Article 79 of the principal Order before its repeal by Article 4 and "large goods vehicle" has the same meaning;

"notice" means notice in writing and "notify" shall be construed accordingly;

"passenger-carrying vehicle" has the same meaning as it has in Article 78;

"prescribed", unless the context requires otherwise, means prescribed by regulations made under paragraph 7; and

"public service vehicle" has the same meaning as it has for the purposes of Article 2(2) of the principal Order.

Conditions of existing heavy goods vehicles licences

2.—(1) An existing heavy goods vehicle licence issued as a provisional licence, or an existing full heavy goods vehicle licence held by a person under the age of 21, is subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a heavy goods vehicle of any class in contravention of any prescribed conditions to which that other person's licence is subject.

(3) A person shall be liable on summary conviction of an offence under sub-paragraph (1) or (2) to a fine not exceeding level 3 on the standard scale.

Duration of existing licences

3.—(1) An existing heavy goods vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 3 years from the date on which it is expressed to take effect.

(2) Subject to sub-paragraph (3), a provisional heavy goods vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 6 months from the date on which it is expressed to take effect.

(3) Sub-paragraph (2) does not apply to a heavy goods vehicle licence treated as a provisional licence by virtue of regulations under paragraph 7.

(4) An existing public service vehicle licence shall, unless previously revoked, suspended or surrendered, continue in force for 5 years from the date on which it is expressed to take effect.

(5) If on the date on which an application is made under Part II of the principal Order for a licence to drive large goods vehicles or passenger-carrying vehicles, the applicant is the holder of an existing heavy goods vehicle licence or an existing public service vehicle licence, as the case may be, his existing licence shall not expire in accordance with the foregoing provisions before the application is disposed of.

Revocation or suspension of existing licences

4.—(1) An existing heavy goods vehicle licence or public service vehicle licence—

(a) must be revoked—

(i) if its holder develops such physical disability as may be prescribed, or

(ii) if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;

(b) must be revoked or suspended if its holder's conduct or physical disability is such as to make him unfit to hold such a licence;

and where the licence is suspended under paragraph (b) it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct or physical disability of the holder of an existing licence falls within both sub-paragraph (1)(a) and sub-paragraph (1)(b), proceedings shall be taken or continued under sub-paragraph (1)(a) and not sub-paragraph (1)(b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Regulations made for the purposes of sub-paragraph (1)(a)—

(a) may make different provision for heavy goods vehicles and for public service vehicles and for different descriptions of persons; and

(b) shall provide for the determination of the cases in which, under paragraph 5, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

(4) Where the Department determines that the holder of the licence is not fit to hold a heavy goods vehicle licence or a public service vehicle licence,as the case may be, it shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under paragraph 5(2)(a) (and, if so, for what period) or under paragraph 5(2)(b).

(5) The Department may require the holder of the licence to furnish it with such information as it may require and may, by notice to the holder, require him to attend before it at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the Department may put to him.

(6) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by the Department when required to do so under sub-paragraph (5), the Department may, if it thinks fit, revoke the licence or suspend it for such period as it thinks fit.

(7) The Department shall notify the holder of the licence of its determination.

Disqualification on revocation of existing licences

5.—(1) Where in pursuance of paragraph 4(1)(a) the Department revokes a person's existing licence, it must, in accordance with the regulations made for the purposes of that paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of paragraph 4(1)(b) the Department revokes an existing licence, it may—

(a) order the holder to be disqualified indefinitely or for such period as it thinks fit, or

(b) except where the licence is a provisional licence, if it appears to the Department that, owing to the conduct or physical disability of the holder of the licence it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II of the principal Order until he passes the prescribed test of competence under that Part to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence to drive until he passes such a test.

(3) If, while the holder of an existing licence is disqualified under sub-paragraph (1), the circumstances prescribed for the purposes of paragraph 4(1)(a)(ii) cease to exist in his case, the Department must, on an application made to it for the purpose, remove the disqualification.

(4) Where the holder of an existing licence is disqualified under sub-paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(5) Where the holder of an existing full licence is disqualified under sub-paragraph (2)(b), the Department must not afterwards grant him a full licence under Part II of the principal Order to drive large goods vehicles or passenger-carrying vehicles of any class unless satisfied that he has since the disqualification passed the prescribed test of competence under that Part to drive vehicles of that class, and until he passes that test any such full Part II licence obtained by him shall be of no effect.

(6) So long as the disqualification under sub-paragraph (1) or (2)(a) of the holder of an existing licence continues in force, no licence under Part II of the principal Order to drive large goods vehicles or passenger-carrying vehicles (as the case may be) shall be granted to him and any such licence obtained by him shall be of no effect.

(7) In this paragraph "disqualified"—

(a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part II of the principal Order

to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and

(b) in a case of revocation of a public service vehicle licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II of the principal Order to drive passenger-carrying vehicles of the prescribed classes.

Appeals relating to existing licences

6.—(1) The holder of an existing licence who is aggrieved by the Department's—

(a) suspension or revocation of his licence under paragraph 4, or

(b) ordering of disqualification under paragraph 5,

may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which the holder of the licence resides.

(2) On an appeal under sub-paragraph (1)(a) the Department shall be respondent.

(3) On any appeal under sub-paragraph (1) the court may make such order as it thinks fit and the order shall be binding on the Department.

Regulations

7.—(1) The Department may make regulations for prescribing anything which may be prescribed under this Part of this Schedule and generally for the purpose of carrying its provisions into effect.

(2) Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954 regulations under this paragraph may in particular—

(a) provide that a full licence to drive heavy goods vehicles of a particular class shall also be treated for the purposes of this Part of this Schedule as a provisional licence to drive heavy goods vehicles of another prescribed class;

(b) make provision with respect to the custody and production of existing licences and requiring, and regulating the procedure on, the surrender or production to the Department or any constable of existing licences which have been revoked or suspended or have expired;

(c) provide for the issue by the Department of duplicate licences in place of existing licences lost or defaced on payment of such fee as may, with the approval of the Department of Finance and Personnel, be prescribed;

(d) provide that a person who contravenes or fails to comply with any specified provision is guilty of an offence and that he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale; and

(e) provide that this Part of this Schedule shall not apply to prescribed classes of heavy goods vehicle or of public service vehicle either generally or in such circumstances as may be prescribed.

(3) Regulations made under this paragraph shall be subject to negative resolution.

Provisions as to existing Great Britain licences

8.—(1) In this paragraph "existing Great Britain licence" means a licence specifically to drive heavy goods vehicles or public service vehicles granted under the law of Great Britain.

(2) The Department may exercise as respects Northern Ireland the like power of revoking or suspending any existing Great Britain licence and of making an order under paragraph 5(2) as is conferred on it in relation to an existing heavy goods vehicle licence or public service vehicle licence

by paragraphs 4(1)(b) and 5(2), and the provisions of paragraphs 4(1) and (3) to (7) and 5(2) and (4) to (7) and the power to make regulations under paragraph 7(2)(b) shall have effect accordingly.

(3) Where an existing Great Britain licence which has been revoked is surrendered to the Department in pursuance of regulations made under paragraph 7(2)(b), the Department shall send it to the Secretary of State together with particulars of the revocation.

(4) A holder of an existing Great Britain licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of sub-paragraph (2) shall have the like right of appeal as is conferred by paragraph 6 except that an appeal brought by virtue of this sub-paragraph shall, if the appellant is not resident in Northern Ireland, lie to such court of summary jurisdiction as may be prescribed by magistrates' courts rules.

PART II

TRANSITORY PROVISIONS

9.—(1) Notwithstanding Article 70 of the principal Order but subject to sub-paragraphs (2) and (3), a person may drive, or be employed to drive, a public service vehicle on a road without being the holder of a licence if—

(a) he has made an application for the grant of a licence, and

(b) he has passed the test of competence to drive.

(2) The authority conferred by sub-paragraph (1) shall extend only for the prescribed period.

(3) In the event of the applicant's being refused the grant of a licence, the authority conferred by sub-paragraph (1) shall cease to have effect as from the date on which he is notified of the refusal.

(4) A person who, for the purposes of an application for the grant of a licence, takes the test of competence to drive—

(a) before the application is made, or

(b) within the prescribed period beginning with the date on which the application was made,

is guilty of an offence and the test shall be of no effect.

(5) A person who, after the refusal of his application for a licence, takes a test of competence to drive arranged for the purposes of his application, is guilty of an offence and the test shall be of no effect.

(6) A person shall be liable on summary conviction of an offence under sub-paragraph (4) or (5) to a fine not exceeding level 3 on the standard scale.

(7) The Department may make regulations, subject to negative resolution, for prescribing anything which may be prescribed under this paragraph.

(8) In this paragraph—

"licence" means a licence under Article 70 of the principal Order to drive public service vehicles;

"test of competence to drive" means the test of competence to drive prescribed for the purposes of paragraph (5)(d) of that Article;

and, in the case of a licence limited to any class of public service vehicle, any reference to a test of competence to drive is a reference to a test of competence to drive that class of public service vehicle.

10. Notwithstanding Article 3 of the principal Order, a person who is the holder of a licence to drive motor vehicles granted under Part II of that Order and coming into force on or after the day

appointed under Article 1(2) of this Order for the coming into operation of Articles 3 to 6 of this Order and is also the holder of—

(a) a licence under Article 70 of the principal Order to drive public service vehicles of any class, or

(b) a licence under Article 71 of the principal Order to drive heavy goods vehicles of any class,

may drive, or be caused or permitted to drive, a public service vehicle or (as the case may be) a heavy goods vehicle of that class notwithstanding that his licence under Part II of the principal Order does not authorise him to drive such a vehicle.

11. The power to make regulations under paragraph 7 includes power to prescribe the classes of goods vehicles or passenger-carrying vehicles which, by virtue of Article 4(2) of this Order, the holder of an existing licence is authorised to drive during the currency of his existing licence.

SCHEDULE 3 Articles 5 and 6.

LICENSING OF DRIVERS OF LARGE GOODS VEHICLES, PASSENGER-CARRYING VEHICLES AND TAXIS

PART I

PROVISIONS TO BE INSERTED AS ARTICLES 70 TO 79 OF THE PRINCIPAL ORDER

"Special provisions relating to licensing of drivers of large goods vehicles and passenger-carrying vehicles

Licensing of drivers of large goods vehicles and passenger-carrying vehicles

70.—(1) Licences under Part II to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Department in accordance with the special provisions, that is to say the provisions of this Article and Articles 71 to 79, and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to the special provisions in addition to Part II.

(2) In the special provisions—

"large goods vehicle driver's licence" means a licence under Part II in so far as it authorises a person to drive large goods vehicles of any class; and

"passenger-carrying vehicle driver's licence" means a licence under Part II in so far as it authorises a person to drive passenger-carrying vehicles of any class.

Grant of licences: fitness as regards conduct

71.—(1) The Department shall not grant to an applicant a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence unless it is satisfied, having regard to the applicant's conduct, that he is a fit person to hold the licence applied for.

(2) For the purposes of paragraph (1), the Department may require the applicant for the licence to furnish such information as it may require and may, by notice to the applicant, require

him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to his application as the Department may put to him.

(3) If the applicant fails without reasonable excuse to furnish information to or attend or answer questions properly put to him when required to do so under paragraph (2), the Department may decline to proceed further with the application and refuse to grant the licence.

Conditions of certain licences

72.—(1) A large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, or a full large goods vehicle or passenger-carrying vehicle driver's licence issued to a person under the age of 21, shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence under this Order.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

Revocation or suspension of licences

73.—(1) A large goods vehicle or passenger-carrying vehicle driver's licence—

(a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;

(b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;

and where the licence is suspended under sub-paragraph (b) it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct of the holder of a licence falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), proceedings shall be taken or continued under sub-paragraph (a) and not under sub-paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954, regulations made for the purposes of paragraph (1)(a)—

(a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and

(b) shall provide for the determination of the cases in which, under Article 74, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

(4) The Department shall determine any question arising under paragraph (1)(b) as to whether a person is, or is not, by reason of his conduct fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence.

(5) Where, under paragraph (4), the Department determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, it shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under Article 74(2)(a) (and, if so, for what period) or under Article 74(2)(b).

(6) For the purposes of paragraphs (4) and (5) the Department may require the holder of the licence to furnish such information as it may require and may, by notice to the holder, require him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as may be put to him.

(7) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put to him when required to do so under paragraph (3), the Department may, if it thinks fit, revoke the licence or suspend it for such period as it thinks fit.

(8) Where the Department determines to revoke or suspend a person's licence under paragraph (1), it shall notify the holder of the licence of its determination.

Disqualification on revocation of licence

74.—(1) Where in pursuance of sub-paragraph (a) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it must, in accordance with the regulations made for the purposes of that sub-paragraph, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of sub-paragraph (b) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it may—

(a) order the holder to be disqualified indefinitely or for such period as it thinks fit, or

(b) except where the licence is a provisional licence, if it appears to the Department that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.

(3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of sub-paragraph (a) of Article 73(1) cease to exist in his case, the Department must, on an application made to it for the purpose, remove the disqualification.

(4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(5) Where the holder of a full licence is disqualified under paragraph (2)(b), the Department must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

(6) So long as the disqualification under paragraph (1) or (2)(a) of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.

(7) In this Article "disqualified"—

(a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and

(b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.

Revoked or suspended licences: surrender, return and endorsement

75.—(1) Where, in pursuance of Article 73, the Department revokes or suspends a licence, it must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the Department, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Any holder of a licence who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence under this Order.

(3) On the delivery of a revoked licence and its counterpart by a person to the Department in pursuance of paragraph (1) the Department must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation or suspension.

(4) On the delivery of a suspended licence and its counterpart to the Department, the Department must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.

Appeals to court of summary jurisdiction

76.—(1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence, is aggrieved by the Department's—

(a) refusal or failure to grant such a licence in pursuance of Article 71,

(b) suspension or revocation of such a licence in pursuance of Article 73, or

(c) ordering of disqualification under Article 74(2),

may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which the holder of or applicant for the licence resides.

(2) On any appeal under paragraph (1)(a) or (b) the Department shall be respondent.

(3) On any appeal under paragraph (1) the court may make such order as it thinks fit and the order shall be binding on the Department.

Regulations

77.—(1) Without prejudice to Article 218, the Department may make regulations generally for carrying the special provisions into effect.

(2) Regulations under this Article may in particular require applicants for tests of competence under Part II to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.

(3) In paragraph (2)—

"approved training scheme for drivers" means a training scheme for drivers (as defined in Article 17(5)) approved for the time being by the Department for the purposes of regulations under that Article; and

"normal minimum age for driving", in relation to the driving of vehicles of any class, means the age which is in force under Article 17 (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

(4) Regulations under this Article may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence under this Order.

(5) The Department may by regulations provide that this Part shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

Interpretation

78. In this Article and Articles 70 to 77—

"conduct" means—

(a) in relation to an applicant for or the holder of a large goods vehicle driver's licence, his conduct as a driver of a motor vehicle, and

(b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver's licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver's licence,

including, in either case, such conduct in Great Britain;

"counterpart" in relation to a licence to drive under Part II has the same meaning as in that Part;

"full licence" means a large goods vehicle or passenger-carrying vehicle driver's licence other than a provisional licence;

"large goods vehicle" means—

(a) an articulated goods vehicle, or

(b) a motor vehicle (not being an articulated goods vehicle) which is constructed or adapted to carry or to haul goods and the permissible maximum weight of which exceeds 7.5 tonnes;

"passenger-carrying vehicle" means—

(a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or

(b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers;

"notice" means notice in writing and "notify" shall be construed accordingly;

"provisional licence" means a licence granted by virtue of Article 13(2);

"the special provisions" has the meaning given in Article 70;

and "articulated goods vehicle" and "permissible maximum weight" have the same meanings as in Part II.

Provisions as to Great Britain licences

79.—(1) In this Article "Great Britain driving licence" has the same meaning as in Part II.

(2) The Department may exercise as respects Northern Ireland the like power of revoking or suspending any Great Britain driving licence and of making an order under Article 74(2) as is conferred on it in relation to a large goods vehicle or passenger-carrying vehicle driver's licence by Articles 73(1)(b) and 74(2), and the provisions of Articles 73(1) and (4) to (8), 74 and (with the exception of paragraph (2)) 75 shall have effect accordingly.

(3) Where a revoked Great Britain driving licence and its counterpart are surrendered to the Department in pursuance of Article 75, the Department shall send them to the Secretary of State together with particulars of the revocation.

(4) A holder of a Great Britain driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of paragraph (2) shall have the like right of appeal as is conferred by Article 76 except that an appeal brought by virtue of this paragraph shall, if the appellant is not resident in Northern Ireland, lie to such court of summary jurisdiction as may be prescribed by magistrates' courts rules.".

PART II

PROVISION TO BE INSERTED AS ARTICLE 79A OF THE PRINCIPAL ORDER

"Taxi drivers' licences

Licensing of drivers of taxis

79A.—(1) A person shall not drive a taxi when it is standing or plying for hire or carrying passengers for hire unless he is the holder of a taxi driver's licence; that is to say, a licence granted under paragraph (2).

(2) Subject to paragraphs (3) and (4), taxi drivers' licences may be granted to applicants by the Department on payment of such fee as may be prescribed with the approval of the Department of Finance and Personnel.

(3) The Department shall not grant a taxi driver's licence—

(a) to any applicant who has not for at least 12 months been, and is not at the date of the application for the licence, the holder of a licence under Part II to drive a vehicle of a prescribed class; and

(b) unless—

(i) the Department is satisfied that the applicant is a fit and proper person to hold the licence; and

(ii) the applicant passes such test of competence to drive a vehicle of the type for which the licence is required and meets such other requirements as may be prescribed.

(4) Taxi drivers' licences—

(a) shall be granted subject to prescribed conditions;

(b) may be revoked or suspended by the Department in prescribed circumstances;

(c) shall remain in force for such period as may be prescribed if not earlier revoked or suspended; and

(d) shall be generally dealt with in the prescribed manner.

(5) A person who is aggrieved by the Department's refusal to grant, or by the revocation or suspension of, a taxi driver's licence may, after giving notice to the Department of his intention

to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which he resides.

(6) On any such appeal the court may make such order as it thinks fit and the order shall be binding on the Department.

(7) Any person who drives a taxi in contravention of paragraph (1) shall be guilty of an offence under this Order.

(8) In this Article "taxi" means a public service vehicle seating not more than 8 passengers in addition to the driver.".

SCHEDULE 4 Article 9(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS RELATING TO DRIVER LICENSING

The Transport Act (Northern Ireland) 1967 (c. 37)

1. In section 10A (exemption from PSV operator and driver licensing requirements of vehicles used under permits)—

(a) for "Articles 59, 60 and 70" substitute "Articles 59 and 60";

(b) omit the letter "(a)"; and

(c) for paragraph (b) and the word "or" immediately preceding it substitute "and a person may drive any motor vehicle at a time when it is being so used notwithstanding that his licence under Part II of the Road Traffic (Northern Ireland) Order 1981 does not authorise him to drive vehicles of the class to which that vehicle belongs".

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

2. In Article 1(3), omit the words "in Article 12, paragraph (4)".

3. In Article 2(2) (general interpretation of certain expressions)—

(a) in the definition of "driving licence" for the words "Article 12" substitute "Part II";

(b) for the definition of "provisional licence" substitute—

""provisional licence" has the meaning given in Article 19D(1);";

(c) omit the definition of "special provisional licence";

(d) for the definition of "the test" substitute—

""the test" means the test of competence to drive prescribed by virtue of Article 5(3);".

4. In Article 59(1) (public service vehicle not to ply for hire unless driver licenced) for the words from "in addition to" onwards substitute "holds a passenger-carrying vehicle driver's licence, as defined in Article 70(2) or, as the case may be, a taxi driver's licence within the meaning of Article 79A".

5. In Article 60(2) (offence of using unlicensed public service vehicle to stand or ply for hire) omit the words "and conductor" and "or the conductor".

6. In Article 62 (public service vehicles not to carry more than prescribed number of persons)—

(a) in paragraph (2) for the word "conductor" substitute "driver";

(b) in paragraph (3) for the words "under Article 70 to the conductor" substitute "under Part II to the driver";

(c) in paragraph (4) for the word "conductor" substitute "driver" and for the words "Article 70" substitute "Part II";

(d) omit paragraph (5).

7. In Article 66 (power to make regulations) omit the words "and 70", wherever they occur.

8. In Article 166 (offence of applying for or obtaining licence while disqualified)—

(a) in paragraph (1) for the words "Article 4(1)" substitute "Article 17(1)"; and

(b) after paragraph (2) add the following paragraph—

"(3) in the application of paragraphs (1) and (2) to a person whose disqualification is limited by virtue of Article 17, 18 or 74 to the driving of a motor vehicle of a particular class, the references to disqualification for holding or obtaining a licence are references to holding or obtaining a licence to drive motor vehicles of that class.".

9. In Article 167 (offence of driving, or causing or permitting another person to drive, a motor vehicle while disqualified)—

(a) for any reference to Article 4(1) substitute a reference to Article 17(1), and

(b) for any reference to Article 4(2) substitute a reference to Article 17(2).

10.—(1) Schedule 4 (table of offences, etc.) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) For the entries in that Schedule relating to Articles 3, 5, 7, 8, 9, 13, 15, 16 and 17 substitute the following entries—

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
3(1)	Driving without a licence.	Summary	A fine of level 3 on the standard scale.
3(2)	Causing or permitting a person to drive without a licence.	Summary	A fine of level 3 on the standard scale.
9(10)	Failure to deliver a licence and counterpart revoked by virtue of Article 9(8) to Department.	Summary	A fine of level 3 on the standard scale.
10(3)	Failure to deliver revoked licence and counterpart to Department.	Summary	A fine of level 3 on the standard scale.
11	Failure to notify Department of onset of, or deterioration in, relevant or prospective disability.	Summary	A fine of level 3 on the standard scale.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
13	Failure to comply with any conditions prescribed for driving under provisional licence.	Summary	A fine of level 3 on the standard scale.
14	Failure to comply with any conditions prescribed for driving under provisional licence where conditions applicable to driving under full licence.	Summary	A fine of level 3 on the standard scale.
15(7)	Driving licence holder failing, when his licence is revoked, to surrender it or when particulars become incorrect, to surrender the licence and counterpart and give particulars.	Summary	A fine of level 3 on the standard scale.
19	Exceeding speed limit in vehicle required to display or displaying learner-driver's mark.	Summary	(i) Where the mark is required to be displayed, a fine of level 3 on the standard scale.
	Exceeding speed limit in vehicle required to display or displaying learner-driver's mark.	Summary	(ii) Where the mark is not required to be displayed, a fine of level 2 on the standard scale.
19A	Failure to comply with restriction on restricted drivers.	Summary	A fine of level 3 on the standard scale.
19B	Exceeding speed limit in vehicle displaying restricted driver's mark where mark is not required to be displayed.	Summary	A fine of level 3 on the standard scale.
19E	Failing to produce Great Britain driving licence.	Summary	A fine of level 2 on the standard scale.

(3) At the appropriate places in that Schedule insert the following entries—

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
72	Failing to comply with conditions of LGV or PCV licence, or causing	Summary	A fine of level 3 on the standard scale.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
	or permitting person under 21 to drive LGV or PCV in contravention of such conditions.		
75	Failure to deliver revoked licence to Department.	Summary	A fine of level 3 on the standard scale.
77(4)	Contravention of provision of regulations (which is declared by regulations to be an offence) about LGV or PCV drivers' licences.	Summary	A fine of level 3 on the standard scale.
79A	Driving without a taxi driver's licence.	Summary	A fine of level 3 on the standard scale.

11. In Schedule 6 (saving provisions)—

(a) in paragraph 1, for the words "Article 4(2)" in each place where they occur substitute "Article 17(2)";

(b) in paragraph 2, for the words "Article 4" and "Article 4(l)" substitute "Article 17" and "Article 17(l)" respectively.

PART II

AMENDMENTS RELATING TO DRINKING AND DRIVING

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

12. In Schedule 4 (table of offences, etc.)—

(a) omit the entry relating to Article 141; and

(b) for the entries relating to Articles 144 to 147 substitute the following entries—

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
143(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	Summary	A fine of level 5 on the standard scale or imprisonment for 6 months or both.
143(2)	Being in charge of a motor vehicle when unfit to drive through drink or drugs.	Summary	A fine of level 4 on the standard scale or imprisonment for 3 months or both.
144(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine.	Summary	A fine of level 5 on the standard scale or imprisonment for 6 months or both.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
144(1)(b)	Being in charge of a motor vehicle with excess alcohol in breath, blood or urine.	Summary	A fine of level 4 on the standard scale or imprisonment for 3 months or both.
145	Failing to provide a specimen of breath for a preliminary breath test.	Summary	A fine of level 3 on the standard scale.
146	Failing to provide specimen for analysis or laboratory test.	Summary	(a) (a) Where the specimen was required to ascertain ability to drive or proportion of alcohol at the time offender was driving or attempting to drive, a fine of level 5 on the standard scale or imprisonment for 6 months or both. (b) in any other case, a fine of level 4 on the standard scale or imprisonment for 3 months or both.

The Police and Criminal Evidence (Northern Ireland) Order 1989 NI 12

13.—(1) In Article 35(7), for "Article 146(3)(b)" substitute "Article 145(5)".

(2) In Article 36(6)(d), omit "144".

(3) In Article 62(11), for "141 to 152" substitute "143 to 152A".

SCHEDULE 5 Article 9(2).

REPEALS

PART I

REPEALS RELATING TO DRIVER LICENSING

Chapter or Number	Short title	Extent of repeal
1981 NI 1.	The Road Traffic (Northern Ireland) Order 1981.	In Article 1(3), the words "in Article 12, paragraph (4)". In Article 2(2), the definition of "special provisional licence". In Article 59(2), the words "or conductor, as the case may be,". In Article 60(2), the words "and conductor" and "or the conductor". Article 62(5). In Article 66 the words "and 70", wherever they occur. Articles 70 to 79. In Schedule 4, the entries relating to Articles 70, 71, 75(3) and 75(4).
S.R. 1982 No. 401.	The Community Driving Licence Regulations (Northern Ireland) 1982.	All the regulations.
1984 NI 3.	The Fines and Penalties (Northern Ireland) Order 1984.	In Schedule 3, the entry relating to Article 71(2) of the Road Traffic (Northern Ireland) Order 1981.

PART II

REPEALS RELATING TO DRINKING AND DRIVING

Chapter or Number	Short title	Extent of repeal
S.R. & 0. (N.I.) 1968 No. 216.	The Road Traffic (Breath Test) Regulations (Northern Ireland) 1968.	All the regulations.

Chapter or Number	Short title	Extent of repeal
1981 NI 1.	The Road Traffic (Northern Ireland) Order 1981.	Articles 141, 180(5) and 181(2)(c).
		In Schedule 4, the entry relating to Article 141.
1981 NI 26.	The Magistrates' Courts (Northern Ireland) Order 1981.	Article 29(1)(e).
1989 NI 12.	The Police and Criminal Evidence (Northern Ireland) Order 1989.	In Article 36(6)(d), omit "144".
		In Schedule 2, the entry relating to the Road Traffic (Northern Ireland) Order 1981.