
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART V

DRIVING INSTRUCTION

Registration

Registration of disabled persons

53.—(1) A person may apply to the Registrar to be registered as a disabled instructor in respect of the giving of instruction in the driving of a motor vehicle of a prescribed description in such a motor vehicle if he—

- (a) suffers from a disability or prospective disability affecting the driving of motor vehicles of that description;
- (b) holds a current disabled person's limited driving licence relating to motor vehicles of that description; and
- (c) holds a current emergency control certificate specifying motor vehicles of that description.

(2) An application under paragraph (1) shall be made in such manner, and shall be accompanied by such particulars, as the Department may determine.

(3) If, at the time when he makes an application under paragraph (1), a person is aware—

- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Department in making an application for his current emergency control certificate; 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 granting of his current emergency control certificate,

his application under paragraph (1) must be accompanied by written notification of the nature and extent of his disability.

(4) Any person who fails without reasonable excuse to comply with the requirement imposed by paragraph (3) is guilty of an offence.

(5) Where a person duly applies to be registered as a disabled instructor in respect of the giving of instruction in the driving of a motor vehicle of a prescribed description in such a motor vehicle, the Registrar must (subject to Article 54(4)) so register him if he satisfies the Registrar that the conditions prescribed under this paragraph are fulfilled.

(6) Those conditions may (in particular) include—

- (a) conditions requiring the person to have passed such examinations of ability and fitness to give driving instruction of that description as may be prescribed under Article 62;
- (b) conditions requiring the person to hold, or to have held for a prescribed period, such licences to drive motor vehicles of a prescribed description as may be prescribed; and

- (c) conditions requiring the person not to have been disqualified during a prescribed period under prescribed provisions for holding or obtaining a licence to drive motor vehicles.
- (7) A person may be so registered subject to fulfilling the conditions prescribed under this paragraph for so long as he continues to be so registered.
- (8) Those conditions may (in particular) include—
- (a) conditions requiring the person, if at any time required to do so by the Registrar, to submit himself for such examinations of continued ability and fitness to give driving instruction of that description as may be prescribed under Article 62;
 - (b) conditions requiring the person to have passed those examinations;
 - (c) conditions requiring the person, if at any time required to do so by the Registrar, to submit himself for a further emergency control assessment on the day (within such period as may be prescribed) and at the place specified by the Registrar;
 - (d) conditions within paragraph (6)(b) and (c); and
 - (e) conditions requiring the person to follow guidance issued by the Registrar as to the giving of instruction in the driving of a motor vehicle of a prescribed description in such a motor vehicle.
- (9) The conditions prescribed under paragraph (5) or (7) may (in particular) include a condition that persons are fit and proper persons to be, or to continue to be, registered.
- (10) In considering whether to exercise, in respect of any person, his power under paragraph (8) (c), the Registrar must have regard to any recommendation included in the person's current emergency control certificate as to the period after which he should undergo a further emergency control assessment.
- (11) Regulations may include provision for prescribed persons to be exempt from any prescribed condition, to such extent as is prescribed, in prescribed circumstances.
- (12) Regulations may make provision authorising the Department to make available information about persons registered under this Article.
- (13) In this Part—
- “appropriate motor vehicle” means, subject to Article 54(2), a motor vehicle equipped with automatic transmission;
- “course provider”, in respect of motor vehicles of any description, means a want of physical ability affecting the driving of motor vehicles of that description; and—
- (a) “relevant disability”, in relation to a person, means any disability which is prescribed in regulations or any other disability likely to cause the driving of a motor vehicle of the description in question by him to be a source of danger to the public; and
 - (b) “prospective disability”, in relation to a person, means any other disability which, at the material time, is not of such a kind that it is a relevant disability but, by virtue of the intermittent or progressive nature of the disability or otherwise, may become a relevant disability in course of time;
- “disabled person's limited driving licence” means a licence of one of the following kinds, that is to say—
- (a) a licence to drive a motor vehicle granted under Part II of the Order of 1981 (not being a provisional licence within the meaning of Part II of that Order) which is limited, by virtue of a notice served under Article 9(5)(b) of that Order, to an appropriate motor vehicle;
 - (b) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (c. 52) (not being a provisional licence within the meaning of Part 3 of that Act) which is

limited, by virtue of a notice served under section 92(5)(b) of that Act, to an appropriate motor vehicle; and

- (c) a community licence authorising the driving of a motor vehicle which is similarly limited by virtue of any corresponding provision of the law under which it was issued and a counterpart of that licence;

“emergency control assessment” and “emergency control certificate” mean an assessment and a certificate under Article 65;

“course provider”, in relation to a motor vehicle, includes equipment; and

“registered disabled instructor” means a person registered as a disabled instructor in respect of instruction in the driving of motor vehicles of a prescribed description given in a motor vehicle of that description;

and any reference, in relation to a person, to the class of motor vehicle covered by his disabled person’s limited driving licence is a reference to the class of motor vehicle specified in the notice served on him under Article 9(5)(b) of the Order of 1981 but disregarding any modifications specified in the notice.