
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART V

DRIVING INSTRUCTION

Disabled persons: emergency control certificates, etc.

Assessment of disabled person's ability to control a motor vehicle in an emergency

65.—(1) This Article applies to any person who, by or under any provision of this Part—

- (a) is authorised to apply to undergo an emergency control assessment; or
- (b) is required by the Registrar to submit himself for an emergency control assessment.

(2) An emergency control assessment is an assessment of whether the person being assessed would be able either—

- (a) to take control of a motor vehicle of a class covered by his disabled person's limited driving licence without any modifications; or
- (b) to take control of a motor vehicle of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor vehicle;

if an emergency arose while he was giving, in such a motor vehicle, instruction in the driving of an appropriate motor vehicle.

(3) Where a person is authorised to apply to undergo an emergency control assessment, for his application to be duly made, it must be made to the Department and must include—

- (a) a declaration by the person making the application, in such form as the Department may require, stating every relevant disability or prospective disability from which the person is suffering or has at any time (or, if a period is prescribed by regulations, has during that period) suffered; and
- (b) such other particulars as the Department may require.

(4) Where a person is required to submit himself for an emergency control assessment he must furnish to the Department such particulars as the Department may require.

(5) Regulations may require a person who applies to undergo an emergency control assessment (or a part of such an assessment), or is required to submit himself for such an assessment, to pay a fee to the Department, or such other person as the Department may specify, in respect of that assessment.

(6) An emergency control assessment—

- (a) shall be conducted by a person appointed by the Department (in this Article referred to as "the assessor"); and
- (b) shall consist of such practical tests and other means of assessment as the Department may determine.

(7) On completing an emergency control assessment of a person, the assessor shall grant him an emergency control certificate if he is satisfied either—

- (a) that, in the circumstances mentioned in paragraph (2), that person would be able to take control of a motor vehicle of a class covered by his disabled person's limited driving licence without any modifications; or
- (b) that, in the circumstances mentioned in paragraph (2), that person would be able to take control of a motor vehicle of a class covered by his disabled person's limited driving licence only with appropriate modifications of such a motor vehicle,

but if the assessor is not so satisfied, he shall refuse to grant a certificate to that person.

(8) An emergency control certificate granted to any person—

- (a) shall specify the class of motor vehicle covered by his disabled person's limited driving licence in relation to which the assessor is satisfied as mentioned in paragraph (7)(a) or (b), specifying, in a case falling within sub-paragraph (b) the modifications that are appropriate; and
- (b) may include a recommendation that the person should undergo a further emergency control assessment after the end of such period as is specified in the certificate,

and shall otherwise be in such form as the Department may determine.

(9) Different modifications for different classes of motor vehicle may be specified under paragraph (8)(a).

(10) The assessor who has assessed any person under this Article—

- (a) if he grants an emergency control certificate, shall—
 - (i) give or send the certificate to that person; and
 - (ii) send a copy of the certificate to the Registrar; and
- (b) if he refuses to grant such a certificate, shall—
 - (i) give notice in writing to that person of his decision and of the reasons for it; and
 - (ii) send a copy of the notice to the Registrar.