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STATUTORY INSTRUMENTS

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**2007 No. 916**

**The Road Traffic (Northern Ireland) Order 2007**

**PART V**

**DRIVING INSTRUCTION**

*Instructors and instruction businesses to be registered*

**Requirement of registration**

**48.**—(1) A person—

- (a) must not give paid driving instruction of any prescribed description unless he is registered in respect of the giving of that description of driving instruction; and
- (b) must not carry on business in the provision of paid driving instruction of any prescribed description unless he is registered in respect of the carrying on of business in the provision of that description of driving instruction.

(2) A person—

- (a) must not give paid driving instruction of any prescribed description unless prescribed arrangements as to the displaying of evidence that he is registered in respect of the giving of that description of driving instruction are complied with; and
- (b) must not carry on business in the provision of paid driving instruction of any prescribed description unless prescribed requirements as to the displaying of evidence that he is registered in respect of the carrying on of business in the provision of that description of driving instruction are complied with.

(3) In this Part “driving instruction” means instruction in relation to the driving of a motor vehicle.

(4) Regulations under this Part which prescribe a description of driving instruction may do so by reference to—

- (a) the class of motor vehicle to which the instruction relates;
- (b) the description of persons to whom the instruction is given or provided; or
- (c) the nature of the instruction or where or how it is given or provided.

(5) For the purposes of this Part instruction is paid instruction if payment of money or money’s worth is, or is to be, made for the instruction by or in respect of the person to whom the instruction is given or provided.

(6) Regulations may prescribe circumstances in which instruction provided free of charge shall be deemed to be given for payment of money by or in respect of the person to whom the instruction is given or provided.

(7) For the purposes of this Part a person is “registered” if his name is in the register together with—

- (a) an indication as to whether he is registered in respect of the giving of driving instruction or the carrying on of business in the provision of driving instruction (or both);

(b) an indication as to the description of driving instruction in respect of which he is registered; and

(c) such other particulars as may be prescribed,

and “registration” shall be construed accordingly.

(8) In this Part “the register” means the register established for the purposes of this Part under Article 51.

#### **Paid driving instruction: offences**

**49.**—(1) If driving instruction is given in contravention of Article 48(1)(a)–

(a) the person by whom it is given;

(b) if that person is employed by another to give that instruction, that other (as well as that person); and

(c) if that person is a franchisee under a driving instruction franchise, the franchisor under the driving instruction franchise (as well as that person),

is guilty of an offence.

(2) If a person contravenes Article 48(1)(b) he is guilty of an offence.

(3) In proceedings against a person for an offence under paragraph (1) or (2) it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that–

(a) in a case within sub-paragraph (a) of paragraph (1), or within paragraph (2), he;

(b) in a case within sub-paragraph (b) of paragraph (1), the person employed by him; or

(c) in a case within sub-paragraph (c) of that paragraph, the person who was the franchisee under the driving instruction franchise,

was not at the material time registered in respect of the description of driving instruction in question.

(4) If a person contravenes Article 48(2) he is guilty of an offence.

#### **Exemption from prohibitions imposed by Article 48**

**50.**—(1) Regulations may prescribe circumstances in which Article 48 shall not apply in relation to driving instruction, or driving instruction of a prescribed description.

(2) The regulations may, in particular, make provision for Article 48(1)(a) and (2)(a) not to apply in prescribed circumstances for the purpose of enabling persons to acquire experience in giving driving instruction.