

2002 No. 374

EUROPEAN COMMUNITIES

ROAD TRAFFIC AND VEHICLES

**The Driving Licences (Community Driving Licence)
Regulations (Northern Ireland) 2002**

Made - - - - - 4th December 2002

Coming into operation 20th January 2003

The Department of the Environment, being a Department designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 2002 and shall come into operation on 20th January 2003.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to the Road Traffic (Northern Ireland) Order 1981

3. The Road Traffic (Northern Ireland) Order 1981(d) shall have effect with the amendments set out in the Schedule.

Revocation

4. Paragraphs 3(4) and 6 of Schedule 1 to the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996(e) shall cease to have effect.

Sealed with the Official Seal of the Department of the Environment on 4th December 2002.

(L.S.)

Wesley Shannon

A senior officer of the Department of the Environment

(a) S.I. 1981/1536

(b) 1972 c. 68; by virtue of section 1 of the European Economic Area Act 1993 (c. 51), section 1(2) of that Act is amended to enable regulations to be made under section 2(2) to implement obligations of the United Kingdom arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and a Protocol adjusting the Agreement signed at Brussels on 17th May 1994 (Cm 2183)

(c) 1954 c. 33 (N.I.)

(d) S.I. 1981/154 (N.I. 1)

(e) S.R. 1996 No. 426

SCHEDULE

Regulation 3

AMENDMENT TO THE ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981(a)

1.—(1) Article 4 (exceptions from offence of driving without licence etc.)(b) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) For paragraph (1)(b)(ii) there shall be substituted –

“(ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of Article 15(5) or (6) otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under Article 15(8B), and”.

(3) In paragraph (4)(a), after “15(8)” there shall be inserted “or (8A)”.

2.—(1) Article 9 (requirements as to physical fitness of drivers)(c) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In paragraph (5), for sub-paragraphs (a) and (b), there shall be substituted –

“(a) if he drives any vehicle,

(b) if he drives a vehicle other than a vehicle of a particular class, or

(c) if he drives a vehicle except in accordance with particular conditions,

the Department must serve notice in writing to that effect on that person and must include in the notice a description of the disability.”.

(3) For paragraphs (7) and (8) there shall be substituted –

“(7) Where a notice is served in pursuance of paragraph (5)(b), the Department may –

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice or

(b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence limited to vehicles of that class,

and, if the Department so directs in the notice, his entitlement to drive other classes of vehicle by virtue of Article 14(2) shall be limited as specified in the notice.

(7A) Where notice is served in pursuance of paragraph (5)(c), the Department may –

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or

(b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Department so directs in the notice, any entitlement which the person has to drive vehicles by virtue of Article 14(2) shall be subject to conditions as specified in the notice.

(7B) A person complies with this paragraph if –

(a) he surrenders the existing licence and its counterpart, and

(b) where the Department so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

(8) If it considers it appropriate to do so, the Department may, after serving a notice under any of the sub-paragraphs of paragraph (5), serve a further notice under that sub-paragraph or a notice under another of those sub-paragraphs; and on its serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.”.

3. In Article 10 (revocation of licence because of disability or prospective disability)(d), after paragraph (2) there shall be inserted –

“(2A) The Department may require a person to provide –

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

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

before granting a licence to him on application made for the purposes of paragraph (2).”.

(a) Articles 4 to 19E were substituted by Schedule 1 to S.I. 1991/197 (N.I. 3); relevant amendments were made by Article 7 of S.I. 1991/197 (N.I. 3), Article 92 of S.I. 1995/2994 (N.I. 18) and S.R. 1996 No. 426, Schedule 1; Articles 70 to 79 were substituted by Schedule 3 to S.I. 1991/197 (N.I. 3)

(b) Article 4 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 1

(c) Article 9 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 3

(d) Article 10 was amended by S.R. 1996 No. 426, Schedule 1, Paragraph 4

4.—(1) Article 13 (grant of licences)(a) shall be amended in accordance with sub-paragraphs (2) to (5).

(2) After paragraph (1) there shall be inserted –

“(1A) The Department may under paragraph (1)(a) and (b) in particular require an applicant to provide a photograph which is a current likeness of him.”.

(3) In paragraph (3)(e) (provisional licences)(b) after “motor bicycle” in each place where the words occur, there shall be inserted “or moped”.

(4) In paragraph (3A) (training in the riding of motorcycles)(c) for “motor cycles” in each place where the words occur, there shall be substituted “motor bicycles and mopeds”.

(5) In paragraph (4)(d), after “motor bicycle”, in each place where the words occur, there shall be inserted “or moped”.

5.—(1) Article 14 (form of licence)(e) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) For paragraph (1) there shall be substituted –

“(1) A licence shall be in the form of a photocard of a description specified by the Department or such other form as it may specify and –

(a) the licence shall 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) the licence shall specify (in such manner as the Department may determine) 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 any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 9(7A), and

(c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the Department may determine) the conditions subject to which it is granted.”.

(3) In paragraph (3)(c) (limits on provisional entitlement under full licence)(f) after “motor bicycle” there shall be inserted “or moped”.

6.—(1) Article 15 (duration of licences)(g) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In paragraph (4), after “motor bicycle”, in each place where the words occur, there shall be inserted “or moped”.

(3) In paragraph (6), the words from “and provide it” to the end of the paragraph shall be omitted.

(4) For paragraph (8) and (9) there shall be substituted –

“(8) On the surrender of a licence and its counterpart by a person in pursuance of paragraph (5) or (6), the Department must (subject to the following provisions of this Article) grant a new licence to that person and any licence granted under this paragraph shall be granted free of charge.

(8A) Where the surrendered licence was revoked –

(a) because it was granted in error or in consequence of an error or omission appearing to the Department to be attributable to the fault of the licence holder; or

(b) in consequence of a current disqualification,

paragraph (8) shall not apply but the Department may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.

(8B) The Department may require a person to provide –

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

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

before granting a new licence to him under paragraph (8) or (8A).

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- (a) Article 13 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 5
(b) Paragraph (3)(e) was inserted prospectively by paragraph (4) of Article 7 of S.I. 1991/197 (N.I. 3) and amended by paragraph 3(Ω3) of Schedule 2 to S.R. 1996 No. 426
(c) Paragraph (3A) was inserted prospectively by paragraph (5) of Article 7 of S.I. 1991/197 (N.I. 3) and amended by paragraph 3(3) of Schedule 2 to S.R. 1996 No. 426
(d) Paragraph (4) was amended by paragraph 5(3) of Schedule 1 to S.R. 1996 No. 426
(e) Article 14 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 6
(f) Paragraph (3)(c) was inserted prospectively by paragraph (7)(b) of Article 7 of S.I. 1991/197 (N.I. 3) and amended by paragraph 3(4) of Schedule 2 to S.R. 1996 No. 426
(g) Article 15 was amended by S.R. 1996 No. 426, Schedule 1 paragraph 7

(9) A replacement licence granted pursuant to paragraph (8) or (8A) shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, 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 replacement licence shall expire on that different date."

7. In Article 15A(4) (authorisation of goods vehicle and passenger-carrying vehicle Community licence holders to drive in Northern Ireland)(a), for sub-paragraph (a) there shall be substituted –

“(a) except in a case falling within sub-paragraph (b) or (c) –

- (i) the date on which he attains the age of 45 years, or
- (ii) the expiry of the period of 5 years beginning with the relevant date, whichever is the later.”.

8. In Article 19C (regulations)(b) in paragraph (1A)(e) –

- (a) after “such fee” there shall be inserted “, and compliance with such requirements,”; and
- (b) omit “new”.

9. In Article 19D(1) (interpretation)(c), in the definition of “motor bicycle”, for “50 kilometres per hour” there shall be substituted “45 kilometres per hour”.

10. In Article 74A (community licences: disqualification etc.)(d), for paragraph (3) there shall be substituted –

“(3) Where in pursuance of paragraph (1) or (2), the Department orders a Community licence holder to be disqualified the Department must, on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.

(3A) The Department may require a person to provide –

- (a) evidence of his name, address, sex and date and place of birth; and
- (b) a photograph which is a current likeness of him,

before granting a licence to him under paragraph (3).”.

11. In Article 75 (licences: surrender, return and endorsement) after paragraph (3) there shall be inserted –

“(3A) The Department may require a person to provide –

- (a) evidence of his name, address, sex and date and place of birth; and
- (b) a photograph which is a current likeness of him,

before granting a licence to him under paragraph (3).”.

(a) Article 15A was inserted by S.R. 1996 No. 426, Schedule 1, paragraph 8
(b) Article 19C was amended by S.R. 1996 No. 426, Schedule 1, paragraph 11 and paragraph 8 of Schedule 3 to S.I. 1996/1320 (N.I. 10)
(c) The definition of “motor bicycle” was inserted by S.R. 1996 No. 426, Schedule 1, paragraph 12(2)(h)
(d) Article 74A was inserted by S.R. 1996 No. 426, Schedule 1, paragraph 17

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Road Traffic (Northern Ireland) Order 1981 so as to give effect to Council Directives 96/47/EC (O.J. No. L235, 17.9.96, p. 1) and 97/26/EC (O.J. No. L150, 7.6.97, p. 41), which amend Council Directive 91/439/EEC on driving licences (O.J. No. L237, 24.8.91, p.1). The Directives apply, by virtue of Decision 7/94 of the EEA Joint Committee (O.J. No. L160, 28.6.94, p. 1), to states within the European Economic Area.

Directive 96/47/EC provides for the introduction of a model form of photocard driving licence as an alternative to the model paper form. The Regulations make provision for the Department to issue licences in that form and for that purpose to require applicants to provide photographs and other evidence of their identity.

Directive 97/26/EC amends the definition of “motor cycle” and specifies codes which Member States must include on the licences they issue to indicate, amongst other things, restrictions on the classes of vehicle which a licence holder may drive on account of physical disability or conditions which may be imposed on his driving vehicles on account of such disability.

The Regulations make provision for these matters.

The Regulations correct minor errors in the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996 in relation to the validity period of large Goods Vehicles and Passenger-Carrying Vehicles Community licences and the application of certain provisions of the Road Traffic (Northern Ireland) Order 1981 to mopeds.

Copies of the EC and EEC Directives referred to in this note can be obtained from The Stationery Office Bookshop, 16 Arthur Street, Belfast BT1 4GD.

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