

**2003 No. 65**

**ROAD TRAFFIC AND VEHICLES**

**The Motor Cars (Driving Instruction) (Amendment)  
Regulations (Northern Ireland) 2003**

*Made - - - - - 11th February 2003*

*Coming into operation 10th March 2003*

The Department of the Environment, in exercise of the powers conferred on it by Articles 132(2) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a), hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 10th March 2003.

**Amendments to the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991**

2. The Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991(b) shall be amended in accordance with regulations 3 to 8.

**Interpretation**

3. In regulation 2(1) –
- (a) in the definition of “examination” for “written examination” there shall be substituted “theory test”;
  - (b) the definition of “written examination” shall be deleted; and
  - (c) after the definition of “the Registrar” there shall be inserted the following definition –  
“ “theory test” means the test of driving theory and hazard perception referred to in the definition of “examination” the nature of which is prescribed in regulation 10 of these Regulations.”.

**General provision**

4. For regulation 9 there shall be substituted the following regulation –
- “9.—(1) A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Department may determine.
- (2) Where a person has passed the theory test (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

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(a) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department” and “prescribed”  
(b) S.R. 1991 No. 373, to which there are amendments not relevant to these regulations

(3) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case –

- (a) he has passed the three parts of the examination in the following order:
  - (i) the theory test;
  - (ii) the driving ability and fitness test; and
  - (iii) the instructional ability and fitness test;
- (b) he passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;
- (c) within two years after passing the theory test and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test; and
- (d) he passed the instructional ability and fitness test on his first, second or third attempt after he had passed the theory test, and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(4) For the purposes of this regulation –

- (a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;
- (b) subject to sub-paragraph (c), a reference to the passing of the theory test or the driving ability and fitness test (including paragraph (3)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions;
- (c) if a person takes the theory test on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(5) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.”.

### **Theory test**

5. For regulation 10 there shall be substituted the following regulation –

#### **“Theory Test**

10.—(1) The theory test shall be conducted in two parts, one part being the test of driving theory described in paragraph (3) and the other being the hazard perception test described in paragraph (5).

(2) The candidate must take the test of hazard perception immediately after taking the test of driving theory.

(3) The test of driving theory shall consist of a theoretical examination, in which the candidate is required to answer from his own knowledge, on all or any of the following subjects –

- (a) the principles of road safety generally and their application in particular circumstances;
- (b) the techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil on the matters set out in sub-paragraph (b), the correction of the pupil’s errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers;
- (d) the theory of learning and the theory and practice of teaching and assessment;
- (e) the Highway Code for Northern Ireland and other matters in the booklet in which it is published;

- (f) the booklet “The Official Driving Test” issued by the Department for Transport and published by The Stationery Office;
  - (g) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence prescribed by regulation 36(2)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(a);
  - (h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and
  - (i) the book “Driving – The Essential Skills”, issued by the Department for Transport and published by The Stationery Office.
- (4) The test of driving theory shall be conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate.
- (5) The hazard perception test shall –
- (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
  - (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.
- (6) A candidate taking the test of hazard perception must satisfy the examiner that his performance in the test of hazard perception demonstrates an ability to perceive hazards on the road.
- (7) For the purposes of this regulation “film clip” means a sequence of visual images displayed electronically”.

#### **Driving ability and fitness test**

6. In regulation 11 for paragraph (2) there shall be substituted the following paragraph –
- “(2) The test of eyesight shall be a test of the candidate’s ability to read in good daylight (with the aid of glasses or contact lenses if worn), a motor vehicle registration mark containing letters and figures –
- (a) 79 millimetres in height and 50 millimetres wide at a distance of 26.5 metres; or
  - (b) 79 millimetres in height and 57 millimetres wide at a distance of 27.5 metres.”.

#### **Amendment to regulation 16 (Licence)**

7. In regulation 16(d) for “written examination” there shall be substituted “theory test”.

#### **Fees**

8. in regulation 24(1) for “written part of the examination” there shall be substituted “theory test”.

Sealed with the Official Seal of the Department of the Environment on 11th February 2003.

(L.S.)

*Stanley Duncan*

A senior officer of the Department of the Environment

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(a) S.R. 1996 No. 542

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations further amend the Motor Cars (Driving Instruction) Regulations 1991 (“the principal Regulations”) as follows.

Regulations 3 and 5 amend, respectively, regulations 2 and 5 of the principal Regulations by replacing the written examination currently taken by those wishing to become driving instructors with a new two part theory test. The first part of the new two part theory test is a test of driving theory. The second part consists of a test of the candidate’s ability to recognise hazards to driving (a “hazard perception test”).

Regulation 4 amends regulation 9 of the principal Regulations by changing all references to the written examination to the theory test and removing references to transitional arrangements which were relevant to changes made when the principal Regulations became operative.

Regulations 7 and 8 amend, respectively, regulations 16 and 24 of the principal Regulations by changing all references to the written examination to theory test.

Regulation 6 amends regulation 11 of the principal Regulations by –

- (a) correcting an error regarding height of figures and letters on number plates in relation to the eyesight test; and
- (b) providing for a shortened distance for the eyesight test where the number plate has the new reduced character width.

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