

**EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (EXCHANGEABLE LICENCES)
ORDER (NORTHERN IRELAND) 2009**

2009 No. 302

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (S.R. 2009 No. 302) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 19D(2)(b), (2A), (2B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 (“the 1981 Order”) and is subject to the negative resolution procedure.
- 1.3. The Order is due to come into operation on 12th October 2009.

2. Purpose

- 2.1. This Order revokes and replaces the Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 1994 (“the 1994 Order”) as amended.
- 2.2. The purpose of the Order is to designate certain countries and territories under Article 19D(2)(b), (2A) and (2B) of the 1981 Order as making satisfactory provisions for the issue of certain classes of driving licences for the purposes of exchangeable driving licences. This will enable a person holding one of those licences to exchange it for a corresponding Northern Ireland (NI) licence.
- 2.3. The countries and territories designated are:

Australia	Principality of Monaco
Barbados	Provinces and territories of Canada
British Virgin Islands	Republic of Korea
Falkland Islands	Singapore
Faroe Islands	South Africa
Hong Kong	Switzerland
Japan	Zimbabwe
New Zealand	

- 2.4. The licences affected are those authorising the driving of small vehicles such as mopeds, motor bicycles, motor cars, and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without trailer), tractors, pedestrian controlled vehicles and mowing machines.
- 2.5. There are specific provisions regarding licences that authorise the driving of motor bicycles. Those licences are not exchangeable in respect of that category if the licence was originally granted to a person who passed the driving test in the Republic of Korea or the Faroe Islands. However licences from the Republic of Korea and the Faroe Islands are exchangeable if they have been granted by way of exchange for a licence granted in another country or territory whose licences are acceptable in respect of motor bicycles.
- 2.6. The Order provides for:-
- the designation with restriction of several countries and territories already designated in Great Britain (GB) but not yet designated in NI, namely, Canada, South Africa, the Republic of Korea, the Faroe Islands, the Falkland Islands and Monaco,
 - the re-designation with restriction of certain of the countries and territories previously designated in the 1994 Order without restriction,
 - the removal of countries and territories designated in the 1994 Order that no longer need to be designated as they are now member states of the European Economic Area (EEA). Licences granted in an EEA State are exchangeable in their own right under the provisions made in Article 19(D)(1) of the 1981 Order, and
 - the removal of Gibraltar from the list of the countries designated in the 1994 Order as licences granted in Gibraltar are also exchangeable in their own right under the provisions made in Article 19(D)(1) of the 1981 Order.
- 2.7. The Order also provides that a licence may not be exchanged for a corresponding NI licence authorising the driving of vehicles with manual transmission unless the holder took the driving test in a vehicle with manual transmission.
- 2.8. The Order provides for the exchange of a licence which had been previously exchanged for a licence granted in an EEA State, in one of the countries or territories designated in the Order or in one of the countries or territories named in Schedule 2 to the Order if the person passed the test in that State, country or territory.
- 2.9. Schedule 2 provides details of other countries and territories from where a licence produced for exchange may have been previously exchanged. This will include the Isle of Man, Jersey and Guernsey as licences granted in those

territories are also exchangeable in their own right under Article 19D(1) and Article 5(1)(d) of the 1981 order.

3. Background

- 3.1. Persons coming to live in NI from outside the EEA may drive small vehicles for up to a year on their valid national driving licence under international agreements. After this time they must pass a NI driving test in order to continue to have the right to drive, unless they hold a licence issued in a country or territory designated by law for the purposes of exchangeable licences.
- 3.2. A country will only be designated if its licensing and testing arrangements have been assessed as being of a comparable standard to those in NI. Once a country has been designated for exchange purposes, its licences may be exchanged for a NI licence subject only to meeting the normal requirements in respect of health and minimum age.
- 3.3. The 1994 Order designated 16 countries and territories under Article 19D(2) of the 1981 Order as having satisfactory provision for the issue of driving licences enabling a holder of such a licence to exchange it for a corresponding NI licence. The 1994 Order was amended in 2002 to remove Kenya from the list of designated countries. No other amendments have been made to the 1994 Order.
- 3.4. The designations in the 1994 Order were in respect of all categories of driving licences as Article 19D(2) of the 1981 Order did not, at that time, allow for restrictive designation. However an amendment to Article 19D(2) of the 1981 Order contained in Article 35 of the Road Traffic (Northern Ireland) Order 2007 now makes it possible to designate countries in respect of certain categories of licences and to specify the class of vehicle that the holder is authorised to drive.
- 3.5. The 1994 Order also included countries that no longer required to be designated by law as their licences are now exchangeable in their own right under separate arrangements.
- 3.6. This new Order will not only designate with restriction those countries not yet designated in NI but will also re-designate the previously designated countries to impose the restrictions arising from the new powers of designation contained within Article 19D(2) of the 1981 Order.

4. Consultation

- 4.1. A consultation document on driving licence exchange was issued in 2004 and the proposals were included in the Road Traffic (Northern Ireland) Order 2007, which was itself subject to a separate consultation exercise. As this

Order gives effect to the enabling powers contained in the 2007 Order and is not of a contentious nature a separate consultation exercise was not considered necessary.

5. Equality Impact

5.1. In accordance with its duty under Section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals and concluded that they do not have significant implications for equality of opportunity. The measures will not affect any group disproportionately. In light of this, the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment is deemed unnecessary as there are no costs or other specific effects on business.

7. Financial Implications

7.1. The statutory rule has no financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has considered the matter of Convention Rights and Community Law and is satisfied that there are no matters of concern.

9. EU Implications

9.1. None.

10. Parity or replicatory measure

10.1. This Order will put NI on the same footing as GB in terms of the countries and territories that are designated for the purposes of exchangeable licences and will reduce the disparity that currently exists between GB and NI.

10.2. There are still some small anomalies due to the fact that GB has yet to re-designate certain countries which had been designated prior to the introduction of selective designation in 1998. GB intends to re-designate those countries at the first available opportunity.

10.3. Additionally, the Faroe Islands have been designated in GB in such a way as to prevent the exchange of licences which include motor bicycles, regardless as to where the motor bicycle test was passed. GB intends to correct this anomaly.

11. Additional Information

11.1. Not applicable.