

2012 No. 451

ROAD TRAFFIC AND VEHICLES

**The Motor Vehicles (Driving Licences) (Amendment No. 3)
Regulations (Northern Ireland) 2012**

Made - - - - - *13th December 2012*

Coming into operation - *19th January 2013*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and Articles 5(3), 13(3A) and (3B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(b).

The Department of the Environment is designated(c) for the purposes of section 2(2) of the European Communities Act 1972 in relation to the licensing of drivers of motor vehicles.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2012 and shall come into operation on 19th January 2013 immediately after the coming into operation of the Motor Vehicles (Driving Licences) (Amendment) Regulations 2012(d).

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

Amendment of the Road Traffic (Northern Ireland) Order 1981

2.—(1) The Road Traffic (Northern Ireland) Order 1981 is amended in accordance with paragraphs (2) and (3).

(2) In Article 19(f) (speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences)—

- (a) in paragraph (1) for “Subject to paragraph (2),” substitute “Subject to paragraphs (2) and (3),”; and
- (b) after paragraph (2) insert—

(a) 1972 c. 68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c. 51)
(b) S.I. 1981/154 (N.I. 1); Article 5 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by Schedule 3 to S.I. 1996/1320 (N.I. 10), Schedule 1 to S.R. 1996 No. 426 and Article 7(2) of S.I. 1991/197 (N.I. 3) and Article 13(3A) and (3B) were inserted by Article 7(5) of S.I. 1991/197 (N.I. 3)
(c) S.I. 1981/1536
(d) S.R. 2012 No. 170
(e) 1954 c. 33 (N.I.)
(f) Article 19 was amended by paragraph 2 of Schedule 2 to S.I. 1998/1074 (N.I. 7)

“(3) Paragraph (1) does not apply to a person who drives a category A2 motorcycle or a category A motorcycle while under the supervision of an approved motorcycle instructor or while taking a test of competence prescribed by virtue of Article 5(3).

(4) In paragraph (3) “approved motorcycle instructor”, “category A2 motorcycle” and “category A motorcycle” have the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.”.

(3) In Article 19A(a) (restrictions on newly qualified drivers)—

(a) in paragraph (5)(b) at the beginning insert “subject to paragraph (5A),”; and

(b) after paragraph (5) insert—

“(5A) The restriction specified in paragraph (5)(b) does not apply to a person who after 18th January 2013 has passed a test of competence prescribed by virtue of Article 5(3) in the driving of a category A2 motorcycle or category A motorcycle.

(5B) In paragraph (5A) “category A2 motorcycle” and “category A motorcycle” have the same meaning as in the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996.”.

Amendment of the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996

3.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(b) are amended in accordance with paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation) after the definition of “B1 vehicle”(c) insert—

““category A motorcycle” means a motor bicycle—

(a) of a power exceeding 35 kilowatts or with a power to weight ratio exceeding 0.2 kilowatts per kilogram; or

(b) of a power not exceeding 3.5 kilowatts with a power to weight ratio not exceeding 0.2 kilowatts per kilogram and derived from a vehicle of more than double its power;”.

(3) In regulation 6 (minimum ages for holding or obtaining licences) for paragraph (1H)(d) substitute—

“(1H) For the age of 24 in relation to item 3C there is substituted—

(a) the age of 20 in the case of a person holding a Community licence authorising the driving of vehicles in category A; and

(b) the age of 17 in a case where a person—

(i) passes an appropriate driving test after 18th January 2013 on a category A or A2 motorcycle; and

(ii) was entitled before 19th January 2013, to a licence to drive a motor bicycle with an engine having a maximum net power output exceeding 25 kilowatts or a power to weight ratio exceeding 0.16 kilowatts per kilogram.”.

(4) In regulation 27 (further requirements at test) for paragraph (5A)(e) substitute—

“(5A) A person submitting himself for a special manoeuvres test or a practical test for a licence authorising the driving of a motor vehicle of a class included in the category specified in column (1) of the Table shall before the test commences, unless he is exempt from the requirement imposed by Article 5(2A) of the Order, produce to the examiner a valid certificate furnished under regulation 47G(1) or 47G(1A) showing the successful completion of an approved training course in the category of vehicle specified in column

(a) Article 19A was inserted by paragraph 3 of Schedule 2 to S.I. 1998/1074 (N.I. 7)

(b) S.R. 1996 No. 542; relevant amending Regulations are S.R. 1997 No. 383, S.R. 2011 No. 21 and S.R. 2012 No. 170

(c) The definition of “B1 vehicle” was inserted by regulation 3(2)(b) of S.R. 2012 No. 170

(d) Paragraph (1H) was inserted by regulation 3(6)(a) of S.R. 2012 No. 170

(e) Paragraph (5A) was inserted by regulation 2(4) of S.R. 2011 No. 21

(2) of the Table or a valid certificate corresponding to such a certificate furnished under the law of Great Britain.

<i>Column (1)</i> <i>Category of vehicle</i>	<i>Column (2)</i> <i>Category of vehicle shown on certificate</i>
AM	P, AM, A1, A2 or A
A1	P, AM, A1, A2 or A
A2	A2 or A
A	A2 or A”

- (5) In regulation 35 (entitlement upon passing an appropriate driving test)—
- (a) in paragraph (1) for “, and (4)” substitute “, (4) and (4A)”;
 - (b) at the beginning of paragraph (4) insert “Subject to paragraph (4A),”; and
 - (c) after paragraph (4) insert—

“(4A) Where a person passes the two-part practical test on a category A2 motorcycle the disqualification is deemed to have expired additionally in relation to all classes of vehicle included in category A unless that test is passed on a vehicle with automatic transmission, in which case the disqualification shall be deemed to have expired only in relation to such classes of motor vehicle included in category A as have automatic transmission.”.
- (6) In regulation 47B(a) (nature and conduct of training courses)—
- (a) at the beginning of paragraph (1) insert “Subject to paragraph (4),”;
 - (b) at the beginning of paragraph (2) insert “Subject to paragraph (4),”; and
 - (c) after paragraph (3) add—

“(4) A training course for riders of category A2 or A motorcycles shall, where the rider has prior to 19th January 2013 successfully completed an approved training course in accordance with paragraph (1) and has a valid certificate issued under regulation 47G, comprise only of element (E) as set out in Module 3 of the course.”.
- (7) In regulation 47G (evidence of successful completion of course)—
- (a) at the beginning of paragraph (1) insert “Subject to paragraph (1A),”;
 - (b) after paragraph (1) insert—

“(1A) Where an approved motorcycle instructor conducts element (E) as set out in Module 3 of the course under regulation 47B(4) he shall furnish a person who successfully completes element (E) with a certificate in the form set out in Schedule 10B and signed by him upon production of the certificate previously issued.”;
 - (c) in paragraph (2) for “under paragraph (1)” substitute “under paragraph (1) or (1A)”;
 - (d) in paragraph (3) for “under paragraph (1)” substitute “under paragraph (1) or (1A)”.
- (8) In regulation 47H (exemptions from Part IVA)—
- (a) in paragraph (1)(b) for “a person who” substitute “a person who rides a category A1 motorcycle and who”;
 - (b) for paragraph (3) substitute—

“(3) Subject to paragraph (5), Articles 5(2A) and 14(3)(b) of the Order shall not apply to a person who has held for a period of not less than two years a full licence for a category A1 motorcycle in respect of a test of competence to drive a category A2 or category A motorcycle.”;
 - (c) omit paragraph (4);

(a) Regulations 47A to 47H were inserted by regulation 2(9) of S.R. 2011 No. 21
(b) Paragraph (1) was substituted by regulation 3(24) of S.R. 2012 No. 170

- (d) in paragraph (5) for “paragraphs (3) and (4)” substitute “paragraph (3)”; and
 - (e) in paragraph (6) after “category P” insert “or category AM”.
- (9) In Schedule 10A(a) (elements of an approved training course), in Module 3—
- (a) in paragraph (1) after “safely” insert “at up to the legal speed limit for the motorcycle category—”;
 - (b) in item (h) omit “and”;
 - (c) in item (i) after “obstructions;” insert “and”; and
 - (d) after item (i) add—
 - “(j) overtaking, where the opportunity arises.”.

Sealed with the Official Seal of the Department of the Environment on 13th December 2012



Iain Greenway
A senior officer of the
Department of the Environment

(a) Schedule 10A was inserted by regulation 2(11) of S.R. 2011 No. 21

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic (Northern Ireland) Order 1981 (“the 1981 Order”) and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”) in order to accommodate the requirements of Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences (“the Third Driving Licences Directive”). (This Directive was added to Annexes XIII of the European Economic Area (“EEA”) Agreement by Article 1 of the Decision of the EEA Joint Committee No. 29/2008 of the 14th March 2008 (O.J. No. L 182, 10.7. 2008, p21)).

Regulation 2 amends the 1981 Order as follows-

paragraph (2) amends Article 19 in order to disapply the provision of Article 19(1), which imposes a speed limit of 45 miles per hour on a vehicle displaying an “L” plate for persons driving a category A2 or category A motorcycle while under the supervision of an approved motorcycle instructor or while undertaking a test of competence; and

paragraph (3) amends Article 19A so that the specified 45 miles per hour restriction set out in paragraph (5)(b) does not apply to a person who has passed a test of competence in the driving of a category A2 or category A motorcycle.

Regulation 3 amends the 1996 Regulations as follows-

paragraph (2) amends regulation 2 to insert a new definition for a category A motorcycle;

paragraph (3) amends regulation 6 to substitute the age of 17 for the age of 24 in circumstances where a person who is disqualified from riding is under the age of 24 and before disqualification held a full category A entitlement, that person may have it reinstated by passing a test for a category A2 motorcycle;

paragraph (4) amends regulation 27 to specify the approved training courses which must be completed prior to taking a test to drive each category of motorcycle;

paragraph (5) amends regulation 35 so that where a person who was disqualified from driving and then passes the two-part practical test on a category A2 motorcycle the disqualification is deemed to have expired in relation to all vehicles in category A unless that test was passed on a vehicle with automatic transmission in which case the disqualification is deemed to have expired only in relation to motorcycles in category A which have automatic transmission;

paragraph (6) amends regulation 47B to specify that a training course for riders of category A2 or A motorcycles shall, where the rider has previously successfully completed an approved training course, comprise only of element (E) as set out in Module 3 of the course;

paragraph (7) amends regulation 47G to specify that where riders of category A2 or A motorcycles complete element (E) of Module 3 of the approved training course they shall receive a new certificate upon production of the certificate previously issued to them;

paragraph (8) amends regulation 47H so that a person who has passed a test of competence to drive a moped shall not have to complete an approved training course to drive a category A1 motorcycle and a person who has passed a test of competence to drive a category A1 motorcycle and has gained at least two years experience shall not have to complete an approved training course to drive a category A2 or A motorcycle (provided they meet the relevant age requirements); and

paragraph (9) makes a minor consequential amendment to Schedule 10A.

An Explanatory Memorandum has been produced and is available from Road Safety and Vehicle Regulation Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Town parks, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>

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