

2016 No. 135

ROAD TRAFFIC AND VEHICLES

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations (Northern Ireland) 2016**

Made - - - - *9th March 2016*

Coming into operation - *18th April 2016*

The Department of the Environment makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and Articles 5(3)(a), 5(3)(ba) and 19C(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) Regulations (Northern Ireland) 2016 and shall come into operation on 18th April 2016.

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

Amendment of the Road Traffic Offenders (Northern Ireland) Order 1996

2.—(1) The Road Traffic Offenders (Northern Ireland) Order 1996(e) is amended in accordance with paragraph (2).

(2) In Article 42 (effect of order of disqualification)(f), after paragraph (4) add—

“(5) Notwithstanding anything in Part II of the Order of 1981, a person who holds a Community licence which authorises that person to drive motor vehicles of a particular class, but who is disqualified by an order of a court under Article 41 of this Order, is (unless the person is also disqualified otherwise than by virtue of such an order) entitled to drive a motor vehicle of that class in accordance with the same conditions as if the person were authorised to drive a motor vehicle of that class by a provisional licence.”.

(a) 1972 c.68; section 2(2) was amended by section 27(1) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c. 7)

(b) S.I. 1981/154 (N.I. 1); Article 5 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and paragraph (3) was amended by paragraph 3 of Schedule 3 to S.I. 1996/1320 (N.I. 10) and Article 44 of S.I. 2007/916 (N.I. 10); Article 19C was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by paragraph 8 of Schedule 3 to S.I. 1996/1320 (N.I. 10), paragraph 11 of Schedule 1 to S.R. 1996 No. 426, paragraph 6 of Schedule 1 to S.I. 2003/2903 (N.I. 16) and Article 34 of S.I. 2007/916 (N.I. 10)

(c) S.I. 1981/1536; to which there are amendments not relevant to these Regulations

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

(e) S.I. 1996/1320 (N.I.10)

(f) Article 42 was amended by Article 20 of Schedule 7 to S.I. 2007/916 (N.I. 10)

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

3.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(a) are amended in accordance with paragraph (2).

(2) In regulation 27 (further requirements at tests), in paragraph (7), in the definition of “appropriate licence” —

- (a) omit “or” after sub-paragraph (c)(ii);
- (b) for “; and” after sub-paragraph (c)(iii), substitute “, or”; and
- (c) after sub-paragraph (c)(iii) add—
 - “(iv) a Community licence, which by virtue of Article 42(5) of the Offenders Order, authorises that person to drive motor vehicles of that class subject to the same conditions as if the person were so authorised by a provisional licence; and”.

Sealed with the Official Seal of the Department of the Environment on 9th March 2016



Elizabeth Loughran
A senior officer of the
Department of the Environment

(a) S.R. 1996 No. 542; there are amendments to regulation 27 that are not relevant to these Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic Offenders (Northern Ireland) Order 1996 (“the 1996 Order”) and the Motor Vehicles (Driving Licences) Regulations 1996 (“the 1996 Regulations”) in order to make further provision to implement Directive 2006/126/EC of the European Parliament and of the Council of 20 December 2006 on driving licences (O.J. L403, 30.12.2006, p 18).

Regulation 2 amends the 1996 Order to entitle a Community licence holder, who is disqualified from driving pursuant to Article 41 of the 1996 Order to drive a motor vehicle subject to the same conditions as if that person were so authorised by a provisional licence.

Regulation 3 amends the definition of “appropriate licence” in the 1996 Regulations so that a person who is disqualified from driving under Article 41 of the 1996 Order will be entitled to use a Community licence to demonstrate their eligibility to take a driving test.

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 online at <http://www.legislation.gov.uk/nisr>

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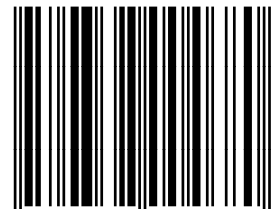
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