

1989 No. 993

ROAD TRAFFIC

The Motor Vehicles (International Circulation)
(Amendment) Order 1989

Made - - - - 13th June 1989

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 13th day of June 1989

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has, in pursuance of section 1(5) of the Motor Vehicles (International Circulation) Act 1952(a), been laid before Parliament and approved by resolution of each House of Parliament:

Now therefore, Her Majesty, in pursuance of section 1 of the Motor Vehicles (International Circulation) Act 1952, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:-

Citation and commencement

1. This Order may be cited as the Motor Vehicles (International Circulation) (Amendment) Order 1989 and shall come into force for all purposes except the purposes of articles 5 and 6 on the day after the day on which it is made, for all purposes of article 5 on the 1st September 1989 and for all purposes of article 6 on the date on which the Convention on Road Traffic concluded at Vienna in 1968(b) is first in force in respect of the United Kingdom, which date shall be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation, revocation and variation

2.—(1) In this Order “the principal Order” means the Motor Vehicles (International Circulation) Order 1975(c) as amended by the Motor Vehicles (International Circulation) (Amendment) Order 1980(d) and the Motor Vehicles (International Circulation) (Amendment) Order 1985(e).

(2) Articles 5, 6, 7 and 8 and paragraphs (2), (3) and (4) of article 10 of the Motor Vehicles (International Circulation) (Amendment) Order 1980 and articles 3 and 4 of the Motor Vehicles (International Circulation) (Amendment) Order 1985 are hereby revoked.

(a) 1952 c.39; section 1 has effect with section 8 of the Road Traffic (Amendment) Act 1967 (c.70).

(b) Cmnd. 4032.

(c) S.I. 1975/1208.

(d) S.I. 1980/1095.

(e) S.I. 1985/459.

- (3) In Schedule 3 to the principal Order,
- (a) in paragraph 1, after the words "Road Traffic Act 1972" there shall be inserted the words "'Convention driving permit' has the meaning assigned it by article 2(7) of this Order";
 - (b) in paragraph 3, for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) The Secretary of State on receiving a permit forwarded under the foregoing sub-paragraph, shall—

 - (a) retain the permit until the disqualification ceases to have effect or until the holder leaves Great Britain, whichever is the earlier;
 - (b) send the holder's name and address, together with the particulars of the disqualification, to the authority by whom the permit was issued; and
 - (c) if the permit is a Convention driving permit, record the particulars of the disqualification on the permit.”;
 - (c) in paragraph 4, in sub-paragraph (1) the words from "and the Secretary of State shall transmit" to the end shall be omitted and the following sub-paragraph shall be substituted for sub-paragraph (2)—

“(2) The Secretary of State, on receiving particulars of a court order removing such a disqualification, shall—

 - (a) in the case of a permit on which particulars of a disqualification were recorded in accordance with paragraph 3(2)(c) of this Schedule, enter on the permit particulars of the order removing the disqualification;
 - (b) send the particulars of the order to the authority by whom the permit was issued; and
 - (c) return the permit to the holder.”.

Documents for drivers of vehicles going abroad

3. In article 1 of the principal Order there shall be inserted at the end the following paragraphs:—

“(9) Sections 173 and 174 of the Road Traffic Act 1988(a) (forgery of documents, etc., false statements and withholding material information) and Article 174 of the Road Traffic (Northern Ireland) Order 1981(b) (false statements in connection with forgery of, and fraudulent use of, documents, etc.) shall apply to a Convention driving permit as they apply to licences under that Act or under that Order.

(10) Section 13 of the Road Traffic Offenders Act 1988(c) and Article 190 of the said Order of 1981 (admissibility of records as evidence) shall apply to records maintained by the Secretary of State in connection with his functions under this Article, or by a body or Northern Ireland department to which in accordance with paragraph (8) of this Article he has delegated the function in connection with which the records are maintained, as that section or that Article apply to records maintained in connection with functions under that Act or under that Order, and the powers conferred by section 13(5) of the said Act of 1988 and Article 190(4) of the said Order of 1981 to prescribe a description of matter which may be admitted as evidence under that section or under that Article shall have effect in relation to the application of that section and that Article by this Article.”.

Visitors' driving permits

4. For articles 2 and 3 of the principal Order there shall be substituted the following articles:—

“Visitors' driving permits

2.—(1) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds—

- (a) a Convention driving permit, or

(a) 1988 c.52.

(b) 1981 No. 154 (N.I. 1).

(c) 1988 c.53.

(b) a domestic driving permit issued in a country outside the United Kingdom, or

(c) a British Forces (BFG) driving licence,

during a period of twelve months from the date of his last entry into the United Kingdom to drive, or, except in the case of a holder of a British Forces (BFG) driving licence, for any person to cause or permit such a person to drive, in Great Britain a motor vehicle of any class which he is authorised by that permit or that licence to drive, notwithstanding that he is not the holder of a driving licence under Part III of the Road Traffic Act 1988.

(2) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds—

(a) a Convention driving permit, or

(b) a domestic driving permit issued in a country outside the United Kingdom, during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Great Britain—

(i) in the case of any such person who is resident in a Member State of the European Economic Community, any public service vehicle or heavy goods vehicle; and

(ii) in the case of any other such person, a public service vehicle or heavy goods vehicle brought temporarily into Great Britain,

which he is authorised by that permit to drive, notwithstanding that he is not the holder either of such a licence as is required by section 22 of the Public Passenger Vehicles Act 1981(a), or of such a licence as is required by section 110 of the said Act of 1988.

(3) Subject to the provisions of this Article, it shall be lawful for a person resident outside the United Kingdom who is temporarily in Great Britain and holds a British Forces (BFG) public service vehicle driving licence during a period of twelve months from the date of his last entry into the United Kingdom to drive, or for any person to cause or permit such a person to drive, in Great Britain—

(a) in the case of any such person who is resident in a Member State of the European Economic Community, any public service vehicle, and

(b) in the case of any other such person, a public service vehicle brought temporarily into Great Britain,

which he is authorised by that licence to drive, notwithstanding that he is not the holder of such a licence as is required by section 22 of the Public Passenger Vehicles Act 1981.

(4) Nothing in the preceding provisions of this Article shall authorise any person to drive, or any person to cause or permit any person to drive, a vehicle of any class at a time when he is disqualified by virtue of section 101 of the Road Traffic Act 1988 (persons under age), for holding or obtaining a driving licence authorising him to drive vehicles of that class, but in the case of any such person as is mentioned in paragraph (1), (2) or (3) of this Article, who is driving a vehicle which—

(a) in the case of a person not resident in a Member State of the European Economic Community, is brought temporarily into Great Britain, and

(b) is within the class specified in the first column of paragraph 6 of the Table in subsection (1) of that section, and

(c) is either a vehicle registered in a Convention country or a goods vehicle in respect of which that person holds a certificate of competence which satisfies the international requirements,

the second column of that paragraph, in its application for the purposes of this paragraph, shall have effect as if for “21” there were substituted “18”.

(a) 1981 c.14.

In this paragraph the following expressions have the meanings respectively assigned to them:—

“the international requirements” means—

- (i) in relation to a person who is driving a goods vehicle on a journey to which Council Regulation (EEC) No. 3820/85 of 20th December 1985, on the harmonisation of certain social legislation relating to road transport(a) applies, the requirements of Article 5(1)(b) (minimum ages for goods vehicle drivers) of that Regulation;
- (ii) in relation to a person who is driving a goods vehicle on a journey to which the European Agreement concerning the work of crews engaged in International Road Transport (AETR) signed at Geneva on 25th March 1971(b) applies, the requirements of Article 5(1)(b) (conditions to be fulfilled by drivers) of that Agreement;

“Convention country” means a country which is not a Member State of the European Economic Community nor a party to the aforementioned European Agreement but is a party to the Convention on Road Traffic concluded at Geneva in the year 1949(c), or the International Convention relative to Motor Traffic concluded at Paris in the year 1926(d).

(5) This Article shall not authorise a person to drive a motor vehicle of any class if, in consequence of a conviction or of the order of a court, he is disqualified for holding or obtaining a driving licence under Part III of the Road Traffic Act 1988.

(6) The Secretary of State may by order contained in a statutory instrument withdraw the right conferred by paragraph (1)(b), (1)(c), (2)(b) or (3) of this Article, or any two or more of those rights either in the case of all domestic driving permits, British Forces (BFG) driving licences or British Forces (BFG) public service vehicle driving licences or in the case of such permits or licences of a description specified in the order or held by persons of a description so specified.

(7) In this Article—

“Convention driving permit” means a driving permit in the form A in Schedule 1 to this Order issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on Road Traffic concluded at Geneva in the year 1949, or a driving permit in the form B in the said Schedule issued under the authority of a country outside the United Kingdom which is a party to the International Convention relative to Motor Traffic concluded at Paris in the year 1926 but not to the Convention of 1949;

“domestic driving permit” in relation to a country outside the United Kingdom means a document issued under the law of that country and authorising the holder to drive motor vehicles, or a specified class of motor vehicles, in that country, and includes a driving permit issued by the armed forces of any country outside the United Kingdom for use in some other country outside the United Kingdom;

“British Forces (BFG) driving licence” means a driving licence issued in Germany to members of the British Forces or of the civilian component thereof or to the dependants of such members by the British authorities in that country in such a form and in accordance with such licensing system as may from time to time be approved by those authorities; and “British Forces (BFG) public service vehicle driving licence” means any such driving licence authorising the driving of public service vehicles of any class;

“dependants” in relation to such a member of the British Forces or the civilian component thereof, means any of the following persons, namely—

- (a) the wife or husband of that member; and
- (b) any other person wholly or mainly maintained by him or in his custody, charge or care; and

“public service vehicle” has the same meaning as in the Public Passenger Vehicles Act 1981.

(a) O.J. No. L370, 31.12.85, p.1.

(b) Cmnd. 4858.

(c) Cmnd. 7997.

(d) Cmnd. 3510.

(8) The provisions of this Article which authorise the holder of a permit or a licence to drive a vehicle during a specified period shall not be construed as authorising the driving of a vehicle at a time when the permit or the licence has ceased to be valid.

3.—(1) It shall be lawful—

- (a) for a member of a visiting force of a country to which Part I of the Visiting Forces Act 1952^(a) for the time being applies who holds a driving permit issued under the law of any part of the sending country or issued by the service authorities of the visiting force, or
- (b) for a member of a civilian component of such a visiting force who holds such a driving permit, or
- (c) for a dependant of any such member of a visiting force or of a civilian component thereof who holds such a driving permit,

to drive, or for any person to cause or permit any such person to drive, in Great Britain a motor vehicle of any class which he is authorised by that permit to drive, notwithstanding that he is not the holder of a driving licence under Part III of the Road Traffic Act 1988.

(2) This Article shall not authorise a person to drive a motor vehicle of any class if, in consequence of a conviction or of the order of a court, he is disqualified for holding or obtaining a driving licence under Part III of the Road Traffic Act 1988.

(3) Nothing in this Article shall authorise any person to drive, or any person to cause or permit any other person to drive, a vehicle of any class at a time when he is disqualified by virtue of section 101 of the Road Traffic Act 1988 (persons under age), for holding or obtaining a driving licence authorising him to drive vehicles of that class.

(4) The interpretative provisions of the Visiting Forces Act 1952 shall apply for the interpretation of this Article and “dependant”, in relation to a member of any such visiting force or a civilian component thereof, means any of the following persons namely—

- (a) the wife or husband of that member; and
- (b) any other person wholly or mainly maintained by him or in his custody, charge or care.”.

Fees for documents

5. In Schedule 2 to the principal Order for “£2.50” in each place where it occurs there shall be substituted “£3”.

Vienna Convention on Road Traffic 1968

6.—(1) In paragraph (4) of article 2 of the principal Order, as substituted by article 4 of this Order, in the definition of “Convention country” after the words “but is a party to” there shall be inserted the words “the Convention on Road Traffic concluded at Vienna in the year 1968^(b)”.

(2) In paragraph (7) of article 2 of the principal Order, as so substituted, for the definition of “Convention driving permit” there shall be substituted the following definition:—

‘Convention driving permit’ means either—

- (i) a driving permit in the form A in Schedule 1 to this Order issued under the authority of a country outside the United Kingdom, whether or not that country is a party to the Convention on Road Traffic concluded at Geneva in the year 1949 but not so issued as aforesaid after the expiry of a period of five years from the date of the entry into force of the Convention on Road Traffic concluded at Vienna in the year 1968 in accordance with Article 47(1) thereof, if that country is a party to that Convention, or

(a) 1952 c.67.
(b) Cmnd. 4032.

- (ii) a driving permit in the form B in that Schedule issued under the authority of a country outside the United Kingdom which is a party to the International Convention relative to Motor Traffic concluded at Paris in the year 1926, but not to the Convention of 1949 nor to the Convention of 1968, or
- (iii) a driving permit in the form C in that Schedule issued under the authority of a country outside the United Kingdom which is a party to the Convention of 1968;”.

(3) At the end of paragraph (8) of article 2 of the principal Order as so substituted, there shall be added the following words “and, without prejudice to the provisions of paragraph (4) above, a Convention driving permit in the form C in Schedule 1 to this Order shall, if the validity of the permit is by special endorsement thereon made conditional upon the holder wearing certain devices or upon the vehicle being equipped in a certain manner to take account of his disability, not be valid at a time when any such condition is not satisfied”.

G. I. de Deney
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Motor Vehicles (International Circulation) Order 1975 as amended. The principal effects of the Order are—

- (a) that visitors to Great Britain resident in a Member State of the European Economic Community holding specified visitors' driving permits may drive in Great Britain heavy goods vehicles and public service vehicles whether or not they have been brought temporarily into Great Britain (article 4);
- (b) to bring into force those amendments made to the 1975 Order as amended by the Motor Vehicles (International Circulation) (Amendment) Order 1980 which were not intended for implementation of the Vienna Convention on Road Traffic 1968 when it comes into force for the United Kingdom (articles 2(3), 3 and 4); and
- (c) to increase the fees prescribed by Schedule 2 to the 1975 Order as amended for an international driving permit or an international certificate for motor vehicles from £2.50 to £3 (article 5).

£1.35 net

ISBN 0 11 096993 6