1975 No. 368

EUROPEAN COMMUNITIES

Motor Vehicles (Minimum Age for Driving) (Community Rules) Regulations (Northern Ireland) 1975

Made . . . . . *29th December* 1975

Coming into operation . . . *1st January* 1976

The Department of the Environment for Northern Ireland, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b), in exercise of the powers conferred by that section, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Motor Vehicles (Minimum Age for Driving) (Community Rules) Regulations (Northern Ireland) 1975 and shall come into operation on 1st January 1976.

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

Suspension in certain circumstances of the Community rules as to the qualifications of persons engaged in road transport

2.—(1) Pursuant to paragraph 5 of Article 5 of Council Regulation (EEC) No. 543/69 of 25th March 1969(d) on the harmonisation of certain social legislation relating to road transport the application of the rules laid down in the following provisions of that Article—

(*a*) paragraph 1 (minimum ages for drivers engaged in carriage of goods), and

(*b*) paragraph 2 (minimum ages for, and other qualifications of, drivers engaged in the carriage of passengers),

are hereby suspended in respect of carriage by road in Northern Ireland in a case where the driver of the vehicle used for the carriage is resident in the United Kingdom and immediately before 1st January 1976—

(i) holds, or would but for a current disqualification hold, a licence, or

(ii) is entitled, or would but for a current disqualification be entitled, to obtain a licence other than a provisional licence, or having held a provisional licence is entitled to obtain, or would but for a current disqualification, be entitled to obtain a provisional licence,

authorising him to drive motor vehicles of a class which comprises the vehicle used for the carriage.

(2) In paragraph (1)—

(*a*) the reference to the driver of a vehicle used for carriage by road is, in a case where that vehicle is a trailer, a reference to the driver of the motor vehicle drawing the trailer;

(a) S.I. 1975/1707 (1975 III, p. 5814)
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) O.J. No. 167 of 20.3.72 (p. 11)

(*b*) references to a licence are references to a licence granted under Part I of the Road Traffic Act (Northern Ireland) 1970(e) or under the law for the time being in force in Great Britain which corresponds to that part of that Act and references to a person being entitled to obtain a licence shall be construed accordingly;

(*c*) references to disqualification are references to disqualification by an order of a Court for holding or obtaining a licence in Great Britain or in Northern Ireland;

(*d*) the reference to a class of motor vehicle is a reference to a class or description of such vehicles which falls within a group of such vehicles specified in the second column of the second schedule to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965(f) or, as the case may be, the provision of the law for the time being in force in Great Britain which corresponds to that provision;

(*e*) expressions which are defined in the Road Traffic Act (Northern Ireland) 1970 have the same meaning as in that Act.

Application to national transport operations of the enforcement provisions for the Community rules as to minimum ages for driving

3. Section 2(8) of the Road Traffic Act (Northern Ireland) 1970 as extended by Article 3 of the European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972(g) (offence of driving below the permitted age) shall have effect as if the words "on international journeys" were deleted.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 29th December 1975.

(L.S.)

B. D. Palmer
Assistant Secretary

(e) 1970 c. 2 (N.I.)
(f) S.R. & O. (N.I.) 1965 No. 42 (p. 203) as amended by S.R. & O. (N.I.) 1970 No. 35 (p. 200)
(g) S.R. & O. (N.I.) 1972 No. 359 (p. 1755)

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations—

(*a*) exercise the right conferred by paragraph 5 of Article 5 of Council Regulation (EEC) No. 543/69 of 25th March 1969 (Official Journal No. 167 of 20.3.72 (p. 11)) to suspend in certain circumstances application of the rules in paragraphs 1 and 2 of that article relating to the minimum ages for, and other qualification of, persons engaged in road transport (regulation 2); and

(*b*) amend section 2(8) of the Road Traffic Act (Northern Ireland) 1970 (offence of driving below the permitted age) as extended by Article 3 of the European Communities (Road Traffic and Transport) Order (Northern Ireland) 1972 so that it applies to a contravention of the provisions of the said Council Regulations as to minimum ages for driving as that regulation applies on and after 1st January 1976 to national as well as international transport operations (regulation 3).