1991 No. 100

ROAD TRAFFIC AND VEHICLES

Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations (Northern Ireland) 1991

Made . . . . . *20th March 1991*

Coming into operation . . *1st April 1991*

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The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(**a**), 5(3), (4), (7) and (8), 6(3) and (5), 8(*b*), 9(2), 13(1) and (3), 14(4), 15(1) and (2), 19C, 19D(1)(**b**), 72(1), 73(1) and (3), 74(4) and (7), 77, 214(1) and 218(1) of the Road Traffic (Northern Ireland) Order

(**a**) *See* the definition of "Department" and "prescribed"
(**b**) *See* the definition of "regulations"

1981(**a**) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(**b**) as regards regulations 9(1), 11(3) and 15(2) makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Large Goods and Passenger-Carrying Vehicles) Regulations (Northern Ireland) 1991 and shall come into operation on 1st April 1991.

Interpretation

2.—(1) In these Regulations—

"existing licence", "existing heavy goods vehicle licence" and "existing public service vehicle licence" have the same meanings as in Part I of Schedule 2 to the Road Traffic (Amendment) (Northern Ireland) Order 1991(**c**);

"full" with reference to an ordinary driving licence or a large goods vehicle or passenger-carrying vehicle driver's licence or an existing heavy goods vehicle licence means such a licence other than a provisional licence;

"Great Britain ordinary driving licence" means a licence to drive a motor vehicle granted under the law for the time being in force in Great Britain equivalent to Part II of the Order but does not include such a licence in so far as it authorises a person to drive large goods vehicles or passenger-carrying vehicles of any category;

"heavy goods vehicle" has the same meaning as it had for the purpose of Part V of the 1981 Order before its amendment by the Road Traffic (Amendment) (Northern Ireland) Order 1991;

"holder", in relation to a licence, means the person to whom the licence was granted;

"hgv trainee driver's licence" means an existing heavy goods vehicle licence which—

(i) is a licence to drive heavy goods vehicles of class 1, 1A, 2, 2A, 3 or 3A or any combination thereof;

(ii) was applied for by a person under the age of 21 on the date of the application; and

(iii) has effect for a period during the whole or part of which the holder is under the age of 21;

(**a**) S.I. 1981/154 (N.I. 1); Articles 5, 6, 8, 9, 13, 14, 15, 19C and 19D were substituted by Sch. 1 to the Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)) and Articles 72, 73, 74 and 77 were substituted by Sch. 3 to that Order

(**b**) Formerly the Department of Finance. *See* S.I. 1982/338 (N.I. 6) Art. 3

(**c**) S.I. 1991/197 (N.I. 3)

"licence" means a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence;

"lgv trainee driver's licence" means a large goods vehicle driver's licence which—

(i) is a licence to drive large goods vehicles of category C or C plus E or both,

(ii) was applied for by a person under the age of 21 on the date of the application, and

(iii) has effect for a period during the whole of which the holder is under the age of 21;

"maximum authorised mass" has the same meaning—

(i) in relation to goods vehicles as "permissible maximum weight" in Article 19D(1) of the Order; and

(ii) in relation to any other vehicle or trailer as "maximum gross weight" in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**a**);

"minibus" means a motor vehicle used for the carriage of passengers with more than 8 seats but not more than 16 seats in addition to the driver's seat;

"the Order" means the Road Traffic (Northern Ireland) Order 1981;

"ordinary driving licence" means a licence to drive a motor vehicle granted under Part II of the Order other than a large goods vehicle or passenger-carrying vehicle driver's licence;

"registered" means registered for the time being by the Training Committee in accordance with the relevant provisions of the training scheme;

"relevant endorsement" means an endorsement on an ordinary driving licence or its counterpart of particulars of a conviction in pursuance of Article 197 of the Order;

"standard" in relation to an existing heavy goods vehicle licence or a large goods vehicle driver's licence means such a licence which is not a hgv trainee driver's licence or a lgv trainee driver's licence as the case may be;

"test" means a test of competence to drive large goods vehicles or passenger-carrying vehicles, as the case may be, of any category, being a test for which provision is made under Article 5 of the Order;

"training agreement" in relation to an individual who is undergoing or is to undergo, lgv driver training, means his agreement therefor with his registered employer in pursuance of the training scheme;

"the Training Committee" means the Committee established by the employers' associations and the trade unions in the road goods transport industry with a constitution approved by the Department and known as the Northern Ireland Joint Training Committee for Young LGV Drivers in the Road Goods Transport Industry in Northern Ireland;

(**a**) S.R. 1989 No. 299

"the training scheme" means the scheme established by the Training Committee with the approval of the Department (given for the purpose of regulations under Article 17 of the Order) for training young drivers of large goods vehicles and which provides for—

(i) the registration by the Training Committee of employers who are willing and able to provide lgv driver training for persons employed by them;

(ii) the registration by the Training Committee of persons operating establishments for providing lgv driver training;

(iii) a syllabus for lgv driver training; and

(iv) the registration by the Training Committee of individual employees who are undergoing, or are to undergo, lgv driver training in the service of a registered employer in accordance with a form of agreement approved by the Training Committee;

"vehicle with automatic transmission" means a vehicle in which the driver is not provided with any means whereby he may, independently of the use of the accelerator or the brakes, vary gradually the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle.

(2) In these Regulations, any reference to a class of heavy goods vehicle or public service vehicle is a reference to a class defined in column (2) in Part I or II, as the case may be, of Schedule 1 to the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations (Northern Ireland) 1991(**a**), and in the case of a class identified by a number in relation to that number and any reference to a category of vehicle is a reference to a category specified in column (2) of Schedule 1 to these Regulations or column (2) of Schedule 4 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(**b**), and in the case of a category identified by a letter in relation to that letter.

Application

3.—(1) These Regulations apply in respect of large goods or passenger-carrying vehicle drivers' licences and tests of competence to drive large goods or passenger-carrying vehicles except those falling within categories C1 and D1.

(2) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989, except regulations 3, 4(2), 10(*a*), 11, 12, 21 and 27 and the other provisions of those Regulations in so far as they are applicable to those excepted regulations, shall not apply in respect of large goods vehicle or passenger-carrying vehicle drivers' licences or tests of competence to drive such vehicles in respect of which these Regulations apply.

(**a**) S.R. 1991 No. 99
(**b**) S.R. 1989 No. 238; relevant amending Regulations are S.R. 1990 No. 412

PART II

LICENCES

Applications for the grant of licences

4.—(1) A person who desires to obtain the grant of a licence shall—

(*a*) submit his application not more than two months before the date on which the licence is to take effect; and

(*b*) send with his application—

(i) if required by the Department, a certificate, in such form as the Department may require, that has been signed by a registered medical practitioner not more than four months prior to the date on which the licence is to take effect,

(ii) if required by the Department, any ordinary driving licence, Great Britain ordinary driving licence or existing licence held by him,

(iii) a pass certificate showing that he has passed the test within the relevant period for the category of vehicles which the licence applied for will authorise him to drive, except in the case of an application for a provisional licence or where he is entitled to the grant of a licence by having held a previous licence as set out in Article 5 of the Order, and

(iv) in the case of an application for a licence to drive the vehicles in category D specified in regulation 26(1) by an applicant who relies upon that regulation, a certificate, in such form as the Department may require to the effect that he has been regularly driving vehicles in category D with more than 16 seats in addition to the driver's seat during the period of three years immediately preceding his application for such a licence.

Qualifications of applicants

5.—(1) An applicant for a licence shall when the licence is granted have the following qualifications—

(*a*) he must not be a person who—

(i) subject to paragraph (3), holds a licence which has been suspended or a Great Britain large goods or passenger-carrying vehicle driver's licence which has been suspended, whether (in either case) the suspension has effect under Article 15 of the Order or under the provisions of the law for the time being in force in Great Britain that corresponds to that Article;

(ii) subject to paragraph (3), is disqualified for holding or obtaining a licence or a Great Britain large goods or passenger-carrying vehicle driver's licence, whether (in either case) the disqualification has effect under Article 74 of the Order or under the provisions of the law for the time being in force in Great Britain that corresponds to that Article;

(iii) is disqualified by a court for holding or obtaining an ordinary driving licence or by a court in Great Britain for holding or obtaining a Great Britain ordinary driving licence;

(iv) is disqualified by reason of his age for holding or obtaining a licence to drive any of the vehicles in the category of vehicles to which the licence is to relate; or

(v) would hold more than one large goods vehicle driver's licence or such a licence and a Great Britain licence, British external licence, British Forces licence, exchangeable licence or existing licence authorising him to drive large goods vehicles of any category or would hold more than one passenger-carrying vehicle driver's licence or such a licence and a Great Britain licence, British external licence, British Forces licence, exchangeable licence or existing licence authorising him to drive passenger-carrying vehicles of any category;

(*b*) he shall hold a full ordinary driving licence or a full Great Britain ordinary driving licence authorising him to drive motor vehicles in category B or he shall be authorised to drive motor vehicles in category B as a full licence holder by virtue of Article 4 of the Order or any corresponding Great Britain provision or by having passed a test for that category; and

(*c*) in the case of an applicant for a lgv trainee driver's licence—

(i) the full ordinary driving licence referred to in sub-paragraph (*b*) or its counterpart shall be free from relevant endorsements,

(ii) he shall be a person who is a registered employee of a registered employer.

(2) Paragraph (1)(*b*) shall not apply in the case of an applicant who is a full-time member of the armed forces of the Crown.

(3) A person is qualified to apply for a large goods vehicle driver's licence notwithstanding that when the licence is granted his passenger-carrying vehicle driver's licence is suspended or he is disqualified for holding or obtaining such a licence if such suspension or disqualification relates to his conduct other than as a driver of a motor vehicle.

Disabilities

6.—(1) The following disabilities are prescribed as relevant disabilities for the purposes of Article 9(2) of the Order in relation to large goods vehicle or passenger-carrying vehicle drivers' licences (in addition to the disabilities prescribed by regulation 21 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989)—

(*a*) an epileptic attack since attaining the age of 5 years;

(*b*) abnormal sight in one or both eyes where—

(i) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 1st April 1991, the visual acuity is worse than 6/12 with the better eye and worse than 6/36 with the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60; or

(ii) in any other case, the visual acuity is worse than 6/9 in the better eye and worse than 6/12 in the other eye and, if corrective lenses are worn, the uncorrected acuity in each eye is worse than 3/60;

(*c*) sight in only one eye unless—

(i) in the case of a person who held an existing licence on 1st January 1983 and who holds such a licence on 1st April 1991 the Department knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/12, or

(ii) in the case of a person who did not hold an existing licence on 1st January 1983 but who holds an existing licence on 1st April 1991 the Department knew of the disability before 1st January 1991 and the visual acuity in that eye is no worse than 6/9;

(*d*) diabetes subject to insulin treatment.

(2) In this regulation references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale.

Grant of licences subject to a limitation

7. Where an applicant for a provisional licence—

(*a*) holds an ordinary driving licence which contains a provision under Article 9(7) or 13(3) of the Order limiting the applicant to the driving of vehicles of a particular construction or design or class only; or

(*b*) holds a Great Britain ordinary driving licence which contains a similar provision under the law for the time being in force in Great Britain that corresponds to the said Article 9(7) or 13(3);

any such licence granted to the applicant to drive large goods vehicles or passenger-carrying vehicles of any category shall contain a corresponding limitation.

Correspondences

8. For the purposes of Article 6 of the Order, a class of heavy goods vehicle or public service vehicle or a test of competence to drive heavy goods vehicles or public service vehicles specified in column (1) of Part I or Part II, as the case may be, of the Table in Schedule 2 corresponds to a category of large goods vehicle or passenger-carrying vehicle or a test of competence to drive a category of large goods vehicle or passenger-carrying vehicle, as the case may be, specified in column (2) of Part I or Part II of that Table and in respect of an existing heavy goods vehicle licence for vehicles in class 3 or 3A which is restricted to vehicles having a permissible maximum weight not exceeding 10 tonnes by virtue of—

(*a*) paragraphs 3(3) and (5) of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976(**a**); or

(*b*) paragraph (1) or (2) of regulation 27 of the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981(**b**) before

(**a**) S.I. 1976/581 (N.I. 11); *see* para. 3(1) and (2) of Sch. 6 to the Order
(**b**) S.R. 1981 No. 240

they were revoked by the Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations (Northern Ireland) 1991.

Fees for licences

9.—(1) Subject to paragraph (2), the fees for the grant of licences shall be the amounts specified in Schedule 3.

(2) When an application for more than one licence is made at the same time only the highest fee prescribed by paragraph (1) shall be payable on the grant of the licences and when an application for a licence and for an ordinary driving licence is made at the same time only the highest fee prescribed by that paragraph or by regulation 6 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989 shall be so payable.

Provisional licences and provisional entitlement

10.—(1) The entitlement to drive vehicles in category C, D, C plus E or D plus E subject to the same conditions as a provisional licence holder conferred by Article 14(2) and (3) of the Order shall not apply in the case of the holder of a full licence to drive vehicles of category B.

(2) The entitlement to drive vehicles in category C or C plus E subject to the same conditions as a provisional licence holder conferred by Article 14(2) and (3) of the Order shall not apply in the case of the holder of a full licence to drive vehicles of category D or D plus E, and the entitlement to drive vehicles in category D or D plus E subject to those conditions shall not apply in the case of the holder of a full licence to drive vehicles of category C or C plus E.

(3) Subject to paragraph (5), a large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence, including a full licence which is treated as a provisional licence under Article 14(2) and (3) of the Order, shall be subject to the following conditions prescribed for the purposes of Article 72(1) of the Order, that is to say, the holder shall not drive a vehicle of any category which he may drive by virtue of the licence—

(*a*) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full licence or a full existing licence to drive the vehicle; and

(*b*) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark—

(i) before a date 5 years after these Regulations come into operation, in either form A or B set out in Schedule 4, or

(ii) on or after that date, in form B only.

(4) A passenger-carrying vehicle driver's licence issued as a provisional licence, including a licence which is treated as a provisional licence under Article 14(2) and (3) of the Order, shall be subject to the condition prescribed for the purposes of Article 72(1) of the Order that the holder shall not drive a passenger-carrying vehicle which he may drive by virtue of the licence while carrying any passenger in the vehicle other than—

(*a*) the person specified in paragraph (3)(*a*);

(*b*) a person specified in regulation 18(5); or

(*c*) a person who holds a passenger-carrying vehicle driver's licence and is giving or receiving instruction in the driving of passenger-carrying vehicles or who has given or received, or is to give or receive, such instruction.

(5) The condition specified in paragraph (3)(*a*) shall not apply whilst the holder of a provisional licence is undergoing a test and neither of the conditions specified in the said paragraph (3) nor the condition in paragraph (4) shall apply in relation to the driving of a vehicle of any category when the holder of the licence has passed a test for a vehicle of that category or whilst the holder of the licence is driving a vehicle he is entitled to drive by virtue of regulation 26A(1) or 26B(1) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989.

(6) This regulation shall not apply to lgv trainee drivers and lgv trainee driver's licences.

Large goods vehicles drivers' licences issued to persons under the age of 21

11.—(1) A large goods vehicle driver's licence issued to a person under the age of 21 shall be subject to the following conditions prescribed for the purposes of Article 72(1) of the Order—

(*a*) in the case of a full-time member of the armed forces of the Crown that he shall not drive a large goods vehicle of any category other than for naval, military or air force purposes; and

(*b*) in the case of the holder of a lgv trainee driver's licence, that he shall not drive a large goods vehicle of any category for which the licence is issued or for which by virtue of Article 14(2) and (3) of the Order (which authorise holders of full licences for certain classes of vehicles to drive all other classes subject to provisional licence conditions) the licence is treated as a provisional licence, unless the holder is the registered employee of a registered employer and either—

(i) the vehicle is a large goods vehicle of a category to which his training agreement applies and is owned or operated by that registered employer or by a registered lgv driver training establishment, or

(ii) the holder is a part-time member of the armed forces of the Crown and the vehicle is owned by the Secretary of State for Defence and used for naval, military or airforce purposes; and

(*c*) in the case of the holder of a lgv trainee driver's full licence, that he shall not drive a vehicle of any category for which the licence is issued if the vehicle is being used to draw a trailer, otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence or a full standard existing licence to drive the vehicle.

(2) In the case of a lgv trainee driver's full licence to drive large goods vehicles of category C, the provisions of paragraph (2) and (3) of Article 14 of the Order shall apply in respect of category C plus E after the expiration of the period of two years from the date which he passed the test to drive large goods vehicles of category C.

(3) The holder of a hgv trainee driver's full licence to drive heavy goods vehicles of class 2 or 3 may, on surrendering that licence and paying the fee prescribed in Schedule 3, apply for a lgv trainee driver's licence which will be a full lgv trainee driver's licence to drive large goods vehicles of category C and which, two years from the date on which he passed the test to drive heavy goods vehicles of class 3, will also act as a lgv trainee driver's provisional licence to drive vehicles of category C plus E.

(4) Subject to paragraphs (5) and (6) a lgv trainee driver's provisional licence, including a lgv trainee driver's full licence which is treated as a lgv trainee driver's provisional licence by virtue of paragraphs (2) and (3) of Article 14 of the Order, shall be subject to the following conditions (additional to that required by paragraph (1)), that is to say, that the holder shall not drive a large goods vehicle of any category which he may drive by virtue of the licence—

(*a*) otherwise than under the supervision of a person who is present with him in the vehicle and who holds a full standard licence or a full standard existing licence to drive the vehicle;

(*b*) unless there is clearly displayed in a conspicuous manner on the front and on the back of the vehicle a distinguishing mark—

(i) before a date 5 years after these Regulations come into operation, in either form A or B set out in Schedule 4, or

(ii) on or after that date, in form B; and

(*c*) if the vehicle is being used to draw a trailer, unless the licence is for category C plus E and the combination of vehicle and trailer would fall within that category.

(5) The condition specified in paragraph (4)(*a*) shall not apply while the holder of the licence is undergoing a test.

(6) Where the holder of a lgv trainee driver's provisional licence (including a full licence which is treated as a provisional licence as mentioned above) has passed a test for a category of large goods vehicles for which the licence is, or is treated as, a provisional licence the conditions specified in paragraph (4) (except (*a*) where the vehicle is in category C and is being used to tow a trailer or is in category C plus E) shall not apply so far as regards the driving of a vehicle in that category.

Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation

12.—(1) The prescribed circumstances for the purposes of Article 73(1)(*a*) of the Order (obligatory revocation of licence) are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, the counterpart of his ordinary driving licence bears more than one relevant endorsement.

(2) Where a large goods vehicle driver's licence is revoked under Article 73(1)(*a*) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the Department.

(3) Where the Department determines that a person whose licence has been revoked under Article 73(1)(*a*) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the Department may determine.

Removal of disqualification

13.—(1) Subject to paragraphs (2) and (3) the Department may remove a disqualification under Article 74(4) of the Order, if the application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods from the commencement of the disqualification, that is to say—

(*a*) two years, if the disqualification is for less than four years;

(*b*) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;

(*c*) five years in any other case, including disqualification for an indefinite period.

(2) The applicant must have incurred no further relevant endorsements.

(3) Where an application under paragraph (1) for the removal under Article 74(4) of the Order of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.

Prescribed classes of goods and passenger-carrying vehicles

14. For the purposes of Articles 6(3) and (5), 15(1) and (2) and 74(7) of the Order, the prescribed classes of goods vehicles or large goods vehicles are those in categories C and C plus E and the prescribed classes of passenger-carrying vehicles are those in categories D and D plus E.

PART III

TESTS OF COMPETENCE

Application for tests

15.—(1) A person who desires to take a test to be conducted by an examiner appointed under regulation 19(1)(*a*) shall apply for an appointment for a test to the Department.

(2) An applicant for such an appointment shall, when making the application, specify the category of vehicle in respect of which he desires to take the test and pay a fee of £45.

Qualifications of applicants for tests

16. An applicant for a test shall be a person who is the holder of a provisional large goods vehicle or passenger-carrying vehicle driver's licence or a provisional heavy goods vehicle licence or a full licence which is treated as such a provisional licence, entitling him to drive a vehicle or vehicles in the category of vehicles in respect of which he desires to take the test.

Nature of tests

17. The test which a person is required to pass before a full licence can be granted to him authorising him to drive a large goods vehicle or passenger-carrying vehicle of a particular category shall be a test carried out on a vehicle of that category, being a test which satisfies the examiner—

(*a*) that the candidate is fully conversant with the contents of the Highway Code;

(*b*) that he has sufficient knowledge of the mechanical operation of the vehicle on which he is tested, including, at the discretion of the examiner, the effect of distribution of load on the performance of the vehicle, to enable him to drive it safely;

(*c*) that he is competent to drive, without danger to and with due consideration for other users of the road, the vehicle on which he is tested; and

(*d*) that he is able to perform safely and competently the operations specified in Schedule 5.

Requirements for tests

18.—(1) A person submitting himself for a test shall—

(*a*) provide for the purpose of the test a vehicle which is suitable for the purpose of the test and which, in particular, is suitable for the purposes of the test under paragraph (3) and—

(i) is not carrying passengers, goods or burden of any description,

(ii) is fitted with a seat which is firmly secured to the vehicle and in such a position that the examiner is able properly to conduct the test from it and is afforded adequate protection from bad weather when conducting the test,

(iii) is not fitted with a device designed to permit a person other than the driver to operate the accelerator, unless any pedal or lever by which the device is operated and any other parts which it may be necessary to remove to make the device inoperable by such a person during the test have been removed, and

(iv) in the case of a test of competence to drive passenger-carrying vehicles, save as provided in paragraph (2), is so constructed that the examiner can, from the deck of the vehicle on which the driver is seated, get a clear view of the road to the rear of the vehicle without the use of any optical device;

(*b*) produce to the examiner who is to conduct the test, his licence by virtue of which he is entitled to drive in Northern Ireland a vehicle included in the category for which the test is to be conducted; and

(*c*) sign the examiner's attendance record.

(2) The requirement specified in sub-paragraph (1)(*a*)(iv) does not apply in a case where—

(*a*) the construction of the vehicle makes fulfilment of that requirement impracticable, and

(*b*) the examiner consents to that requirement not being complied with in consequence of arrangements to conduct part or all of the test not on a road.

(3) A vehicle shall not be suitable for the purpose of a test unless—

(*a*) if the test is taken before the 1st April 1994—

(i) in the case of a test for category C, it has a maximum authorised mass which exceeds 7.5 tonnes;

(ii) in the case of a test for category D not limited as in sub-paragraph (iii), it has an overall length of at least 8.5 metres;

(iii) in the case of a test for category D limited under regulation 27 to vehicles with not more than 16 seats, in addition to the driver's seat, it has an overall length of less than 8.5 metres;

(iv) in the case of a test for category C plus E, it is either—

(*a*) an articulated goods vehicle combination, or

(*b*) a combination of vehicles comprising a vehicle in category C and a trailer with at least two axles with a permissible maximum weight in relation to the combination of at least 15 tonnes;

(v) in the case of a test for category D plus E, it is a combination of vehicles comprising a vehicle which is suitable for a test for category D under sub-paragraph (ii) and a trailer with a permissible maximum weight of at least 1.25 tonnes; and

(*b*) if the test is taken on or after that date it is capable of a speed of at least 80 kilometres per hour and—

(i) in the case of a test for category C, it has a maximum authorised mass of at least 11 tonnes;

(ii) in the case of a test for category D not limited as in sub-paragraph (iii), it has an overall length of at least 9 metres;

(iii) in the case of a test for category D limited under regulation 27 to vehicles with not more than 16 seats, in addition to the driver's seat, it has an overall length of less than 9 metres;

(iv) in the case of a test for category C plus E, it is either—

(*a*) an articulated goods vehicle combination with a permissible maximum weight of at least 21 tonnes, or

(*b*) a combination of vehicles comprising a vehicle in category C and a trailer with at least two axles, one of which must be a steering axle, and a wheel base of at least 4 metres, with a permissible maximum weight in relation to the combination of at least 21 tonnes; or

(v) in the case of a test for category D plus E, it is a combination of vehicles comprising a vehicle which is suitable for a test for category D under sub-paragraph (ii) above and a trailer with a permissible maximum weight of at least 1.25 tonnes.

(4) Where a person submitting himself for a test provides a vehicle which does not comply with paragraph (1) or otherwise refuses or fails to comply with that paragraph the examiner may refuse to conduct the test.

(5) A person submitting himself for a test shall allow to travel in the vehicle during the test—

(*a*) the examiner; and

(*b*) any person authorised by the Department to attend the test for the purpose of supervising it or otherwise.

Persons who may conduct tests

19.—(1) Tests may be conducted by—

(*a*) examiners appointed for that purpose by the Department;

(*b*) examiners appointed for that purpose by the Secretary of State for Defence, insofar as concerns the testing of persons subject to the Naval Discipline Act 1957(**a**), to military law or to air force law, or of persons employed in the driving of motor vehicles for naval, military or air force purposes;

(*c*) the Chief Constable of the Royal Ulster Constabulary and the Chief Fire Officer of the Fire Authority for Northern Ireland insofar as concerns the testing of persons employed or to be employed by one or other of them to drive motor vehicles.

(2) Any person authorised by virtue of sub-paragraph (1)(*c*) to conduct tests may, subject to the approval of the Department, authorise suitable persons to act as examiners of those who submit themselves for a test.

Evidence of results of tests

20.—(1) A person who passes a test shall be furnished with a certificate to that effect in the form (adapted as the case may require) set out in Part I of Schedule 6.

(2) A person who fails to pass a test shall be furnished with a statement to that effect in the form (adapted as the case may require) set out in Part II of Schedule 6.

Repayment of fees

21.—(1) The period of notice prescribed for the purpose of Article 8(*b*) of the Order (repayment of test fee on giving prescribed period of notice) in respect of the fee for a test is not less than 3 working days before the date of the appointment to the Department at the centre where the test is to be held.

(2) For the purposes of this regulation "working day" means a day on which the centre where the test is to be held is open to the public.

(**a**) 1957 c. 53

Additional qualification

22. A person who has passed tests to drive vehicles of a class included in category C plus E and a class included in category D shall be deemed for the purposes of the Order and of these Regulations competent to drive, in addition to vehicles of those classes also vehicles of the class included in category D plus E which corresponds to the said class included in category D.

PART IV

SUPPLEMENTARY

Entitlement to groups

23. The categories of vehicles specified in column 2 in Schedule 1 are designated as groups for the purposes of Article 5(1)(*a*) and (*b*) of the Order.

Transitional provisions

24.—(1) If an application for the grant of a licence in respect of any class of heavy goods vehicle or public service vehicle in column (1) of the Table is made and the licence has not been granted or refused before the date on which these Regulations come into operation, the application shall be taken on and after that date to be an application in respect of the categories of vehicles in column (2) of that Table.

TABLE

Column (1)	Column (2)
Class of Heavy Goods Vehicle	*Corresponding Category of Large Goods Vehicle*
2, 3	C and C plus E limited to drawbar trailer combinations only
2A, 3A	C and C plus E limited to drawbar trailer combinations only and in both cases limited to vehicles with automatic transmission
1	C plus E
1A	C plus E limited to vehicles with automatic transmission
Class of Public Service Vehicle	*Corresponding Category of Passenger-Carrying Vehicle*
4	D limited to vehicles with not more than 16 passenger seats
4A	D limited to vehicles with not more than 16 passenger seats and with automatic transmission
3	D
3A	D limited to vehicles with automatic transmission
1	D, D Plus E
2	D, D plus E
1A	D, D plus E limited to vehicles with automatic transmission
2A	D, D plus E limited to vehicles with automatic transmission

(2) If an application for a test in respect of any class of heavy goods vehicle or public service vehicle in column (1) of the Table is made and the test has not been taken before the date on which these Regulations come into operation, the application shall be taken on and after that date to be an application in respect of the categories of vehicles in column (2) of that Table.

TABLE

Column (1)	Column (2)
Class of Heavy Goods Vehicle	*Corresponding Category of Large Goods Vehicle*
2, 3	C
2A, 3A	C limited to vehicles with automatic transmission
1	C plus E
1A	C plus E limited to vehicles with automatic transmission
Class of Public Service Vehicle	*Corresponding Category of Passenger-Carrying Vehicle*
4	D limited to vehicles with not more than 16 passenger seats
4A	D limited to vehicles with not more than 16 passenger seats and with automatic transmission
1	D
2	D
3	D
1A	D limited to vehicles with automatic transmission
2A	D limited to vehicles with automatic transmission
3A	D limited to vehicles with automatic transmission

Exemptions

25.—(1) Articles 70 to 79 of the Order and these Regulations shall not apply to large goods vehicles of the following classes—

(*a*) track-laying vehicles;

(*b*) vehicles propelled by steam;

(*c*) road rollers;

(*d*) road construction vehicles used or kept on the road solely for the conveyance of built-in road construction machinery (with or without articles or materials used for the purpose of that machinery);

(*e*) engineering plant;

(*f*) works trucks;

(*g*) industrial tractors;

(*h*) agricultural motor vehicles;

(*i*) digging machines;

(*j*) vehicles exempted from excise duty by virtue of section 7(1) of the Vehicles (Excise) Act (Northern Ireland) 1972(**a**) (vehicles used for less than a certain distance on public roads);

(*k*) a motor car as defined in Article 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989(**b**) which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby, but to which no trailer is attached;

(*l*) vehicles used for no other purpose than the haulage of lifeboats and the conveyance of the necessary gear of the lifeboats which are being hauled;

(*m*) vehicles manufactured before 1st January 1960 used unladen and not drawing a laden trailer;

(*n*) vehicles in the service of a visiting force or headquarters as defined in the Visiting Forces and International Headquarters (Application of Law) Order 1965(**c**);

(*o*) wheeled armoured vehicles being the property of, or for the time being under the control of, the Secretary of State for Defence;

(*p*) a vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the large goods vehicle and its load) or for other similar purposes;

(*q*) an articulated goods vehicle combination which has a maximum authorised mass not exceeding 7.5 tonnes, or the tractive unit of which does not exceed 2.05 tonnes unladen weight;

(*r*) a vehicle having a relevant maximum weight not exceeding 3.5 tonnes to which a trailer is attached, not being an articulated goods vehicle combination;

(*s*) a vehicle (not being an articulated goods vehicle combination) which:

(i) has an unladen weight not exeeding 10.2 tonnes;

(ii) is being operated by the holder of a road service licence granted under Part II of the Transport Act (Northern Ireland) 1967(**d**);

(iii) is being driven by a person who has an existing public service vehicle licence or a passenger-carrying vehicle driver's licence; and

(iv) is being used for the purpose of:

(*a*) proceeding to, or returning from, a place where assistance is to be, or has been, given to a disabled passenger-carrying vehicle; or

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(**a**) 1972 c. 10 (N.I.)
(**b**) S.R. 1989 No. 299
(**c**) S.I. 1965/1536
(**d**) 1967 c. 37

(*b*) giving assistance to or moving a disabled passenger-carrying vehicle or moving a wreck which, immediately before it became a wreck, was a passenger-carrying vehicle;

(*t*) a vehicle fitted with apparatus designed for raising a disabled vehicle partly from the ground and for drawing a disabled vehicle when so raised (whether by partial superimposition or otherwise) being a vehicle which:—

(i) is used solely for dealing with disabled vehicles;

(ii) is not used for the conveyance of a load other than a disabled vehicle when so raised, water, fuel and accumulators and articles required for the operation of, or in connection with, such apparatus as aforesaid or otherwise for dealing with disabled vehicles; and

(iii) has an unladen weight not exceeding 3.05 tonnes;

(*u*) a vehicle which was originally constructed to carry passengers but has been adapted to carry goods or burden of any description:—

(*a*) when driven for the carriage of;

(i) play equipment for children, or such equipment and not more than 8 passengers. to or from the place where the equipment is to be, or has been, made available for such use; or

(ii) articles required for the purposes of display or of an exhibition, or such articles and not more than 8 passengers, to or from the place where the display or exhibition is to be mounted; or

(*b*) being a vehicle used for the carriage of such equipment or articles as specified in paragraph (*a*), when driven:—

(i) to or from the place where a mechanical defect in the vehicle is to be, or has been, remedied; or

(ii) in such circumstances that by virtue of section 5 of the Vehicles (Excise) Act (Northern Ireland) 1972 the vehicle is not chargeable with duty in respect of its use on public roads;

(*v*) vehicles which are designed for fire fighting or fire salvage purposes and are the property of, or for the time being under the control of the Secretary of State for Defence, when being driven by a member of the Armed Forces of the Crown; and

(*w*) a vehicle when being driven by a member of the Armed Forces of the Crown in the course of urgent work of national importance in accordance with an order of the Defence Council in pursuance of the Defence (Armed Forces) Regulations 1939(**a**) which were continued permanently in force, in the form set out in Part C of Schedule 2 to the

(**a**) S.R. & O. 1939/1304

Emergency Laws (Repeal) Act 1959(**a**), by section 2 of the Emergency Powers Act 1964(**b**).

(2) Articles 70 to 79 of the Order and these Regulations shall not apply to passenger-carrying vehicles of the following classes:—

(*a*) vehicles more than 30 years old and not used for hire or reward or for the carriage of more than 8 passengers;

(*b*) a vehicle driven by a constable for the purpose of removing or avoiding obstruction to other road users or other members of the public, for the purpose of protecting life or property (including the passenger-carrying vehicle and its passengers) or for other similar purposes.

(3) A person may drive a large goods vehicle specified in paragraph (1) if he is the holder of a full licence to drive vehicles in category B and C1 and a passenger-carrying vehicle specified in paragraph (2) if he is the holder of a full licence to drive vehicles in category B and D1.

(4) Except in the case of a vehicle mentioned in paragraph (5) Articles 70 to 79 of the Order and these Regulations, in their application to large goods vehicles, shall not apply to vehicles which are passenger-carrying vehicles as well as large goods vehicles.

(5) Articles 70 to 79 of the Order and these Regulations, in their application to passenger-carrying vehicles, shall not apply to large goods vehicles in category C driven by members of the armed forces of the Crown and used for the carriage of passengers for naval, military or air force purposes which are adapted to carry up to 24 passengers.

(6) In this regulation—

"digging machine" has the same meaning as in Schedule 3 to the Vehicles (Excise) Act (Northern Ireland) 1972;

"agricultural motor vehicle", "engineering plant", "industrial tractor", "track-laying" and "works truck" have the same meaning as in regulation 2(1) of the Motor Vehicles (Construction and Use) Regulations (Northern Ireland) 1989;

"play equipment for children" includes articles required in connection with the use of such equipment by children; and

"road construction vehicle" and "road construction machinery" have the same meanings as in section 4(2) of the Vehicles (Excise) Act (Northern Ireland) 1972.

Effect of the change in classification on entitlement to drive large buses

26.—(1) A person who held a full licence to drive vehicles in category B and D1 on 31st December 1990, who satisfies the Department that he has been regularly driving a vehicle in category D with more than 16 seats in addition to the driver's seat during the period of three years immediately preceding his

(**a**) 1959 c. 19
(**b**) 1964 c. 38

application for a licence to drive such a vehicle and who makes such application before 1st April 1992 shall, notwithstanding anything in regulation 17 as it applies to Article 5 of the Order, be entitled, on satisfying the other requirements of the Order and these Regulations, to the grant of a full licence to drive a vehicle in that category subject to the limitation that the vehicle is not used for hire or reward.

(2) A person who holds a full hgv driver's licence or a full licence to drive vehicles in category C, may also drive motor vehicles used for the carriage of passengers with more than 16 seats, in addition to the driver's seat which are not being used for hire or reward or for the carriage of more than 8 passengers.

Effect of a change in classification on the granting of licences to drive minibuses

27. A person who has taken the test prescribed by these Regulations for vehicles in category D (which includes vehicles with not more than 16 seats, in addition to the driver's seat, used for hire or reward) in a vehicle in that category of which the overall length—

(*a*) in the case of a test taken before 1st April 1994 is less than 8.5 metres, and

(*b*) in the case of a test taken on or after that date is less than 9 metres,

shall be granted a licence limited to the driving of vehicles in that category with not more than 16 seats, in addition to the driver's seat.

Sealed with the Official Seal of the Department of the Environment on 20th March 1991.

(L.S.) *Trevor Pearson*
Assistant Secretary

The Department of Finance and Personnel approves regulations 9(1), 11(3) and 15(2).

Sealed with the Official Seal of the Department of Finance and Personnel on 21st March 1991.

(L.S.) *Doreen Brown*
Assistant Secretary

SCHEDULE 1 (See regulations 2(2) and 23)

Categories of Vehicles

Column (1)	Column (2)
C	Motor vehicles used for the carriage of goods and whose maximum authorised mass exceeds 3.5 tonnes including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg or a trailer of any mass with a single axle but not including any vehicle in category C1.
D	Motor vehicles used for the carriage of passengers with more than eight seats in addition to the driver's seat including such a vehicle drawing a trailer with a maximum authorised mass not exceeding 750 kg or a trailer of any mass with a single axle but not including any vehicle in category D1.
C plus E	Combinations of motor vehicles in category C and a trailer with a maximum authorised mass exceeding 750 kg and with more than a single axle.
D plus E	Combinations of motor vehicles in category D and a trailer with a maximum authorised mass exceeding 750 kg and with more than a single axle.

SCHEDULE 2 (See regulation 8)

Table of Correspondences

PART I

Column (1) *Class of heavy goods vehicle*	Column (2) *Category of large goods vehicle*
1	C, C plus E
1A	As for 1 but limited to vehicles with automatic transmission
2	C, C plus E limited to drawbar trailer combinations only
2A	As for 2 but limited to vehicles with automatic transmission
3	As for 2
3A	As for 2A

PART II

Column (1) *Class of public service vehicle*	Column (2) *Category of passenger-carrying vehicle*
1	D, D plus E
1A	D, D plus E but limited to vehicles with automatic transmission
2	D, D plus E
2A	D, D plus E but limited to vehicles with automatic transmission
3	D
3A	D but limited to vehicles with automatic transmission

4	D limited to vehicles with not more than 16 passenger seats
4A	D but limited to vehicles with not more than 16 passenger seats and with automatic transmission

SCHEDULE 3

(See regulations 9 and 11(3))

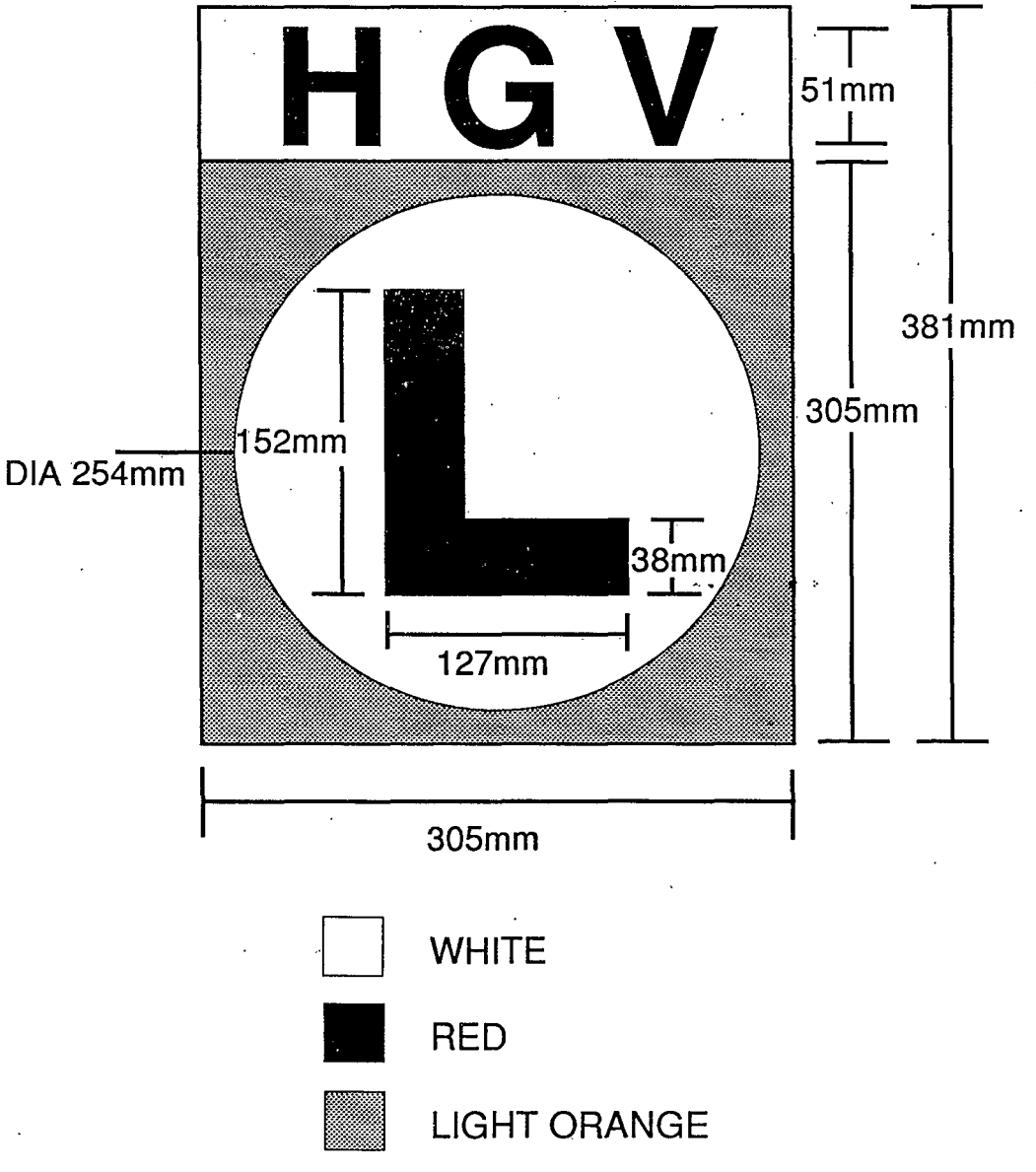
Fees for Licences

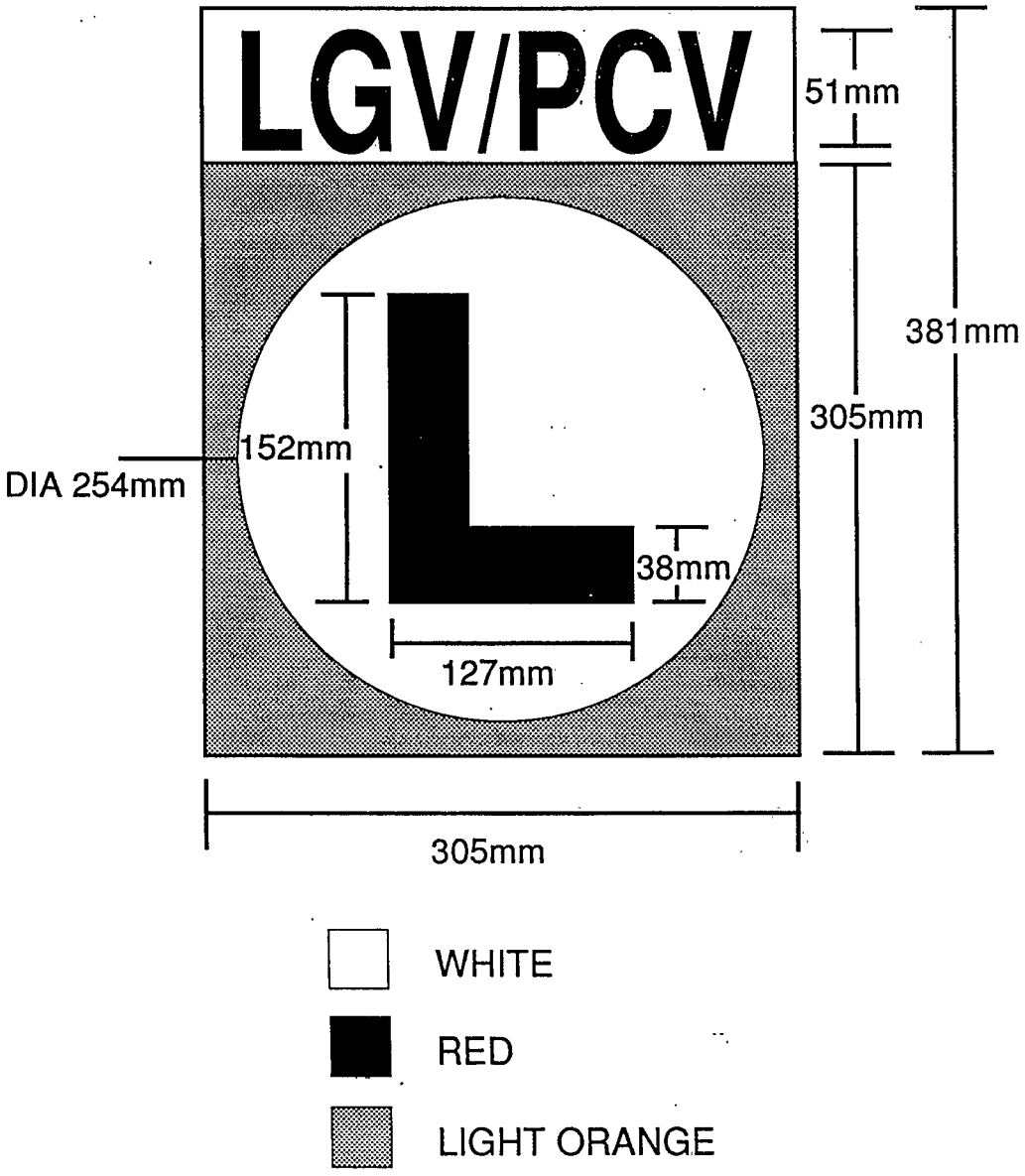
Column (1)	Column (2)
	£
A provisional licence for a large goods vehicle	15·00
A full licence for a large goods vehicle of any category	10·00
A provisional licence for a passenger-carrying vehicle	22·50
A full licence for a passenger-carrying vehicle of any category (including a restricted pcv licence)	22·50
A full licence for a large goods vehicle or a passenger-carrying vehicle where the applicant has been granted a provisional licence for that category on or after 1st April 1991	Nil
A duplicate licence	6·00
Issue of a licence following the expiration of a period of disqualification for holding or obtaining a large goods vehicle or passenger-carrying vehicle licence (unless no fee is payable)	6·00
A licence granted under Article 15(8) of the Order (unless no fee is payable)	6·00
Removal of endorsements	5·00
Issue of a large goods vehicle or a passenger-carrying vehicle full licence on addition of 'E' entitlement	5·00
Issue of a lgv trainee driver's full licence for category C and lgv trainee driver's provisional licence for category C plus E to the holder of a hgv trainee driver's full licence to drive heavy goods vehicles of class 2 or 3	5·00

SCHEDULE 4 (See regulations 10(3)(*b*) and 11(4)(*b*))

Diagram of distinguishing mark to be displayed on a vehicle driven under provisional licence

Form A




LGV/PCV
51mm
381mm
305mm
DIA 254mm
152mm
38mm
127mm
305mm
WHITE
RED
LIGHT ORANGE

SCHEDULE 5 (See regulation 17)

Nature of Tests — Operations

A. Start the engine of the vehicle.

B. Move off straight ahead and at an angle.

C. Maintain a proper position in relation to a vehicle immediately in front.

D. Overtake and take an appropriate course in relation to other vehicles.

E. Turn right and left.

F. Make an emergency stop.

G. (1) In the case of a test conducted off the highway, drive the vehicle forwards and backwards and whilst driving the vehicle backwards steer the vehicle along a predetermined course to make it enter a narrow opening and bring it to rest in a predetermined position; or

(2) In the case of a test conducted on the highway, drive the vehicle backwards and whilst doing so cause it to enter a narrow opening to the left or to the right and then bring it to rest in a predetermined position.

H. Indicate his intended actions by appropriate signals at appropriate times in a clear and unmistakeable manner.

I. Act correctly and promptly in response to all signals given by any traffic sign and by any person lawfully directing traffic and any other person using the road.

SCHEDULE 6 (See regulation 20)

Evidence of result of Tests

PART I

FORM OF CERTIFICATE OF PASSING A TEST OF COMPETENCE TO DRIVE A LARGE GOODS VEHICLE OR PASSENGER-CARRYING VEHICLE

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

MOTOR VEHICLES (DRIVING LICENCES) (LARGE GOODS AND PASSENGER-CARRYING VEHICLES) REGULATIONS (NORTHERN IRELAND) 1991

PASS CERTIFICATE

Driver Number | Date of Test

Name _____

Address _____

_____

Has been examined and has passed the test of competence to drive a vehicle in category

If fitted with automatic transmission — enter "Y" in box

Whilst drawing a trailer — enter "E" in box

As prescribed for the purposes of Article 5 of the Road Traffic (Northern Ireland) Order 1981

Signed _____

Appointed by the Department of the Environment for Northern Ireland to conduct the test.

Signed _____
Applicant

PART II

FORM OF STATEMENT OF FAILURE TO PASS A TEST OF COMPETENCE TO DRIVE A LARGE GOODS VEHICLE OR PASSENGER-CARRYING VEHICLE

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 1981

MOTOR VEHICLES (DRIVING LICENCES) (LARGE GOODS AND PASSENGER-CARRYING VEHICLES) REGULATIONS (NORTHERN IRELAND) 1991

Statement of failure

NAME _____

ADDRESS _____

_____

has been examined on a vehicle of category ..... with/without automatic transmission/whilst drawing a trailer* and has failed to pass the test of competence to drive prescribed for the purposes of Article 5 of the Order on (date)

_____

Signed _____
Appointed by the Department of the Environment for Northern Ireland to conduct the test.

*Delete as applicable

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Article 5 and Part I of Schedule 3 to the Road Traffic (Amendment) (Northern Ireland) Order 1991, which came into operation on 1st April 1991 introduced as new Articles 70 to 79 of the Road Traffic (Northern Ireland) Order 1981 special provisions governing the licensing of drivers of goods vehicles and passenger-carrying vehicles supplemental to the requirements of Part II of that Order. In effect from 1st April 1991 the requirement for special licences for drivers of lorries and buses as heavy goods vehicles and public service vehicles respectively as an addition to the requirement for ordinary driving licences under Part II of the 1981 Order before its amendment by the Road Traffic (Amendment) (Northern Ireland) Order 1991 is abolished and replaced by a unified system of licensing of such vehicles.

These Regulations are made to give effect to this unified licensing system for lorries and buses. They lay down the requirements for large goods and passenger-carrying vehicle drivers' licences and tests of competence for the grant of such licences. Regulation 2(2) and Schedule 1 introduce the new categories of large goods vehicles and passenger-carrying vehicles and so give effect in respect of such vehicles to the system of classification of motor vehicles set out in Article 3 of Council Directive (EEC) No. 80/1263 of 4th December 1980 on the introduction of a Community driving licence (O.J. No. L375, 31.12.1980, p. 1).

The principal changes introduced are as follows—

(*a*) applicants for licences except full-time members of the armed forces of the Crown must hold full ordinary driving licences (as defined in regulation 2(1) or entitlement (regulation 5(1)(*b*));

(*b*) new physical disabilities are prescribed which would require refusal or revocation of a licence. These concern deficient eyesight and diabetes requiring insulin treatment but exemptions are included for drivers who held licences on 1st January 1983 and continue to hold them on 1st April 1991, for monocular drivers where the Department knew of their condition before 1st January 1991 (regulation 6(1));

(*c*) where an application is made for more than one licence only the highest fee is payable (regulation 9(2));

(*d*) a new design of "L plate" for holders of provisional licences to drive is introduced (regulations 10(3) and 11(4) and Schedule 4);

(*e*) a new requirement that a person taking a test to enable him to drive a large goods vehicle or passenger-carrying vehicle of a particular category shall satisfy the examiner that in the case of a test conducted on the highway he can drive the vehicle backwards and whilst doing so cause it to enter a narrow opening to the left or to the right and then bring it to rest in a predetermined position (regulation 17 and Schedule 5);

(*f*) candidates for tests are required to produce evidence of identity to the satisfaction of the examiner (regulation 18(1)(*b*));

(*g*) minimum requirements of weight and size for vehicles in which tests of competence may be taken are introduced (regulation 18(3)); and

(*h*) exemptions are introduced for passenger-carrying vehicles more than 30 years old not used for hire or reward or for the carriage of more than eight passengers (regulation 25(2)) and from the requirement for a passenger-carrying vehicle driver's licence in the case of large goods vehicles driven by members of the armed forces of the Crown and used for naval, military or air force purposes adapted to carry up to 24 passengers (regulation 25(5)).

Provision is also made—

(*a*) to allow holders of full ordinary driving licences who have been regularly driving passenger-carrying vehicles with more than 16 seats, in addition to the driver's seat for three years preceding their application to be granted a full licence to drive vehicles in category D when the vehicles are not used for hire or reward (regulation 26(1));

(*b*) to allow holders of full hgv driver's licences or of full licences to drive vehicles in category C also to drive motor vehicles used for the carriage of passengers with more than sixteen seats, in addition to the driver's seat which are not being used for hire or reward or for the carriage of more than 8 passengers; and

(*c*) to enable a test of competence to be taken in a small passenger-carrying vehicle of less than a prescribed length and for the grant of a licence to a person who passes such a test to drive vehicles in category D with up to 16 passenger seats when used for hire or reward (regulations 18(3) and 27).