

2011 No. 21

ROAD TRAFFIC AND VEHICLES

**The Motor Vehicles (Driving Licences) (Amendment)
Regulations (Northern Ireland) 2011**

Made - - - - - *28th January 2011*

Coming into operation - - - - - *21st February 2011*

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

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 21st February 2011.

Amendment of the Motor Vehicles (Driving Licences) Regulations

2.—(1) The Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(b) are amended in accordance with paragraphs (2) to (11).

(2) In regulation 2(1) (interpretation)—

- (a) after the definition of ““appropriate driving test” and “extended driving test””(c) insert—
““approved motorcycle instructor” means a person whose name is entered in the register in accordance with regulation 3 of the Driving Instruction Regulations;”;
- (b) after the definition of “the Construction and Use Regulations” insert—
““the Driving Instruction Regulations” means the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010(d);”.

(3) In regulation 12 (conditions attached to provisional licences) after paragraph (5) insert—

“(5A) The holder of a provisional licence authorising the driving of a moped or a learner motor bicycle shall not drive such a vehicle otherwise than under the supervision of an approved motorcycle instructor, who is—

- (a) present with him on the road while riding another moped or learner motor bicycle or any other motor bicycle;

(a) S.I. 1981/154 (N.I. 1); Article 5(3) was amended by paragraph 3 of Schedule 3 to S.I. 1996/154 (N.I.1) and Articles 5(5A) and 13(3A) and (3B) were inserted by Article 7(2) and (5) respectively of S.I.1991/197 (N.I. 3) which were amended by paragraph 3 of Schedule 2 to S.R. 1996 No.426

(b) S.R.1996 No.542; relevant amending regulations are S.R. 1997 No.383, S.R. 2003 Nos. 64 and 371, S.R. 2008 No. 418 and S.R.2009 No.14

(c) the definition of ““appropriate driving test” and “extended driving test”” was inserted by regulation 2(2)(a) of S.R. 1997 No.383

(d) S.R.2010 No.227

- (b) able to communicate with him by means of a radio which is not hand-held while in operation;
- (c) supervising only him and not more than one other person who holds such a provisional licence; and
- (d) carrying a valid certificate issued in respect of him by the Department under regulation 14(2) of the Driving Instruction Regulations (official title of registered person),

while he and the approved motorcycle instructor are wearing apparel which is fluorescent or (during hours of darkness) is either fluorescent or luminous.

(5B) The conditions specified in paragraph (5A) shall not apply where the holder of the provisional licence holds a valid certificate furnished under regulation 47G(1) or a valid certificate corresponding to such a certificate furnished under the law of Great Britain.” .

(4) In regulation 27 (further requirements at tests)—

- (a) in paragraph (3) for “a practical test” substitute “a special manoeuvres test or a practical test”; and
- (b) after paragraph 5 insert—

“(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 category A or P 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 a valid certificate corresponding to such a certificate furnished under the law of Great Britain.”.

(5) In regulation 28(1)(b)(a) (examiner’s right to refuse to conduct test), for “(4) or (5)” substitute “(4), (5) or (5A)”.

(6) In regulation 29B(1)(b) (content of tests) for sub-paragraph (a) substitute—

“(a) be conducted as an approved form of examination, testing the candidate on the matters specified in regulation 29C(5) in respect of a vehicle of the relevant class; and”.

(7) In regulation 32(c) (entitlement upon passing a test other than an appropriate driving test)—

- (a) in paragraph (1) for “paragraphs (2) and (3)” substitute “the following provisions”;
- (b) in paragraph (2) for “regulation 33” substitute “regulations 33 and 33A”;
- (c) after paragraph (4)(d) add—

“(5) Where a person has passed a test (or Great Britain test of competence corresponding to such a test) for a licence authorising the driving of vehicles in category B, the effect of paragraph (3) in relation to the driving of vehicles in category P shall be as follows—

- (a) the licence granted by the Department shall authorise the driving of vehicles within category P if and only if—
 - (i) the test was passed before 21st February 2011; or
 - (ii) the person concerned holds a valid certificate of successful completion furnished in accordance with regulation 47G(1) or a valid certificate corresponding to such a certificate furnished under the law of Great Britain; and
- (b) where a certificate referred to in sub-paragraph (a)(ii) shows that the person concerned has successfully completed an approved training course for riders of

(a) Sub-paragraph (b) was amended by regulation 7 of S.R. 2008 No.418
 (b) Regulation 29B was inserted by regulation 9 of S.R. 2009 No.14
 (c) Heading was substituted by regulation 12 of S.R. 1997 No.383
 (d) Paragraph (4) was inserted by regulation 3(4) of S.R. 2003 No.64

three-wheeled mopeds, the only vehicles in category P authorised by the licence to be driven shall be three-wheeled mopeds; or

- (c) where a certificate referred to in sub-paragraph (a)(ii) shows that the person concerned has successfully completed an approved training course for riders of mopeds with automatic transmission, the only vehicles in category P authorised by the licence to be driven shall be mopeds with automatic transmission.”.

(8) After regulation 33 insert—

“Entitlement upon passing a test other than an appropriate driving test: category P

33A.—(1) This regulation applies where a person has passed a test (or Great Britain test of competence corresponding to such a test) for a licence authorising the driving of vehicles included in category P.

(2) Where this regulation applies the Department shall grant to the person who passed the test—

- (a) in a case where the test was passed on a three-wheeled moped, a licence authorising the driving of all vehicles having three wheels included in category P;
- (b) in any other case, a licence authorising the driving of all vehicles included in category P.”.

(9) After Part IV insert—

“PART IVA

APPROVED TRAINING COURSES FOR RIDERS OF MOTOR BICYCLES AND MOPEDS

Approved training courses

Provision of approved training courses

47A.—(1) For the purposes of Article 13(3)(e) of the Order(a) an approved training course for motor cyclists is a course for riders of motor bicycles or mopeds both complying with and conducted in accordance with this Part and approved by the Department.

(2) An approved training course may be provided by—

- (a) an approved motorcycle instructor;
- (b) the Department, in so far as concerns the instruction of persons in the public service of the Crown; and
- (c) a police instructor in pursuance of arrangements made by the Chief Constable,

if that person satisfies the conditions mentioned in paragraph (4).

(3) A person may apply to the Department to be authorised to provide approved training courses and the Department may give such authorisation subject to any conditions which it thinks fit to impose if it is satisfied that the applicant satisfies the conditions mentioned in paragraph (4).

(4) The conditions specified in paragraphs (2) and (3) are, that the person—

- (a) is an approved motorcycle instructor or is exempt from the requirement to register as an approved motorcycle instructor in accordance with regulations 20 (exemption of police instructor) and 21 (exemption of departmental officers) of the Driving Instruction Regulations;
- (b) will make proper arrangements for the conduct of courses in accordance with these Regulations; and
- (c) will keep proper records of courses and the results thereof.

(a) Sub-paragraph (e) was inserted by Article 7 of S.I. 1991/197 (N.I.3)

(5) In this regulation “police instructor” means—

- (a) an officer of the Police Service of Northern Ireland whose duties consist of, or have consisted of or included, the giving of instruction in the riding of motor bicycles to officers of the Police Service of Northern Ireland; or
- (b) any person employed by the Policing Board for the purpose of giving such instruction to members of the Police Service of Northern Ireland.

(6) In this Part “approved training course” has the meaning given in paragraph (1) and any reference to Modules 1, 2, or 3 is a reference to Modules 1, 2 or 3 of an approved training course as set out in Schedule 10A.

Nature and conduct of training courses

47B.—(1) A training course for riders of motor bicycles and mopeds may not be approved by the Department unless it comprises elements (A) to (E) as set out in Modules 1 to 3 of the course.

(2) Before any practical instruction is given to riders on an approved training course all the requirements of element (A) as set out in Module 1 of the course must be fulfilled.

(3) To complete an approved training course successfully, a rider of a motor bicycle or moped must satisfy the approved motorcycle instructor as to each of the following matters in the following sequence—

- (a) that he has fulfilled the requirements of element (B) as set out in Module 1 of the course;
- (b) that he can execute the manoeuvres in element (C) as set out in Module 2 of the course;
- (c) that all the requirements of element (D) as set out in Module 2 of the course have been fulfilled; and
- (d) that he rides safely on roads in a variety of road traffic situations, including as many as practicable of those in element (E) as set out in Module 3 of the course.

Instructors

Withdrawal of approval to provide training courses or to act as instructor

47C.—(1) The Department may at any time by notice in writing withdraw an authorisation given under regulation 47A(3) where it is satisfied that the approved motorcycle instructor has —

- (a) ceased to be an approved motorcycle instructor;
- (b) fails to make proper arrangements for the conduct of courses in accordance with these Regulations; or
- (c) fails to keep proper records of courses and the results thereof.

(2) Where the Department withdraws an authorisation given under regulation 47A(3) the approval of that person for the purposes of that regulation shall cease forthwith and the person shall, before the expiration of a period of 28 days commencing on the date of withdrawal, return to the Department all forms of certificates which were supplied to him under regulation 47G(4).

Cessation of conduct of training

47D. Where an approved motorcycle instructor ceases to provide approved training courses he shall return to the Department all forms of certificates which were supplied to him under regulation 47G(4).

Eligibility to undertake approved training course

47E.—(1) No person shall be eligible to undertake an approved training course unless at the time he undertakes it he holds a provisional licence authorising him to drive a motor bicycle or moped of the class on which the course is to be undertaken or is entitled, by virtue of Article 14 or 15A of the Order and regulation 14, to drive a motor bicycle of that class subject to the same conditions as the holder of a provisional licence.

(2) A person submitting himself for an approved training course shall, before the training commences produce to the instructor an appropriate licence and for the purposes of this regulation “appropriate licence” has the same meaning as in regulation 27(7).

Ratio of trainees to instructors

47F.—(1) Where, during an approved training course, more than one trainees is receiving instruction as part of elements (B) and (C) as set out in Modules 1 and 2 of the course, there shall be no more than 4 such trainees in the charge of any one approved motorcycle instructor at any one time.

(2) Where the instruction specified in paragraph (1) is taking place on a public road, there shall be no more than 2 trainees in the charge of any one approved motorcycle instructor at any one time.

(3) Subject to paragraph (4), where trainees are undertaking element (E) as set out in Module 3 of the course—

- (a) there must be no more than 2 trainees in the charge of any one approved motorcycle instructor at any one time; and
- (b) the approved motorcycle instructor must be able to communicate with each trainee by means of a radio which is not hand-held while in operation.

(4) The requirement specified in paragraph (3)(b) shall not apply in the case of a trainee who is unable, by reason of impaired hearing, to receive directions from the approved motorcycle instructor by radio where the trainee and the instructor are employing a satisfactory means of communication which they have agreed before the start of element (E) as set out in Module 3 of the course.

Evidence of successful completion of course

47G.—(1) The approved motorcycle instructor who conducts element (E) as set out in Module 3 of the course shall furnish a person who successfully completes an approved training course with a certificate in the form set out in Schedule 10B and signed by that instructor.

(2) A certificate under paragraph (1) is not valid either for the purposes of Article 13(3)(e) of the Order or as evidence of the successful completion of an approved training course for the purposes of regulation 27(5A)—

- (a) if the person to whom it is issued is at the time of issue ineligible to undertake the training course; and
- (b) after whichever is the earliest of the following dates, namely—
 - (i) in a case where the person to whom the certificate was furnished is subsequently disqualified by order of a court under Article 41 of the Offenders Order (disqualification until test is passed), the date on which the order is made;

- (ii) in a case where the licence of the person to whom the certificate was furnished is subsequently revoked by the Department under Article 5(1) of the Road Traffic (New Drivers) (Northern Ireland) Order 1998^(a) (revocation of licences) the date on which the revocation has effect in accordance with Article 5(2) of that Order.

(3) A certificate under paragraph (1) shall be valid, for the purposes of Article 13(3)(e) of the Order or as evidence of successful completion of an approved training course for the purposes of regulation 27(5A), for a period of 2 years commencing on the date on which it was issued.

(4) An approved motorcycle instructor shall issue certificates using forms supplied by the Department and the Department may make a charge of £8 per form.

(5) An approved motorcycle instructor may, if satisfied that a certificate issued to a person who has successfully completed an approved training course conducted by him has been lost or destroyed, issue a duplicate certificate but may not make a charge exceeding £20 in respect of the issue of each certificate.

(6) Where a certificate issued to a person who has successfully completed an approved training course has been lost or destroyed and that certificate was issued by an approved motorcycle instructor who has ceased to provide approved training, the Department may issue a duplicate certificate and may not make a charge exceeding £20 in respect of the issue of each certificate.

Exemptions from Part IVA

47H.—(1) Subject to paragraph (2), Article 14(3)(c) of the Order^(b) shall not apply to a person who is a provisional entitlement holder by virtue of having passed a practical test of driving skills and behaviour in respect of category P in accordance with regulation 29(3) and such a person shall be exempt from the requirement imposed by Article 5(2A) of the Order.

(2) Paragraph (1) shall cease to apply to a person if he is disqualified by order of a court under Article 41 of the Offenders Order.

(3) Subject to paragraph (5), Article 5(2A) of the Order shall not apply to a person who is for the time being the holder of a full licence for a class of vehicle included in category A in respect of a test of competence to drive a vehicle of any other class included in that category.

(4) Subject to paragraph (5), a person who is for the time being the holder of a full licence for a class of vehicle included in category A shall be exempt from the restriction imposed by Article 13(3)(e) of the Order on his driving a vehicle of another class included in that category.

(5) The exemptions conferred by paragraphs (3) and (4) shall not apply in relation to the holder of a full licence authorising him only to drive a vehicle included in category A having automatic transmission in respect of—

- (a) a test of competence to drive a vehicle having manual transmission; or
- (b) his driving a vehicle having manual transmission.

(6) The exemption conferred by paragraph (1) shall not apply in relation to the holder of a full licence authorising him only to drive a vehicle included in category P having automatic transmission in respect of—

- (a) a test of competence to drive a vehicle having manual transmission; or
- (b) his driving a vehicle having manual transmission.”.

(a) S.I. 1998/1074 (N.I.7)

(b) Sub-paragraph (c) was inserted by Article 7 (7) of S.I. 1991/197 (N.I.) which was amended by paragraph 3(4) of Schedule 2 to S.R.1996 No.426

(10) In Part 2 of Schedule 7(a) (practical test: categories B and B + E) in paragraph D (technical control of the vehicle) in paragraph 5(a) for “any two” substitute “one or more”.

(11) After Schedule 10 insert Schedules 10A and 10B as set out in the Schedule to these Regulations.

Transitional provisions

3.—(1) A person who was a provisional licence holder immediately before 21st February 2011 shall be exempt from the restrictions imposed by Articles 5(2A) and 13(3)(e) of the Order for a period of 12 months from and including the date on which these Regulations come into operation.

Sealed with the Official Seal of the Department of the Environment on 28th January 2011



Deirdre Kenny
A senior officer of the
Department of the Environment

(a) Schedule 7 was substituted by regulation 2(3) of S.R.2003 No.371

SCHEDULE

Regulation 2(11)

“SCHEDULE 10A

Regulation 47A(6)

Elements of an Approved Training Course

Module 1

Element A

Introduction

1. Trainees must —
 - (a) understand the aims of the approved training course;
 - (b) understand the importance of the correct attitude to riding;
 - (c) demonstrate a basic knowledge of the Highway Code and the legal requirements for riding on the road;
 - (d) understand the importance of having the right equipment and wearing suitable protective clothing, including the correct fitting and securing of safety helmets; and
 - (e) be able to read, in good daylight a vehicle registration plate 79.4 millimetres in height at a distance of 20.5 metres. (with the aid of glasses or contact lenses if worn).

Element B

Practical training

2. Trainees must receive practical training at the conclusion of which they must fulfil the following requirements, that is to say they must be—
 - (a) familiar with the motor bicycle, its controls and how it works;
 - (b) able to carry out daily and weekly motor bicycle checks;
 - (c) able to take the motor bicycle on and off the stand safely;
 - (d) able to wheel the motor bicycle around to the left and right showing proper balance and bring to a controlled halt by braking; and
 - (e) able to start and stop the engine satisfactorily.

Module 2

Element C

Practical riding

1. Trainees must undertake practical riding at the conclusion of which they must be able to —
 - (a) ride the motor bicycle under control in a straight line and bring to a controlled halt;
 - (b) ride the motor bicycle slowly under control;

- (c) carry out controlled braking using both brakes;
- (d) change gear satisfactorily (may be omitted for automatic transmission, entitlement will be restricted);
- (e) ride the motor bicycle round a figure of eight circuit under control;
- (f) negotiate simulated bends safely;
- (g) bring the motor bicycle to a stop under full control as in an emergency;
- (h) steer to avoid a collision;
- (i) carry out rear observation correctly;
- (j) carry out simulated left and right hand turns at major and minor junctions correctly using the Observation-Signal-Manoeuvre (OSM) and Position-Speed-Look (PSL) routines; and
- (k) carry out a U-turn manoeuvre satisfactorily.

Element D

Pre road ride briefing

2. Before undertaking practical on road riding trainees must be instructed in the following matters and understand how to reduce the associated risks—

- (a) their attitude to riding;
- (b) their visibility and vulnerability;
- (c) the need to ride defensively using hazard perception and anticipation;
- (d) the need to use rear observation at appropriate times;
- (e) the need to ride at the correct speed, road position and separation distance according to road and traffic conditions;
- (f) the dangers of drug and alcohol use; and
- (g) carrying passengers and loads.

3. Trainees must understand the correct procedures for dealing with—

- (a) varying weather conditions and road surfaces when riding;
- (b) bends;
- (c) roundabouts;
- (d) one way systems;
- (e) traffic light controlled junctions;
- (f) dual carriageways, including the use of acceleration and deceleration lanes;
- (g) filtering in traffic;
- (h) incidents and first aid; and
- (i) eco-safe riding.

Module 3

Element E

Practical on road riding

1. Trainees must undertake on road riding for a period of not less than 4 hours during which they should demonstrate their ability to ride in an eco-safe manner. They must encounter the following traffic situations and demonstrate their ability to handle each one competently and safely—

- (a) one way systems;
- (b) dual carriageways, where the opportunity arises;
- (c) traffic lights;
- (d) roundabouts;
- (e) junctions;
- (f) pedestrian crossings;
- (g) gradients;
- (h) bends; and
- (i) obstructions.

2. Trainees must undertake the following exercises in normal road conditions—

- (a) carry out a U-turn manoeuvre satisfactorily; and
- (b) bring the motor bicycle to a stop under full control as in an emergency.

3. For the purposes of this Schedule “eco-safe” means a style of riding that contributes to road safety whilst reducing fuel consumption and emissions.

SCHEDULE 10B

Regulation 47G(1)

Approved Training Course

Certificate of Completion of Approved Training Course

Road Traffic (Northern Ireland) Order 1981

Certificate of Completion of an Approved Training Course for Motor Bicycles and Mopeds

Driver number of candidate.....

Date and time of course completion.....

Category restrictions.....

Current name.....

Current address.....

..... (Postcode).....

has successfully completed an approved training course for riders of motor bicycles for the purpose of Article 13(3A) of the Road Traffic (Northern Ireland) Order 1981.

Signature of approved motorcycle instructor.....

Instructor's name.....

Instructor certificate number.....

Candidate's signature.....

”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 2003 (“the principal Regulations”) to make provision requiring a person who drives a motor bicycle but who does not hold a full licence to do so to undergo an approved training course before he can ride on a public road unsupervised, or before he can take a test of competence to drive a motor bicycle.

They insert a new Part IVA into the principal Regulations to make provision with regard to the training in the driving of motor bicycles and also make a number of minor and consequential amendments.

Regulation 2(2) inserts new definitions into regulation 2(1) of the principal Regulations.

Regulation 2(3) amends regulation 12 of the principal Regulations so as to make it a condition that the holder of a provisional licence to drive a moped or a learner motor bicycle shall only drive under the supervision of an approved motorcycle instructor unless they hold a valid certificate of successful completion of an approved training course for motorcyclists.

Regulation 2(4) and (5) amends regulations 27 and 28 to require a person submitting himself for a practical test to produce a valid special manoeuvres test certificate and a valid certificate of successful completion of an approved training course for motorcyclists.

Regulation 2(6) amends regulation 29B(1)(a) of the principal Regulations in relation to the content of the driving theory test for cars, motorcycles and mopeds by removing the requirement for that test to consist of 50 questions in multiple choice or multiple response form.

Regulation 2(7) amends regulation 32 of the principal Regulations so that, in relation to a person passing the test of competence to drive a vehicle in category B on or after 21st February 2011, a licence to drive a vehicle in category B does not confer entitlement to drive vehicles in category P unless the licence holder has successfully completed an approved training course for motor cyclists

Regulation 2(8) inserts a new regulation 33A into the principal Regulations to provide for the grant of a licence restricted to a 3 wheeled vehicle in category P.

Regulation 2(9) inserts new Part IVA (regulations 47A to 47H) into the principal Regulations which make provision for the nature and conduct of approved training courses for motor cyclists, specifies the authorisation for the delivery of the courses and sets out exemptions from the requirement to undergo training in certain circumstances.

Regulation 2(10) amends Part 2 of Schedule 7 to the principal Regulations by reducing the minimum number of specified reversing manoeuvres having to be performed in the practical test of competence to drive from two to one.

Regulation 2(11) inserts new Schedules 10A and 10B into the principal Regulations. Schedule 10A sets out the elements required to be completed in each module of the approved training course and Schedule 10B sets out the form of certificate of successful completion of the course.

The Road Traffic (1991 Order) (Commencement No.2) Order (Northern Ireland) 2011 (S.R. 2011 No.19 (C.4)) provides for the coming into operation of the enabling provisions under which these Regulations are made.

An Explanatory Memorandum and a Regulatory Impact Assessment have been produced and are available from the Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>

2011 No. 21

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Driving Licences) (Amendment)
Regulations (Northern Ireland) 2011

£5.75