

**2012 No. 355**

**ROAD TRAFFIC AND VEHICLES**

**The Motor Vehicles (Driving Licences) (Amendment No. 2)  
Regulations (Northern Ireland) 2012**

*Made* - - - - - *20th September 2012*

*Coming into operation* - - - - - *29th October 2012*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 9(2) and (4)(b) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 2012 and shall come into operation on 29<sup>th</sup> October 2012.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(b).

**Amendment to regulation 50 (disabilities prescribed in respect of Group 1 licences)**

2. After regulation 50(3) of the principal Regulations add—

“(4) Diabetes mellitus is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a person who holds, a Group 1 licence, who is being treated with insulin or another medication which carries a risk of inducing hypoglycaemia and—

- (a) has experienced two or more episodes of severe hypoglycaemia during the previous one year period; or
- (b) has impaired awareness of hypoglycaemia.

(5) Diabetes mellitus is prescribed for the purposes of Article 9(4)(b) of the Order in relation to an applicant for a Group 1 licence who is being treated with insulin and—

- (a) has had no more than one episode of severe hypoglycaemia during the period of one year immediately preceding the date when the licence is granted;
- (b) does not have impaired awareness of hypoglycaemia; and
- (c) satisfies the conditions prescribed in paragraph (6).

(6) The conditions are that the applicant—

- (a) can demonstrate an understanding of the risks of hypoglycaemia and adequate control of the condition;

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(a) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department”; Article 9 was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by paragraph 3 of Schedule 1 to S.R. 1996 No. 426

(b) S.R. 1996 No. 542; relevant amending Regulations are S.R. 1998 No. 415, S.R. 1999 No. 358 and S.R. 2001 No. 267

- (b) undertakes appropriate blood glucose monitoring;
  - (c) is under regular medical review; and
  - (d) is a person in respect of whom the Department is satisfied that the driving of a vehicle in accordance with the licence is not likely to be a source of danger to the public.
- (7) In this regulation—
- “impaired awareness of hypoglycaemia” means the inability to detect the onset of hypoglycaemia because of a total absence of warning symptoms;
- “severe hypoglycaemia” means an episode of hypoglycaemia requiring the assistance of another person.”.

**Amendment to regulation 51 (disabilities prescribed in respect of Group 2 licences)**

3.—(1) Regulation 51 of the principal Regulations is amended in accordance with paragraphs (2) and (3).

(2) For paragraph (6) substitute—

“(6) Diabetes mellitus is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a person who holds, a Group 2 licence who is being treated with insulin or another medication which carries a risk of inducing hypoglycaemia and—

- (a) has experienced one or more episodes of severe hypoglycaemia during the previous one year period; or
- (b) does not have full awareness of hypoglycaemia.

(6A) Diabetes mellitus is prescribed for the purposes of Article 9(4)(b) of the Order in relation to an applicant for a Group 2 licence, who—

- (a) is being treated with insulin and—
  - (i) has undergone treatment with insulin for at least 4 weeks;
  - (ii) has full awareness of hypoglycaemia;
  - (iii) has not, during the period of one year immediately preceding the date when the licence is granted, had an episode of severe hypoglycaemia; and
  - (iv) satisfies the conditions prescribed in paragraphs (6B) and (6C); or
- (b) is being treated with a medication which carries a risk of inducing hypoglycaemia, other than insulin, and—
  - (i) has full awareness of hypoglycaemia;
  - (ii) has not, during the period of one year immediately preceding the date when the licence is granted, had an episode of severe hypoglycaemia; and
  - (iii) satisfies the conditions prescribed in paragraphs (6B) and (6D).

(6B) The conditions are that the applicant—

- (a) regularly monitors his condition and, in particular, undertakes blood glucose monitoring at least twice daily and at times relevant to driving;
- (b) provides a signed declaration to the Department that he—
  - (i) understands the risk of hypoglycaemia and will comply with such directions regarding treatment for diabetes as may from time to time be given by the registered medical practitioner overseeing that treatment, or one of the clinical team working under the supervision of that registered medical practitioner;
  - (ii) will immediately report to the Department in writing any significant change in his condition and pending any enquiries being made by the Department, will follow the advice of his registered medical practitioner, or one of the clinical

team working under the supervision of that registered medical practitioner, concerning fitness to drive; and

(iii) will provide such evidence as the Department may request to demonstrate that the monitoring referred to in sub-paragraph (a) is being carried out;

(c) is a person in respect of whom the Department is satisfied that the driving of a vehicle in accordance with the licence is not likely to be a source of danger to the public.

(6C) The further conditions for an applicant who is being treated with insulin are that—

(a) the applicant has attended an examination by a hospital consultant specialising in the treatment of diabetes, who has provided a report sufficient to satisfy the Department that the applicant has a history of responsible diabetic control and currently has a minimal risk of impairment due to hypoglycaemia;

(b) the applicant monitors his condition as set out in paragraph (6B)(a), using a device that incorporates an electronic memory function to measure and record blood glucose levels, and undertakes to continue so to monitor.

(6D) The further conditions for an applicant who is not being treated with insulin are that the applicant has attended an examination by a registered medical practitioner, who has provided a report sufficient to satisfy the Department that the applicant has a history of responsible diabetic control and currently has a minimal risk of impairment due to hypoglycaemia.

(6E) In this regulation “severe hypoglycaemia” has the same meaning as in regulation 50(7).”.

(3) Omit paragraphs (8A)(a) and (8B)(b).

### **Revocation**

4. The Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1998(c), regulation 6 of the Motor Vehicle (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1999(d) and the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2001(e) are revoked.

Sealed with the Official Seal of the Department of the Environment on 20<sup>th</sup> September 2012



*Iain Greenway*  
A senior officer of the  
Department of the Environment

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(a) Paragraph (8A) was inserted by S.R. 1998 No. 415 and substituted by S.R. 2001 No. 267

(b) Paragraph (8B) was inserted by S.R. 1998 No. 415, amended by S.R. 1999 No. 358 and substituted by S.R. 2001 No. 267

(c) S.R. 1998 No. 415

(d) S.R. 1999 No. 358

(e) S.R. 2001 No. 267

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations implement the minimum standards of medical fitness required for diabetes mellitus (“diabetes”), as specified in Directive 2009/112/EC of 25<sup>th</sup> August 2009 and Directive 2009/113/EC of 25<sup>th</sup> August 2009 (“the Medical Directives”) (O.J. No. L223, 26.8.09, p.26 and p.31) which amend respectively Directive 91/439/EEC of the European Parliament and of the Council on driving licences (O.J. No. L237, 24.8.91, p.1) and Directive 2006/126/EC of the European Parliament and of the Council on driving licences (O.J. No. L51, 22.2.06, p.17). The Medical Directives were added to Annex XIII of the European Economic Area Agreement by Decision of the EEA Joint Committee No. 28/2010 of 12<sup>th</sup> March 2010 (O.J. No. L143, 10.6.10, p.23).

These Regulations amend the medical standards applicable for driver licensing of applicants and licence holders with diabetes, by making amendments to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (“the principal Regulations”). They amend the terms in which diabetes is prescribed as a relevant disability for the purposes of Article 9(2) of the Road Traffic (Northern Ireland) Order 1981, with the effect that a person with that relevant disability cannot be granted a licence; and for the purposes of Article 9(4)(b) of that Order, by which an applicant can be granted a licence for certain prescribed formulations of a disability on prescribed conditions.

The Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1998, regulation 6 of the Motor Vehicles (Driving Licences) (Amendment No. 2) Regulations (Northern Ireland) 1999 and the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2001 are revoked as a consequence of these Regulations.

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

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