



2016 CHAPTER 11

PART 3

Learner and new drivers

Training of provisional licence holders in certain cases etc.

Approved programmes of training: category B motor vehicles and motor bicycles

- 17.—(1) The Order of 1981 is amended as follows.
(2) After Article 5 (tests of competence to drive), insert—

“5A Tests of competence to drive: training before taking

(1) Except as provided under paragraph (6), no person submitting himself for the part of the test of competence to drive a vehicle mentioned in paragraph (2) that is the practical test is to be permitted to take the practical test unless he produces a logbook, either—

- (a) with his application for an appointment for the practical test, or
- (b) to the person who is to conduct the test.

(2) The vehicles are—

- (a) a category B motor vehicle,
- (b) a motor bicycle.

(3) The Department may by order amend paragraph (2) by adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there.

(4) An order under paragraph (3) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) Except as provided under paragraph (6), no person submitting himself for the part of the test of competence to drive a motor bicycle that is the special manoeuvres test or the practical test is to be permitted to take the special manoeuvres test or practical test unless he produces the prescribed certificate of completion by him of an approved training course for motor cyclists, either—

- (a) with his application for an appointment for the test, or
- (b) to the person who is to conduct the test.

(6) Regulations may prescribe cases in which persons are exempt from the requirement imposed by paragraph (1) or (5).

(7) Regulations under paragraph (6) may—

- (a) limit the exemption to persons in prescribed circumstances,
- (b) limit the exemption to a prescribed period,
- (c) attach conditions to the exemption,
- (d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from the requirement.

(8) Regulations may make provision as to the making, in connection with the design, supply and issue of logbooks, of reasonable charges in relation to the discharge of the functions of the Department in connection with logbooks (including the issuing of guidance in connection with logbooks and the taking of other steps to inform people in relation to logbooks).”.

(3) After Article 13A (residence requirement for grant of licences), insert—

“13B Approved programmes of training: category B motor vehicles or motor bicycles

(1) Regulations may make provision as respects the training, in the driving of category B vehicles or motor bicycles of persons wishing to obtain licences authorising the driving of such vehicles, by means of programmes of training in accordance with the regulations.

(2) Regulations under paragraph (1) may in particular make provision as to—

- (a) the nature of the relevant programmes of training,
- (b) the evidence to be recorded as to the completion of such a programme,
- (c) the period of validity of the evidence and any document in which it is to be recorded,

- (d) the making of reasonable charges in relation to the discharge of the functions of the Department under the regulations, the issuing of guidance in connection with relevant programmes of training and the taking of other steps to inform people in relation to such programmes.

13C Approved training courses for motor bicycles

(1) Regulations may make provision as respects the training, in the driving of motor bicycles of persons wishing to obtain licences authorising the driving of motor bicycles, by means of courses of training provided in accordance with the regulations.

(2) Regulations under paragraph (1) may in particular make provision as to—

- (a) the nature of the courses of training,
- (b) the approval by the Department of the persons providing the courses and the withdrawal of its approval,
- (c) the maximum amount of any charges payable by persons undergoing the training,
- (d) certificates evidencing the successful completion by persons of a course of training and the supply by the Department of the forms which are to be used for such certificates,
- (e) the making, in connection with the supply of forms of certificates, of reasonable charges in relation to the discharge of the functions of the Department under the regulations.”.

(4) In Article 19D (interpretation of Part 2)—

(a) in paragraph (1), at the appropriate places, insert—

““category A motorcycle”, category A1 motorcycle” and category A2 motorcycle” each has the same meaning as in the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 3 and Schedule 1);

“special manoeuvres test” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 2(1));”,

(b) after that paragraph, insert—

“(1ZA) In this Part, “logbook” means a document—

- (i) in which is recorded any driving lessons, or practice, undertaken by a person in preparation for the practical test, the person’s progress through the relevant approved programme of training and such other information as the Department may determine;

- (ii) which is signed by an appropriate person, as confirmation that the person signing is satisfied that the person preparing for the practical test has successfully completed the relevant approved programme of training.

(1ZB) In paragraph (1ZA)—

- (a) “an appropriate person”—
 - (i) in relation to a category B motor vehicle, is an approved driving instructor or a qualified driver;
 - (ii) in relation to a category A1 motorcycle, is an approved motorcycle instructor or a qualified driver;
 - (iii) in relation to a category A or A2 motorcycle, is an approved motorcycle instructor;
- (b) “approved driving instructor” and “approved motorcycle instructor” means a person who is registered in the register maintained by the Department under Article 51 of the Order of 2007 for the purposes of Part 5 of that Order, to give instruction (in accordance with Article 48 of that Order) in relation to the driving of a category B motor vehicle or (as the case may be) a motor bicycle;
- (c) “qualified driver”, in relation to a category B motor vehicle, has the same meaning as for the purposes of regulation 12 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 11);
- (d) “qualified driver”, in relation to a category A1 motorcycle, means a person who—
 - (i) is 21 years of age or over;
 - (ii) holds a full licence to drive a category A1 motorcycle by virtue of having passed a test referred to in Article 19AC(2); and
 - (iii) has held the full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years;
- (e) “the relevant approved programme of training” means the programme of training prescribed in regulations made under Article 13B(1) for category B motor vehicles or (as the case may be) motor bicycles.”

(c) in paragraph (1A), for “13(3A)” substitute “13C(1)”.

(5) In Article 174 (false statements, forgery etc. in connection with certain documents)—

- (a) in paragraph (2A)—
 - (i) after sub-paragraph (d) insert—
 - “(da) any logbook required by paragraph (1) of Article 5A to be produced in relation to taking the practical test for a vehicle referred to in paragraph (2) of that Article;”,
 - (ii) in sub-paragraph (e) for “13(3A)” substitute “13C(1)”,
- (b) after that paragraph insert—
 - “(2AB) In paragraph (2A), “logbook” and “practical test” have the samemeaning as in Part II.”.

Revocation of licence: forged etc. logbook

18.—(1) In the Order of 1981—

- (a) in Article 11A (driving after refusal or revocation of licence), in paragraph (1)(a) in sub-paragraph (ii) after “Article 10(1) or (2)” insert “or 15ZA(2)”,
- (b) in the italic heading before Article 13 (grant of licences), at the end add “etc.”,
- (c) after Article 15, insert—

“15ZA Revocation of licence: producing etc. forged logbook

(1) Where a person is convicted of an offence under paragraph(2)(a) or (b) of Article 174 in respect of a document referred to at paragraph (2A) (da) of that Article (a logbook), the court must send notice of the conviction to the Department.

(2) Where the Department is sent notice under paragraph (1), it mayserve notice in writing on the person—

- (a) revoking his licence with effect from such date as may be specified in the notice served by it, not being earlier than the date of service,
- (b) requiring him forthwith to surrender his licence to the Department.

(3) A person whose licence is revoked by notice under paragraph (2)must deliver up his licence forthwith to the Department.

(4) A person who, without reasonable excuse, fails to comply with the duty under paragraph (3) is guilty of an offence under this Order.

(5) A person does not fail to comply with the duty under paragraph (3)where—

- (a) he cannot surrender his licence forthwith in consequence of the fact that he is not in possession of it, having surrendered it to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order, and
- (b) he surrenders the licence to the Department immediately on its return to him.”.

(2) In Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to offences under Article 15(7) of the Order of 1981 insert—

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| “Article 15ZA(4) | Provisional licence holder failing, when his licence is revoked pursuant to being convicted in connection with producing etc. forged logbook, to surrender the licence. | Summarily. | Level 3 on the standard scale.”. |
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