
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART II

**GENERAL PROVISIONS RELATING TO
LICENSING OF DRIVERS OF VEHICLES**

Granting of licences, their form and duration

Grant of licences

13.—(1) Subject to^{F1}the following provisions of this Article] and Article 9 and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, the special provisions of Articles 70 to 79, the Department must grant a licence to a person who ^{F2}meets the relevant residence requirement (see Article 13A) and] —

- (a) makes an application for it in such manner and containing such particulars as the Department may specify, and pays the fee (if any) which is prescribed,
- (b) provides the Department with such evidence or further evidence in support of the application as the Department may require,

^{F3}(c) surrenders to the Department—

- (i) any previous licence and its counterpart granted to him at some time during the period of 10 years ending on the date of receipt of the application by the Department,

[any Great Britain licence held by him together with its Great Britain counterpart and ^{F4}(ia) its counterpart (if any) issued to him under this Part,]

- (ii) any Community licence and its counterpart (if any) issued to him, and
- (iii) any British external licence or British Forces licence or exchangeable licence held by him,

or provides the Department with an explanation for not surrendering them which the Department considers adequate, and]

^{F5}(d) is not —

- (i) in accordance with Article 4(3) subject to a current disqualification which is relevant to the licence he applies for; or
 - (ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and
- (e) is not prevented from obtaining the licence by the provisions of Article 5 of this Order or Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998.]

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[^{F6}(1A) The Department may under paragraph (1)(a) and (b) in particular require an applicant to provide a photograph which is a current likeness of him.]

[^{F4}(1AA) Where a licence under this Part is granted to a person who surrenders under paragraph (ia) of paragraph (1)(c) his Great Britain licence together with the counterparts mentioned in paragraph (ia) to the Department—

- (a) that person ceases to be authorised by virtue of Article 19E to drive in Northern Ireland a motor vehicle of any class, and
- (b) the Department must send the Great Britain licence and its Great Britain counterpart to the licensing authority in Great Britain together with particulars of the class of motor vehicles to which the licence granted under this Part relates.]

(2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in Article 5 shall apply to such a licence.

(3) A provisional licence—

- (a) shall be granted subject to prescribed conditions;
- (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed;
- (c) may, in the case of a person appearing to the Department to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence.

^{F7}(d)

[^{F8}(e) except as provided under paragraph (3B), shall not authorise a person, before he has passed a test of competence to drive, to drive on a road a motor[^{F9} bicycle][^{F10} or moped] except where he has successfully completed an approved training course for motor cyclists or is undergoing training on such a course and is driving the motor[^{F11} bicycle][^{F12} or moped] on the road as part of the training.]

[^{F13}(3A) Regulations may make provision as respects the training in the driving of [^{F14} motor bicycles and mopeds] of persons wishing to obtain licences authorising the driving of such [^{F14} motor bicycles and mopeds] by means of courses of training provided in accordance with the regulations; and the regulations may in particular make provision with respect 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; and
- (e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Department under the regulations.

(3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by paragraph (3)(e) on their driving under the licence; and the regulations may—

- (a) limit the exemption to persons in prescribed circumstances;
- (b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;
- (c) attach conditions to the exemption; and

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(d) regulate applications for, and the issue and form of, certificates evidencing the holder's exemption from the restriction.]

(4) Regulations may authorise or require the Department to refuse a provisional licence authorising the driving of a motor[F³ bicycle][F⁶ or moped] of a prescribed class if the applicant had held such a provisional licence and the licence applied for would come into force within the prescribed period—

(a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor[F³ bicycle][F⁶ or moped], or

(b) beginning at such other time as may be prescribed.

F¹⁵(5)

F¹⁶(5A)

(6) F¹⁷

F1	Words in art. 13(1) substituted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(3); S.R. 2011/19, art. 2
F2	Words in art. 13(1) inserted (14.7.2014) by Immigration Act 2014 (c. 22), ss. 46(3), 75(3) ; S.I. 2014/1820, art. 2(d)
F3	SR 1996/426
F4	2003 NI 16
F5	Art. 13(1)(d)(e) substituted for art. 13(1)(d) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), 2(2)(a)
F6	SR 2002/374
F7	Art. 13(3)(d) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), 2(2)(b)
F8	Art. 13(3)(e) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(4) (as amended by S.I. 1995/2994 (N.I. 18), Sch. 4 and S.R. 1996/426, reg. 4, Sch. 2 para. 3(3)); S.R. 2011/19, art. 2
F9	SR 1996/426
F10	SR 2002/374
F11	SR 1996/426
F12	SR 2002/374
F13	Art. 13(3A)(3B) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(5); S.R. 2011/19, art. 2
F14	Words in art. 13(3A) substituted (20.1.2003) by S.R. 2002/374, regs. 1, 3, Sch. para. 4(4)
F15	Art. 13(5) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), 2(2)(b)
F16	Art. 13(5A) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), 2(2)(b)
F17	Art. 13(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3), 86(2), Sch. 8 Pt. I ; S.R. 2007/454, art. 2 , Sch.

[F¹⁸Residence requirement

13A.—(1) For the purposes of an application under Article 13, a person meets the relevant residence requirement if, on the date the application is made—

(a) in the case of an application that is made by virtue of Article 5(1)(ea) (application by holder of Community licence), the applicant is lawfully resident in the United Kingdom and—

(i) is also normally resident in the United Kingdom, or

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- (ii) has been attending a course of study in the United Kingdom during the period of six months ending on that date;
 - (b) in the case of an application that is made by virtue of Article 5(1)(f) (application by holder of exchangeable licence), the applicant is normally and lawfully resident in Northern Ireland but has not been so resident for more than the prescribed period;
 - (c) in the case of an application that is made by virtue of Article 13(2) (application for provisional licence), the applicant is lawfully resident in Northern Ireland and the Department is satisfied that the applicant will remain so for not less than 185 days; and
 - (d) in any other case, the applicant is normally and lawfully resident in Northern Ireland.
- (2) For the purposes of paragraph (1) a person is not lawfully resident in Northern Ireland or the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.]

F18 Art. 13A inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 46(4), 75(3)**; S.I. 2014/1820, art. 2(d)

Form of licence

14.—^[F19](1) A licence shall be in the form of a photocard of a description specified by the Department or such other form as it may specify and—

- (a) the licence shall state whether, apart from paragraph (2), it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,
- (b) the licence shall specify (in such manner as the Department may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 17 and any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 9(7A), and
- (c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the Department may determine) the conditions subject to which it is granted.]

(2) Subject to paragraphs (3) to (5), a person who holds a licence which authorises its holder to drive motor vehicles of certain classes only (not being—

- (a) a provisional licence, or
- (b) any other prescribed description of licence);

may drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

^[F20](3) A licence shall not by virtue of paragraph (2) authorise a person to drive—

- (a) a vehicle of a class for the driving of which he could not, by reason of Article 17, lawfully hold a licence; or
- (b) unless he has passed a test of competence to drive a motor bicycle or moped on a road in circumstances in which, by virtue of Article 13(3)(e), a provisional licence would not authorise him to drive it before he had passed that test.]

(4) In such cases or as respects such classes of vehicles as the Department may prescribe, the provisions of paragraphs (2) and (3) shall not apply or shall apply subject to such limitations as it may prescribe.

(5) Paragraph (2) does not authorise a person on whom a notice under Article 9(5)(b) has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.

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(6) ^{F21}

F19	SR 2002/374
F20	Art. 14(3) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170) , regs. 1(1), 2(3)
F21	Art. 14(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)) , arts.1(3)(4), 86(2), Sch. 8 Pt. I ; S.R. 2007/454, art. 2 , Sch.

Duration of licences

15.—(1) In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it shall, unless revoked or surrendered and subject to paragraph (3), remain in force—

- (a) for a period of 10 years;
- (b) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer; or
- (c) if the Department so determines in the case of a licence granted to a person appearing to be suffering from a relevant or prospective disability for a period of not more than 3 years and not less than one year as the Department may determine;

and any such period shall begin with the date on which the licence is expressed to come into force.

(2) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

- (a) except in a case falling within any of the following sub-paragraphs, for a period of [^{F225} years] or for a period ending on the [^{F223}sixty-sixth] anniversary of the applicant's date of birth, whichever is the shorter,

^{F24}(b)

- (c) except in a case falling within sub-paragraph (e), where the applicant's age at that date will exceed 65 years, for a period of one year,
- (d) except in a case falling within sub-paragraph (c) or (e), if the Department so determines in the case of a licence to be granted to a person appearing to it to be suffering from a relevant or prospective disability, for such period of not more than 3 years and not less than one year as the Department may determine, and
- (e) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this sub-paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

^{F25}(3)

(4) To the extent that a provisional licence authorises the driving of a motor[^{F26} bicycle][^{F27} or moped] of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

- (a) for such period as may be prescribed, or
- (b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—
 - (i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor[^{F26} bicycle][^{F27} or moped], or

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(ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

(5) Where it appears to the Department—

- (a) that a licence granted by it to any person was granted in error or with an error or omission in the particulars specified in the licence, or
- (b) that the counterpart of a licence granted by it to any person is required to be endorsed in pursuance of any statutory provision or was issued with an error or omission in the particulars specified in the counterpart or required to be endorsed on it, or
- (c) that the particulars specified in a licence granted by the Department to any person or in its counterpart do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,

the Department may serve notice in writing on that person revoking the licence and requiring him to surrender the licence and its counterpart forthwith to the Department and it shall be the duty of that person to comply with the requirement.

[^{F28}(5ZA) Where it appears to the Department that a licence holder is not lawfully resident in the United Kingdom, the Department may serve notice in writing on that person revoking the licence and requiring the person to surrender the licence and its counterpart forthwith to the Department, and it is the duty of that person to comply with the requirement.

(5ZB) For the purposes of paragraph (5ZA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.]

[^{F29}(5A) Where—

- (a) the Department is sent under section 97(1AA) of the Road Traffic Act 1988 (c. 52) a licence granted under this Part to a person to drive a motor vehicle of any class, and
- (b) the Department is satisfied that a Great Britain licence to drive a motor vehicle of that or a corresponding class has been granted to that person,

the Department must serve notice in writing on that person revoking the licence granted under this Part.]

(6) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence and its counterpart to the Department^{F27}. . . .

(7) A person who without reasonable excuse fails to comply with the duty under paragraph (5) [^{F30}, (5ZA)] or (6) is guilty of an offence under this Order.

[^{F31}(7A) Where a person who has a duty under this Article to surrender his licence and its counterpart is not in possession of them in consequence of the fact that he has surrendered them 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 he does not fail to comply with that duty if he surrenders the licence and its counterpart to the Department immediately on their return.]

[^{F27}(8) On the surrender of a licence and its counterpart by a person in pursuance of paragraph (5) or (6), the Department must (subject to the following provisions of this Article) grant a new licence to that person and any licence granted under this paragraph shall be granted free of charge.

(8A) Where the surrendered licence was revoked—

- (a) because it was granted in error or in consequence of an error or omission appearing to the Department to be attributable to the fault of the licence holder; or
- (b) in consequence of a current disqualification,

paragraph (8) shall not apply but the Department may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.

(8B) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before granting a new licence to him under paragraph (8) or (8A).

(9) A replacement licence granted pursuant to paragraph (8) or (8A) shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if that error had not been made) that licence would have been expressed to expire on a different date, the replacement licence shall expire on that different date.]

- F22** Words in art. 15(2)(a) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/170\)](#), regs. 1(1), **2(4)(a)(i)** (with reg. 4)
- F23** Word in art. 15(2)(a) substituted (19.1.2013) by [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/170\)](#), regs. 1(1), **2(4)(a)(i)**
- F24** Art. 15(2)(b) omitted (19.1.2013) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/170\)](#), regs. 1(1), **2(4)(a)(ii)**
- F25** Art. 15(3) omitted (19.1.2013) by virtue of [The Motor Vehicles \(Driving Licences\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/170\)](#), regs. 1(1), **2(4)(b)**
- F26** SR 1996/426
- F27** SR 2002/374
- F28** [Art. 15\(5ZA\)\(5ZB\)](#) inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 47(3)(a)**, 75(3); S.I. 2014/1820, art. 2(e)
- F29** 2003 NI 16
- F30** Word in art. 15(7) inserted (14.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 47(3)(b)**, 75(3); S.I. 2014/1820, art. 2(e)
- F31** 1996 NI 10

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