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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 542**

**Motor Vehicles (Driving Licences)  
Regulations (Northern Ireland) 1996**

**Part III**

**Tests of Competence to Drive**

*Appointment of persons to conduct tests*

**Persons by whom practical and unitary tests may be conducted**

**18.**—(1) Practical and unitary tests may be conducted by any of the following persons—

- (a) an examiner;
- (b) the Secretary of State for Defence, in so far as concerns the testing of persons in the public service of the Crown under his department;
- (c) the Chief Constable of the Royal Ulster Constabulary, in so far as concerns the testing of—
  - (i) members of a police force; or
  - (ii) persons employed, or to be employed, in the driving of motor vehicles for police purposes;
- (d) a person authorised with the approval of the Department by a person specified in paragraph (b) or (c), to conduct tests on his behalf.

(2) No person shall be eligible to appoint any person to conduct practical or unitary tests under the provisions of sub-paragraphs (b), (c), or (d), of paragraph (1) unless, following an application made to the Department for the purpose of any of those sub-paragraphs, the Department is satisfied that—

- (a) proper arrangements will be made by that person, for the conduct of tests in accordance with these Regulations; and
- (b) proper records of such tests and the results thereof will be kept by him or them,

and has granted its approval in writing, subject to such conditions as it thinks fit to impose.

(3) No person appointed under the provisions of sub-paragraph (b), (c), or (d), of paragraph (1) may conduct tests unless the Department has given its approval in writing to his appointment and such approval shall be granted only if the Department is satisfied that the person is capable of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

(4) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

**Persons by whom theory tests may be conducted**

**19.**—(1) Theory tests may be conducted by—

- (a) an appointed person;
- (b) the Department, in so far as concerns the testing of persons in the public service of the Crown;
- (c) the Secretary of State for Defence, in so far as concerns the testing of persons in the public service of the Crown;
- (d) subject to the approval of the Department, a person appointed by the Secretary of State for Defence to conduct theory tests on his behalf.

(2) An appointment made under paragraph (1)(a) may be made subject to such conditions as are, in the opinion of the Department, reasonably necessary in the general interests of candidates and where an appointed person fails to comply with such a condition the Department may appoint another person to carry out theory tests in substitution for that person notwithstanding that the first appointment has not been revoked.

(3) No person shall be eligible to appoint any person to conduct theory tests under the provisions of sub-paragraphs (c) or (d) of paragraph (1) unless, following an application made to the Department for the purpose of either of those sub-paragraphs, the Department is satisfied that—

- (a) proper arrangements will be made by that person, or by the members of that class, for the conduct of tests in accordance with these Regulations; and
- (b) proper records of such tests and the results thereof will be kept by him or them,

and has granted approval in writing, subject to such conditions as it thinks fit to impose.

(4) No person may be appointed under the provisions of paragraph (c) or (d) of paragraph (1) unless the person making the appointment has appointed a person to conduct practical tests under the provisions of regulation 18(1) and the Department has approved that appointment.

(5) A person may not conduct a test prescribed in respect of any category or sub-category of motor vehicle unless he is expressly appointed for the purpose of conducting such a test.

(6) No person appointed by virtue of sub-paragraph (c) or (d) of paragraph (1) may conduct tests unless the Department has given its approval in writing to his appointment and such approval shall be granted only if the Department is satisfied that the person is capable of making a proper assessment of a candidate's ability to drive vehicles of the class in respect of which he is appointed to conduct tests.

### **Revocation of authority to conduct tests**

**20.**—(1) The Department may revoke—

- (a) an appointment made under regulation 19(1)(a); or
- (b) an approval given under regulation 18(1)(d) or 19(1)(d),

by notice in writing and the authority of the person whose appointment is revoked or whose approval is withdrawn to conduct theory tests or, as the case may be, to appoint other persons to conduct unitary, practical or theory tests, shall cease upon the date specified in the notice.

(2) Where a person has his appointment revoked or if an approval given in respect of him under regulation 18(3) or 19(3) is withdrawn, that person shall immediately return to the Department all forms of pass certificates supplied by him under regulation 36(8) which he still holds.