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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 179**

**Motor Cars (Driving Instruction)  
Regulations (Northern Ireland) 2004**

**PART 3**

**EXAMINATION OF ABILITY TO GIVE INSTRUCTION**

**General provisions**

9.—(1) A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Department may determine.

(2) Where a person has passed the theory test (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

(3) Where a person has failed the theory test on his third attempt he shall not be eligible to take it again for a period of 2 years commencing on the date of the first attempt.

(4) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case –

(a) he has passed the three parts of the examination in the following order:

(i) the theory test;

(ii) the driving ability and fitness test; and

(iii) the instructional ability and fitness test;

(b) he passed the driving ability and fitness test on his first, second or third attempt after he had passed the theory test;

(c) within two years after passing the theory test and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test; and

(d) he passed the instructional ability and fitness test on his first, second or third attempt after he had passed the theory test, and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

(5) For the purposes of this regulation –

(a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;

(b) subject to sub-paragraph (c), a reference to the passing of the theory test or the driving ability and fitness test (including paragraph (4)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions; and

(c) if a person takes the theory test on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(6) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

### **Theory test**

**10.**—(1) The theory test shall be conducted in two parts, one part being the test of driving theory described in paragraph (3) and the other being the hazard perception test described in paragraph (5).

(2) The candidate must take the test of hazard perception immediately after taking the test of driving theory.

(3) The test of driving theory shall consist of a theoretical examination, in which the candidate is required to answer from his own knowledge, on all or any of the following subjects –

- (a) the principles of road safety generally and their application in particular circumstances;
- (b) the techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil on the matters set out in sub-paragraph (b), the correction of the pupil's errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers;
- (d) the theory of learning and the theory and practice of teaching and assessment;
- (e) the Highway Code for Northern Ireland and other matters in the booklet in which it is published;
- (f) the booklet "The Official Driving Test " issued by the Department for Transport and published by The Stationery Office;
- (g) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence prescribed by regulation 36(2)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(1);
- (h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and
- (i) the book " Driving – The Essential Skills ", issued by the Department for Transport and published by The Stationery Office.

(4) The test of driving theory shall be conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate.

(5) The hazard perception test shall –

- (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
- (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard relating to traffic on the road.

(6) A candidate taking the test of hazard perception must satisfy the examiner that his performance in the test of hazard perception demonstrates an ability to perceive hazards on the road.

(7) For the purposes of this regulation "film clip" means a sequence of visual images displayed electronically.

### **Driving ability and fitness test**

**11.**—(1) The driving ability and fitness test shall consist of tests of eyesight and driving technique and the candidate shall be required to reach the qualifying standard in both tests on the same occasion.

(2) The test of eyesight shall be a test of the candidate's ability to read in good daylight (with the aid of glasses or contact lenses if worn), a motor vehicle registration mark containing letters and figures –

- (a) 79 millimetres in height and 50 millimetres wide at a distance of 26.5 metres; or
- (b) 79 millimetres in height and 57 millimetres wide at a distance of 27.5 metres.

(3) The test of driving technique shall, so far as possible, be conducted both on urban roads and on roads of different classes outside built-up areas and a candidate must satisfy the examiner that he has an adequate knowledge of the principles of good driving and road safety and that he can apply them in practice.

(4) The candidate taking the test of driving technique shall be required to satisfy the examiner of his ability to perform on 5 occasions (or at the discretion of the person conducting the test, show how to perform) a check on the condition and safety of one component of the vehicle, chosen at the discretion of the person conducting the test, from the list of components specified in paragraph (5), and conduct an actual check on the condition of a second component, similarly chosen from the list.

(5) For the purposes of paragraph (4) the list of components of the vehicle is as follows: tyres, steering, brakes, fluids (e.g. engine oil, coolant, washer fluid), lights, reflectors, direction indicators and audible warning device.

(6) A candidate taking the test of driving technique shall in particular be required to satisfy the examiner on –

- (a) his expert handling of controls;
- (b) his use of correct road procedure;
- (c) his anticipation of the actions of other road users and taking of appropriate action;
- (d) his sound judgement of distance, speed and timing; and
- (e) his consideration for the convenience and safety of other road users.

(7) The candidate taking the test of driving technique shall be required to demonstrate his ability to perform all or any of the following manoeuvres –

- (a) moving away straight ahead or at an angle;
- (b) overtaking, meeting or crossing the path of other vehicles and taking an appropriate course;
- (c) turning right-hand and left-hand corners;
- (d) stopping the vehicles as in an emergency; and
- (e) carrying out manoeuvres involving the use of reverse gear.

(8) The candidate shall, during the test, allow to travel in the vehicle –

- (a) the person authorised to conduct the test; and
- (b) any person authorised by the Department for the purpose of supervising the test.

### **Instructional ability and fitness test**

**12.**—(1) The instructional ability and fitness test shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were –

- (a) a novice or partly-trained pupil, and then
- (b) a pupil who is approaching driving test standard.

(2) The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction –

- (a) explaining the controls of the vehicle,
- (b) moving off,
- (c) making normal stops,
- (d) reversing, and while doing so entering limited openings to the right or to the left,
- (e) turning to face the opposite direction, using forward and reverse gears,
- (f) parking close to the kerb, using forward and reverse gears,
- (g) using mirrors and explaining how to make an emergency stop,
- (h) approaching and turning corners,
- (i) judging speed, and making normal progress,
- (j) road positioning,
- (k) dealing with road junctions,
- (l) dealing with cross roads,
- (m) dealing with pedestrian crossings,
- (n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles, other road users, and
- (o) giving correct signals.

(3) The candidate's knowledge and ability shall be assessed on –

- (a) the method, clarity, adequacy and correctness of his instruction,
- (b) the observation and correction of the examiner's driving errors, and
- (c) his manner generally.

(4) The candidate shall, during the test, allow to travel in the vehicle –

- (a) the person authorised to conduct the test; and
- (b) any person or persons authorised by the Department for the purpose of supervising the test or otherwise.

### **Motor car to be provided for practical part of examination**

**13.—**(1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of that test, in respect of which the following conditions are satisfied.

(2) The vehicle must have four wheels and be either –

- (a) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel, or
- (b) a dual purpose vehicle as defined in Article 2(2) of the Order of 1981.

(3) The vehicle must –

- (a) have a readily adjustable driving seat and a seat for a forward-facing front passenger;
- (b) have a steering wheel on its off-side;
- (c) be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels;

- (d) have fitted for use with the driver's seat and front passenger seat a properly anchored and functioning three-point seat belt;
- (e) in the case of a vehicle with a front passenger seat, have fitted as an integral part of that seat a head restraint which satisfies the requirements of Council Directive 78/932/EEC(2), and be fitted with head restraints on the driver's seat and the forward facing front seats;
- (f) in the case of a vehicle with forward facing seats behind the driver's seat an inertia reel belt for one of those seats nearest either side of the vehicle and a three point belt, a lap belt, a disabled person's belt or a child restraint for at least one other of those seats;
- (g) be fitted with an interior rear-view mirror providing adequate rearward vision from the front passenger seat; and
- (h) be otherwise suitable for the purposes of the test.

(4) The vehicle must not, during any driving ability and fitness test display the distinguishing mark referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(3) or anything resembling such a distinguishing mark.

(5) In the case of a vehicle provided for the purposes of an instructional ability and fitness test, there must be in force in relation to the use of the vehicle a policy of insurance that –

- (a) complies with the requirements of Article 92 of the Order of 1981 in relation to the candidate as driver of the vehicle;
- (b) complies with the requirements of that Article in relation to the examiner as the driver of the vehicle; and
- (c) insures the examiner as the driver of the vehicle in respect of liability for damage to the vehicle during the test,

and throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form referred to in regulation 12(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.

#### **Further requirements at test**

14.—(1) A person who submits himself for a test under regulations 11 or 12 shall, before the test commences –

- (a) produce an appropriate licence authorising him to drive a motor vehicle of the class in which the test is to be taken for inspection; and
- (b) in the case of a person who produces an appropriate licence which does not contain his photograph, produce to the person conducting the test one of the documents listed in Schedule 4 as evidence of his identity.

(2) In this regulation “appropriate licence” means a licence which fulfils the conditions laid out in regulation 5(1)(c).

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(2) Council Directive of 16 October 1978 on the approximation of laws relating to head restraints of seats of motor vehicles (O.J. No. L325, 20.11.78, p. 1)

(3) S.R. 1996 No. 542; relevant amending Regulations are S.R. 1999 No. 358