
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART II

GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

Miscellaneous

Interpretation

19D.—(1) In this Part—

[^{F1}“agricultural or forestry tractor” means a motor vehicle which—

- (a) has two or more axles,
- (b) is constructed for use as a tractor for work off the road in connection with agriculture or forestry, and
- (c) is primarily used as such,]

“the appointed day” means the day appointed under Article 1(2) of the Road Traffic (Amendment) (Northern Ireland) Order 1991 for the coming into operation of Articles 3 to 6 of that Order;

“articulated goods vehicle” means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached;

“British external licence” and “British forces licence” have the meanings given by Article 4(10);

“Community licence” means a document issued in respect of [^{F1}an EEA State]^{F2}... by an authority of that or [^{F1}another EEA State]^{F3}... authorising the holder to drive a motor vehicle, not being—

- (a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than [^{F1} an EEA State], or
- (b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968; [^{F1}or]
- (c) [^{F1}a document issued for a purpose corresponding to that mentioned in Article 13(2)]

[^{F1}“counterpart”

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(a) in relation to a licence under this Part, means a document in such form as the Department may determine, issued with the licence, containing such information as it determines and designed for the endorsement of particulars relating to the licence,^{F4} . . .

(aa) [^{F5}in relation to a Great Britain licence, has the meaning given in Article 19F ^{F6}..., and]

(b) in relation to a Community licence, has the meaning given by Article 15B,]

“disability” has the meaning given by Article 9(2);

“disqualified” means disqualified for holding or obtaining a licence (or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates);

[^{F7}“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time;

“EEA state”, in relation to any time, means—

(a) a state which at that time is a member State; or

(b) any other state which at that time is a party to the EEA agreement.]

[^{F8}“EEA State exchangeable licence” means a licence—

(a) issued in respect of an EEA State ^{F9}... by an authority of that or another EEA State; and

(b) issued in exchange for a British external licence or a document which was an exchangeable licence;]

[^{F10}“exchangeable licence” means an EEA State exchangeable licence or a document authorising a person to drive a motor vehicle (not being a document mentioned in subparagraph (b) of the definition of “Community licence”)—

(a) issued in respect of Gibraltar by an authority of Gibraltar,

(b) issued in respect of a country or territory which is designated without restriction by an order under paragraph (2)(a) by an authority of that country or territory, or

(c) issued in respect of a country or territory which is designated by a restricted order under paragraph (2)(b) by an authority of that country or territory, being a document which is a licence of a description specified in that order,

and a licence of a description so specified as to which provision is made as mentioned in paragraph (2B) is only an exchangeable licence to the extent that it authorises its holder to drive vehicles of a class specified in the order;]

“full licence” means a licence other than a provisional licence;

“Great Britain driving licence” or “Great Britain licence” means a licence to drive a motor vehicle granted under the law of Great Britain ^{F11}...;

[^{F1}“large goods licence” has the meaning given by Article 78;]

“licence” (except where the context otherwise requires) means a licence to drive a motor vehicle granted under this Part^{F1} . . . ;

“maximum gross weight”, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

“maximum train weight”, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;

[^{F1}“medium-sized goods vehicle” means a motor vehicle—

- (a) which is constructed or adapted to carry or to haul goods,
 - (b) which is not adapted to carry more than nine persons inclusive of the driver, and
 - (c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,
- and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms;

[^{F12}“moped” does not include light quadricycle within the meaning in Article [^{F13}4] of the motorcycle type approval [^{F14}Regulation] but otherwise has the same meaning as in Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences;]

“motor bicycle” means a motor vehicle which—

- (a) has two wheels, and
 - (b) has a maximum design speed exceeding [^{F15}45 kilometres per hour] [^{F16}or], if powered by an internal combustion engine, has a cylinder capacity exceeding 50 cubic centimetres,
- and includes a combination of such a motor vehicle and a side-car;]

[^{F17}“motorcycle type approval [^{F18}Regulation]” has the same meaning as in Article 31A]

[^{F19}“motorway” means a road to which Part III of Roads (Northern Ireland) Order 1993 applies;]

“passenger-carrying vehicle” has the meaning given by Article 78;

“permissible maximum weight”, in relation to a goods vehicle (of whatever description), means—

- (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,
- (b) in the case of an articulated goods vehicle—
 - (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,
 - (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,
 - (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,
 - (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,
- (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

“prospective disability” has the meaning given by Article 9(2);

“provisional licence” means a licence granted by virtue of Article 13(2);

“regulations” means regulations made under Article 19C;

“relevant disability” has the meaning given by Article 9(2);

“relevant external law” has the meaning given by Article 4(10);

“relevant maximum weight”, in relation to a motor vehicle or trailer, means—

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- (a) in the case of a vehicle which is required by regulations under^[F20] Article 55 of the Order of 1995] to have a maximum gross weight for the vehicle marked on a plate attached to the vehicle, the maximum gross weight marked on such a plate,
- (b) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under ^[F20]Article 55 of the Order of 1995] if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,
- (c) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the vehicle, that is to say such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Department for the class of vehicle into which that vehicle falls;

“relevant maximum train weight”, in relation to an articulated goods vehicle combination, means—

- (a) in the case of an articulated goods vehicle which is required by regulations under ^[F20]Article 55 of the Order of 1995] to have a maximum train weight for the combination marked on a plate attached to the vehicle, the maximum train weight marked on the motor vehicle,
- (b) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under ^[F20]Article 55 of the Order of 1995] if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,
- (c) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the combination, that is to say such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Department of the class of articulated goods vehicle combination into which that combination falls;

“semi-trailer”, in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

^[F1]“small vehicle”, means a motor vehicle (other than an invalid carriage, moped or motor bicycle) which—

- (a) is not constructed or adapted to carry more than nine persons inclusive of the driver, and
 - (b) has a maximum gross weight not exceeding 3.5 tonnes,
- and includes a combination of such a motor vehicle and a trailer;]

Definitions rep. by SR 1996/426

“test of competence to drive” means such a test conducted under Article 5.

^[F21](1A) In this Part “approved training course for motor cyclists” and, in relation to such a course, “prescribed certificate of completion” mean respectively any course of training approved under, and certificate of completion prescribed in, regulations under Article 13(3A).]

^[F22](1B) For the purposes of this Part a person is normally resident in Northern Ireland if—

- (a) the person lives in Northern Ireland for at least 185 days in each calendar year because of—
 - (i) personal and occupational ties, or
 - (ii) close personal ties, or
- (b) the person has personal ties in Northern Ireland and occupational ties in ^[F23]an EEA State or Great Britain] and consequently lives in turn in Northern Ireland and that ^[F24]EEA State or Great Britain].

[
^{F25}(1BA) In order to be normally resident in Northern Ireland by virtue of paragraph (1B)(b) the person must return there regularly, except where the person is living in the EEA state or Great Britain in order to carry out a task of a definite duration.]

(1C) For the purposes of this Part a person is normally resident in the United Kingdom if—

(a) the person lives in the United Kingdom for at least 185 days in each calendar year because of—

(i) personal and occupational ties, or

(ii) close personal ties, or

(b) the person has personal ties in the United Kingdom and occupational ties in [^{F26}an EEA state] and consequently lives in turn in the United Kingdom and that [^{F27}EEA state].

(1D) In order to be normally resident in ^{F28}... the United Kingdom by virtue of paragraph ^{F29}... (1C)(b) a person must return there regularly, except when the person is living in [^{F30}the EEA state] in order to carry out a task of a definite duration.

(1E) For the purposes of paragraphs (1B) and (1C) attendance at a university or school is not a personal or occupational tie.]

[^{F31}(2) The Department may by order designate a country or territory which neither is nor forms part of an EEA State for the purposes of the definition of “exchangeable licences” in paragraph (1)—

(a) as respects all licences authorising the driving of motor vehicles granted under the law of that country or territory, where the Department is satisfied that satisfactory provision is made by that law for the granting of licences to drive motor vehicles;

(b) as respects only licences authorising the driving of motor vehicles granted under the law of that country or territory of a description specified in the order, where the Department is satisfied that satisfactory provision is made by that law for the granting of licences of that description.

(2A) An order under paragraph (2)(b) may specify a description of licence by reference to any feature of the licences concerned (including in particular the circumstances in which they are granted, any conditions to which they are subject or the classes of vehicle which they authorise the holders to drive).”.

(2B) An order under paragraph (2)(b) may provide that a licence of a specified description shall only be an exchangeable licence in so far as it authorises its holder to drive vehicles of a class specified in the order.]

(3) In the application of this Part to licences granted before 1st January 1991—

(a) any reference to a licence and its counterpart shall be construed as a reference to a licence only, and

(b) any reference to the counterpart of a licence shall be construed as a reference to the licence itself.

F1 SR 1996/426

F2 Words in art. 19D(1) omitted (31.12.2020) by virtue of [The Driving Licences \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/194\)](#), regs. 1(1), **2(5)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

F3 Words in art. 19D(1) omitted (31.12.2020) by virtue of [The Driving Licences \(Amendment\) \(Northern Ireland\) \(EU Exit\) Regulations 2019 \(S.I. 2019/194\)](#), regs. 1(1), **2(5)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

F4 2003 NI 16

F5 2003 NI 16

F6 Words in art. 19D(1) omitted (8.6.2015) by virtue of [The Road Safety Act 2006 \(Consequential Amendments\) Order 2015 \(S.I. 2015/583\)](#), art. 1(1), **Sch. 2 para. 8(b)(i)**

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- F7** Words in art. 19D(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(a)**
- F8** Art. 19D(1): definition of "EEA State exchangeable licence" inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **35(a)**; S.R. 2007/454, **art. 2**, Sch.
- F9** Words in art. 19D(1) omitted (31.12.2020) by virtue of The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Art. 19D(1): definition of "exchangeable licence" substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **35(b)**; S.R. 2007/454, **art. 2**, Sch.
- F11** Words in art. 19D(1) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(b)(ii)**
- F12** Words in art. 19D(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(b)**
- F13** Word in art. 19D(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(2)(a)(i)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F14** Word in art. 19D(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(2)(a)(ii)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F15** SR 2002/374
- F16** Word in art. 19D(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(c)**
- F17** Words in art. 19D(1) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(d)**
- F18** Word in art. 19D(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(2)(b)** (with reg. 1(c), Sch. 1 paras. 16, 17)
- F19** 1998 NI 7
- F20** 1995 NI 18
- F21** Art. 19D(1A) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(8); S.R. 2011/19, **art. 2**
- F22** Arts. 19D(1B)-(1E) inserted (23.2.2015) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/6), regs. 1(1), **2(4)**
- F23** Words in art. 19D(1B)(b) substituted (31.12.2020) by The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F24** Words in art. 19D(1B)(b) substituted (31.12.2020) by The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F25** Art. 19D(1BA) inserted (31.12.2020) by The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F26** Words in art. 19D(1C)(b) substituted (31.12.2020) by The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(e)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in art. 19D(1C)(b) substituted (31.12.2020) by The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(e)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F28** Words in art. 19D(1D) omitted (31.12.2020) by virtue of The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(f)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in art. 19D(1D) omitted (31.12.2020) by virtue of The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(f)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in art. 19D(1D) substituted (31.12.2020) by The Driving Licences (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/194), regs. 1(1), **2(5)(f)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F31** Art. 19D(2)-(2B) substituted (15.11.2007) for art. 19D(2) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **35(c)**; S.R. 2007/454, **art. 2**, Sch.

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Changes and effects yet to be applied to :

- Instrument amended by 1994 c. 22 s. 63 Sch.3 para 17
- Instrument rev. in Pt. by 1994 c. 22 s. 65 Sch.5 Pt II
- art. 19D(1) words inserted by 2016 c. 11 (N.I.) s. 16(3)
- art. 19D(1) words inserted by 2016 c. 11 (N.I.) s. 17(4)(a)
- art. 19D(1) words repealed by S.I. 2007/916 (N.I.) Sch. 5 para. 12(a)Sch. 8 Pt. 5
- art. 19D(1A) word substituted by 2016 c. 11 (N.I.) s. 17(4)(c)
- art. 19D(3) repealed by S.I. 2007/916 (N.I.) Sch. 5 para. 12(b)Sch. 8 Pt. 5

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order Blanket amendment by 2009 c. 1 (N.I.) Sch. 6 para. 1(1)(b)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 Pt. 1 words inserted by 2016 c. 11 (N.I.) s. 18(2)
- Sch. 7 para. 6 repealed by 2010 c. 2 (N.I.) Sch. 4 (The amendment could not be applied as the relevant affected text is not available on legislation.gov.)
- Sch. 7 para. 7 repealed by 2010 c. 2 (N.I.) Sch. 4 (The amendment could not be applied as the relevant affected text is not available on legislation.gov.)
- art. 5(2ZA)-(2ZD) inserted by 2016 c. 11 (N.I.) s. 16(2)(a)
- art. 5(4A) inserted by 2016 c. 11 (N.I.) s. 16(2)(b)
- art. 5A inserted by 2016 c. 11 (N.I.) s. 17(2)
- art. 13(1)(c)(ia) words repealed by S.I. 2007/916 (N.I.) Sch. 5 para. 4(a)(ii)Sch. 8 Pt. 5
- art. 13B-13C inserted by 2016 c. 11 (N.I.) s. 17(3)
- art. 15ZA inserted by 2016 c. 11 (N.I.) s. 18(1)(c)
- art. 19D(1ZA)(1ZB) inserted by 2016 c. 11 (N.I.) s. 17(4)(b)
- art. 19AB19AC substituted for art. 19A 19B by 2016 c. 11 (N.I.) s. 19(3)
- art. 31A(2A)-(2D) inserted (temp.) by S.I. 2019/648 reg. 5(2)(a) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(2C) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(a) by S.I. 2020/818 Sch. 6 para. 39(4)(a) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(2C) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3A)(3B) inserted (temp.) by S.I. 2019/648 reg. 5(2)(b) (This amendment not applied to legislation.gov.uk. Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by S.I. 2020/818 Sch. 6 para. 39(4)(b)(i) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by S.I. 2020/818 Sch. 6 para. 39(4)(b)(ii) (This amendment not applied to legislation.gov.uk. S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted

(31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))

- art. 174(2A)(da) inserted by 2016 c. 11 (N.I.) s. 17(5)(a)(i)
- art. 174(2AB) inserted by 2016 c. 11 (N.I.) s. 17(5)(b)
- art. 177(1)(ba) inserted by 2016 c. 11 (N.I.) s. 19(4)(b)
- art. 177(1A) inserted by 2016 c. 11 (N.I.) s. 19(4)(c)
- art. 177(3)(4) inserted by 2016 c. 11 (N.I.) s. 19(4)(b)
- art. 198 am. (prosp.) by 1997 c. 16 s.18Sch.3 paras.8(2)9
- art. 198 am. (prosp.) by 1997 c. 16 s.18 Sch.3 paras.8(2)9