
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART II

GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

Drivers of motor vehicles to have driving licences

3.—(1) It is an offence under this Order for a person to drive on a road a motor vehicle of any class if he is not the holder of a licence authorising him to drive a motor vehicle of that class.

(2) It is an offence under this Order for a person to cause or permit another person to drive on a road a motor vehicle of any class if that other person is not the holder of a licence authorising him to drive a motor vehicle of that class.

(3) This Article is subject to paragraph 10 of Schedule 2 to the Road Traffic (Amendment) (Northern Ireland) Order 1991.

Exceptions

4.—(1) Notwithstanding Article 3, a person may drive or cause or permit another person to drive a vehicle of any class if—

(a) the driver has held—

(i) a licence under this Part to drive vehicles of that or a corresponding class, or

[^{F1}(ia) a Community licence to drive vehicles of that or a corresponding class, or]

(ii) a Great Britain licence to drive vehicles of that or a corresponding class, or

(iii) a British external licence or British forces licence to drive vehicles of that or a corresponding class, or

(iv) an exchangeable licence to drive vehicles of that or a corresponding class, and

(b) either—

(i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Department, or

[^{F2}(ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of Article 15(5) or (6) otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under Article 15(8B), and]

(c) any conditions which by virtue of Article 13(3) or 14(2) apply to the driving under the authority of the licence of vehicles of that class are complied with.

Status: Point in time view as at 01/01/2006.

Changes to legislation: Road Traffic (Northern Ireland) Order 1981, Cross Heading: Requirement to hold licence is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(2) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of paragraph (1)(b)(i) if—

- (a) the requirements of sub-paragraphs (a), (b) so far as it relates to initial evidence and (c) of paragraph (1) of Article 13 have been satisfied;
- (b) the applicant—
 - (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
 - (ii) is not prevented from obtaining it by Article 5^[F3] of this Order or^[F4] Article 6 of, or paragraph 6 or 9] of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998]; and
- (c) the declaration made in pursuance of Article 9(1) indicates that he is not suffering from a relevant disability.

(3) A disqualification is relevant to a licence for which a person makes an application if—

- (a) in the case of an application made by virtue of any provision of paragraph (1)(a), the disqualification subsists under or by virtue of any provision of^[F5] the Road Traffic Orders]^[F6] or of the Offenders Order] and relates to vehicles of the class to which his application relates;
- ^[F1](aa) in the case of an application made by virtue of paragraph (1)(a)(ia), the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;]
- (b) in the case of an application made by virtue of paragraph (1)(a)(ii), the disqualification subsists under or by virtue of any provision of the law of Great Britain and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- (c) in the case of an application made by virtue of paragraph (1)(a)(iii), the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
- (d) in the case of an application made by virtue of paragraph (1)(a)(iv), the disqualification subsists under or by virtue of any provision of the law of the^{F1} . . . country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.

(4) The benefit of paragraph (1) does not extend—

- (a) beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (1)(b) or (as the case may be) in pursuance of Article 15(8)^[F2] or (8A)] in consequence of the revocation or surrender so mentioned, or
- (b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date on which the application is received by the Department or (as the case may be) the revocation or surrender mentioned in paragraph (1)(b), or
- (c) in a case where a licence is refused under Article 9(3) beyond the day on which the applicant receives notice of the refusal.

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(5) The Department may by regulations provide that paragraph (1) shall also apply (where the requirements of that paragraph are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.

(6) Regulations made by virtue of paragraph (5) shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.

(7) Regulations may provide that a person who becomes resident in Northern Ireland shall, during the prescribed period after he becomes so resident, be treated for the purposes of Article 3 as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—

- (a) he satisfies the prescribed conditions, and
- (b) he is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom.

(8) Regulations made by virtue of paragraph (7) may provide for the application of any statutory provision relating to licences, counterparts of licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

(9) Notwithstanding Article 3—

- (a) a person who is not the holder of a licence may act as steersman of a motor vehicle which is controlled by a pedestrian and not constructed or adapted for use, or used, for the carriage of a driver or passenger^[F1] who—

[^{F1}(i) is licensed in that behalf in accordance with the requirement of this Part and Part V, or

(ii) is authorised by virtue of Article 15A(1) to drive in Northern Ireland such a motor vehicle, and]

- (b) a person may cause or permit another person who is not the holder of a licence so to act.

(10) In this Part—

“British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

“British forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the British forces or of the civilian components of those forces or their dependants; and

“relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part.

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| F1 | SR 1996/426 |
| F2 | SR 2002/374 |
| F3 | 1998 NI 7 |
| F4 | 2003 NI 16 |
| F5 | 1995 NI 18 |
| F6 | 1996 NI 10 |

Status:

Point in time view as at 01/01/2006.

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