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STATUTORY INSTRUMENTS

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**1981 No. 154**

**Road Traffic (Northern Ireland) Order 1981**

**<sup>F1</sup>PART XII**

**PROVISIONS AS TO ROAD SAFETY**

Driving instructors

**Approved driving instructors**

**132.**—(1) The Department may compile and maintain a register of persons approved by the Department as qualified to give instruction in the driving of motor vehicles (in this Article and in Articles 133 to<sup>F1</sup> 137] referred to as the register of approved driving instructors).

(2) The Department may make regulations with respect to the form, compilation and maintenance of the register of approved driving instructors, the making or renewal of entries in and the removal of entries from the register, and, in particular—

- (a) prescribing <sup>F2</sup> . . . a fee to be paid on each application for registration or renewal of registration;
  - (b) prescribing a form of examination (which may consist of more than one part) or test or both to be taken by each applicant as a condition of approval or continued approval for the purposes of registration or renewal of registration;
  - (c) requiring an applicant submitting himself for any examination or test to provide any vehicle which may be required for the purposes of the examination or test;
  - (d) requiring an applicant submitting himself for any examination (or any part of any examination) or test to pay such fee as may be prescribed <sup>F3</sup> . . . ;
  - (e) providing for the repayment in such circumstances as may be prescribed of any fee paid under sub-paragraph ( a ) or ( d );
  - (f) providing special exemptions in connection with the registration of persons not residing in Northern Ireland or persons becoming resident in Northern Ireland;
  - (g) prescribing an official title or description for use by persons registered in the register and the form, colour and design of a badge or the form of a certificate which may be worn or, as the case may be, displayed by such persons;
  - (h) making such other incidental or supplementary provision as the Department may think expedient for the purpose of giving effect to this Article.
- (3) Any person who—
- (a) not being registered in the register, takes or uses a title or description prescribed by regulations made under paragraph (2), or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that he is so registered; or

**Status:** Point in time view as at 12/04/2010.

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- (b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him who is not so registered, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons so registered are employed by him,

shall, subject to paragraph (4), be guilty of an offence under this Order.

(4) In proceedings against any person for an offence under paragraph (3)(a) or for an offence under paragraph (3)(b) in relation to a person employed by him, it shall be a defence for the person charged to prove that he did not know, and had no reasonable cause to believe, that he, or, as the case may be, the person employed by him, was not at the material time registered in the register of approved driving instructors.

(5) Any person who knowingly makes a false statement or withholds material information for the purpose of securing registration, renewal of registration or continued registration in the register of approved driving instructors shall be guilty of an offence under this Order.

**F1** 1996 NI 10

**F2** Words in art. 132(2)(a) ceased to have effect (15.11.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 79(3)(e); S.R. 2007/454, art. 2, Sch.

**F3** Words in art. 132(2)(d) ceased to have effect (15.11.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 79(3)(f); S.R. 2007/454, art. 2, Sch.

### Driving instruction for payment to be given only by registered or licenced persons

**133.**—(1) No instruction, for the giving of which payment of money or money's worth is, or is to be, made by, or in respect of, the person to whom the instruction is given, shall be given in the driving of a motor car on a road unless the name of the person giving the instruction is in the register of approved driving instructors or he is the holder of a current licence granted under Article 135 authorising him to give such instruction.

(2) For the purpose of paragraph (1), instruction in the driving of a motor car on a road, being instruction which is given free of charge, to a person who is not the holder of a current driving licence, by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and in connection with the supply of a motor car in the course of that business, shall be deemed to be given for the payment of money by the person to whom the instruction is given.

(3) If instruction is given in contravention of paragraph (1), the person by whom it is given, and, if that person is employed by another to give that instruction, that other, as well as that person, shall be guilty of an offence under this Order.

(4) In proceedings against a person for an offence under paragraph (3), it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register of approved driving instructors at the material time.

(5) Any reference in this Article<sup>F4</sup> . . . to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.

**F4** 1996 NI 10

### Exemption of police instructors

**134.**—(1) Article 133(1) shall not apply to the giving of instruction by a police instructor in pursuance of arrangements made by the Chief Constable.

(2) In this Article—

“police instructor” means—

- (a) a member of the Royal Ulster Constabulary whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to members of the Royal Ulster Constabulary; or
- (b) any person employed by the Police Authority for Northern Ireland for the purpose of giving such instruction to members of the Royal Ulster Constabulary.

### **Licences to give instruction restricted by Article 133**

**135.**—(1) For the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing the examination prescribed under Article 132(2)( b) the Department may by regulations provide for the granting, renewal and revocation of licences to give instruction in the driving of a motor car being instruction the giving of which is restricted by Article 133.

(2) In particular, and without prejudice to the generality of paragraph (1), regulations made under that paragraph—

- (a) may prescribe <sup>F5</sup> . . . the fees to be paid on each application for a licence or renewal of licence;
- (b) may provide for special exemptions in connection with the granting or renewal of licences to persons not residing in Northern Ireland or persons becoming resident in Northern Ireland;
- (c) may provide for the refusal to grant a licence under this Article to a person to whom two or more such licences have previously been issued.

**F5** Words in art. 135(2)(a) ceased to have effect (15.11.2007) by virtue of [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), arts. 1(3)(4), [79\(3\)\(g\)](#); S.R. 2007/454, [art. 2](#), Sch.

### **Surrender of certificates and licences**

**136.** Where—

- (a) the name of a person to whom a certificate prescribed under Article 132(2)( g) has been issued is removed from the register of approved driving instructors in pursuance of regulations made under that Article; or
- (b) a licence granted under Article 135 to a person expires or is revoked;

he shall, if so required by the Department by notice in writing, surrender the certificate or licence, as the case may be, to the Department within the period of 14 days beginning with that on which the notice is given, and if he fails to do so he shall be guilty of an offence under this Order.

### **Production of certificates and licences to constables and authorised persons**

**137.**—(1) A person to whom a certificate prescribed under Article 132(2)( g) is issued, or to whom a licence under Article 135 is granted, shall, on being so required by a constable or any person authorised in writing by the Department in that behalf, produce the certificate or licence for examination.

(2) Where the name of a person is removed from the register of approved driving instructors or a licence granted under Article 135 to a person expires or is revoked, then, if that person fails to satisfy an obligation imposed on him by Article 136, a constable or a person authorised in writing by the Department may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Department.

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(3) If a person who is required under paragraph (1) or (2) to produce a document fails to do so, then unless, within<sup>[F6]</sup> 7 days] from the day on which the production of the document was so required, it is produced—

- (a) where the requirement was made by a constable, at such police station as, at the time the production was required, may have been specified by the person required to produce the document or, if he does not specify a police station, at such police station as the constable may specify;
- (b) where the requirement was made by a person, other than a constable, at such place as the person by whom the requirement was made may, at the time the production was required, have specified;

that person shall be guilty of an offence under this Order.

**F6** 1996 NI 10

### Meaning of motor car

**137A.**—(1) Notwithstanding Article 3 of the Road Traffic (Northern Ireland) Order 1995, in this Part “motor car” means a motor vehicle (other than an invalid carriage or motor cycle)—

- (a) which is not constructed or adapted to carry more than nine persons inclusive of the driver, and
  - (b) which has a maximum gross weight not exceeding 3.5 tonnes.
- (2) In paragraph (1) “maximum gross weight” has the same meaning as in Part II.

<sup>[F7]</sup>Article 138 rep. by 1996 NI 10]

**F7** SR 1997/241

**Status:**

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