

1974. No. 109

[C]

ROAD TRAFFIC AND VEHICLES

Motor Cars: Driving Instruction

REGULATIONS, DATED 6TH JUNE 1974, MADE BY THE DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND UNDER SECTIONS 117, 117C AND 189 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970.

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The Department of the Environment for Northern Ireland in exercise of the powers vested in it by sections 117, 117C and 189 of the Road Traffic Act (Northern Ireland) 1970(a) and of all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation

1. These Regulations may be cited as the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1974.

Revocation

2. The Motor Vehicles (Approved Driving Instructors) Regulations (Northern Ireland) 1968(b) are hereby revoked.

(a) 1970. c. 2 (N.I.).

(b) S.R. & O. (N.I.) 1968, No. 274.

*Interpretation***3.** In these Regulations the expression—

“the Act” means the Road Traffic Act (Northern Ireland) 1970 as amended by the Road Traffic (Amendment) (Northern Ireland) Order 1973(c);

“Department” means the Department of the Environment for Northern Ireland;

“examination” means the examination referred to in Regulation 19 and prescribed in Schedule 1;

“licence” means a licence granted under section 117C of the Act;

“Register” means the Register of approved driving instructors referred to in section 117(1) of the Act.

Application for registration or a licence

4. Applications for registration in the Register or for a licence shall be made in such form and contain such information as the Department may determine.

Register

5. The Register shall contain the names and addresses of persons approved by the Department as qualified to give instruction in the driving of motor cars and shall be compiled on behalf of the Department and maintained by an officer of the Department (hereinafter referred to as “the Registrar”).

Registration

6.—(1) The Registrar shall enter in the Register the name of a person who duly applies for the entry of his name therein if that person satisfies the Registrar—

(a) that he has passed the examination;

(b) that he fulfills the conditions laid down in Regulation 10(1)(a) and (b); and

(c) that apart from fulfilment of the foregoing conditions he is a fit and proper person to have his name entered in the Register.

(2) The Registrar shall, on making a decision on an application under paragraph 1, give notice in writing of the decision to the applicant which, in the case of a decision to refuse the application, shall state the grounds for the refusal.

(3) The entry or renewal thereof of a person's name in the Register shall be subject to the condition that so long as the name is therein that person will, if at any time so required by the Registrar, undergo a practical test of his continued ability and fitness to give instruction in the driving of motor cars as set out in Schedule 2.

Period of registration

7. The period of registration shall be four years beginning with the date on which the entry of the name was made.

Renewal of registration

8.—(1) A person shall be entitled on payment of the fee specified in Regulation 18 to have the entry of his name in the Register renewed for a further period of four years if he satisfies the Register that—

- (a) he has not refused to undergo a practical test such as is mentioned in Regulation 6(3) during the previous period of registration;
- (b) his ability and fitness to give instruction in the driving of motor cars continue, having regard to any such test which he has undergone during the said period, to be of a satisfactory standard;
- (c) he has not during any part of the said period been disqualified for holding or obtaining a licence to drive a motor vehicle;
- (d) apart from the fulfilment of the foregoing conditions he continues to be a fit and proper person to have the entry of his name in the Register renewed; and
- (e) he is the holder of a current licence of one of the kinds mentioned in Regulation 10(1)(a)(i) and (ii).

(2) Where the Registrar decides to refuse to renew an entry of a name in the Register he shall give written notice of the decision to the person concerned and shall state the grounds for the refusal.

Removal of names from Register

9.—(1) The Registrar may remove the name of a person from the Register if the Registrar is satisfied in a case where the entry has not been renewed under Regulation 8 that at any time since the entry of the name was made, or in a case where the entry of the name has been renewed that at any time since it was last renewed any of the following conditions were fulfilled in the case of that person—

- (a) that he was disqualified under section 167 of the Act from holding or obtaining a licence to drive a motor vehicle granted under the said Act;
- (b) that he refused to undergo a practical test such as is mentioned in Regulation 6(3);
- (c) that he failed to pass such a test;
- (d) that he ceased to be a fit and proper person to have his name included in the Register;
- (e) that the entry of his name in the Register, or the renewal of the entry was made by mistake or procured by fraud;
- (f) that he did not hold a current licence of one of the kinds mentioned in Regulation 10(1)(a)(i) and (ii).

(2) Where the Registrar decides to remove the name of a person from the Register he shall give written notice of the decision to the person concerned and shall state the grounds for the removal.

(3) The name of a person shall be removed from the Register at the end of a period of four years from the date on which the entry was made unless an application for renewal is made before the end of that period.

Licence

10. An applicant for a licence shall apply to the Registrar who subject to Regulation 11 shall grant a licence on being satisfied that the applicant—

(1)(a) is the holder of a current licence of one of the following kinds, that is to say—

(i) a licence to drive a motor car granted under section 9 of the Act;

(ii) a licence to drive a motor car granted under the corresponding law in force in Great Britain

and that, during the period of six years ending with the day on which the application is made, he has held for periods amounting in the aggregate to at least four years a current licence of one of the kinds aforesaid or a current foreign licence, that is to say a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor car in that country;

(b) has not, during any part of the period of four years ending with the day on which the application is made been disqualified under section 167 of the Act or under the corresponding law in Great Britain from holding or obtaining a licence to drive a motor vehicle nor been subjected to the restrictions imposed by the Motor Vehicles (Restrictions on Drivers) Regulations (Northern Ireland) 1968(d) for more than 12 months; and

(c) is a fit and proper person to hold a licence; and

(2)(a) is eligible under Regulation 19(2) to submit himself for the practical part of the examination; or

(b) has made application to submit himself for the written part of the examination; or

(c) is prevented from submitting himself for that written part only by virtue of Regulation 19(3).

11.—(1) The Registrar may refuse to grant a licence to an applicant to whom two or more such licences have previously been issued.

(2) Where the Registrar refuses to grant a licence under Regulation 10 or paragraph (1) he shall give written notice of the decision to the applicant and shall state the grounds for the refusal.

Duration of licence

12. Subject to Regulation 15 a licence shall remain in force for a period of six months from the date of issue:

Provided that where a person applies for a new licence in substitution for a licence held by him and current at the date of the application, the previous licence shall not expire until the commencement of the new licence, or, if the Registrar decides to refuse the application, until the time limited for an appeal under Regulation 16 against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

Form of licence

13. A licence shall be in the form set out in Schedule 4.

Conditions of licence

14. A licence shall be granted subject to the following conditions :

- (1) The holder thereof shall give instruction thereunder in the driving of a motor car only from an establishment of which the name and address is specified in the licence, or such other establishment previously authorised in writing to the holder of the licence by the Registrar.
- (2) If any such establishment is a driving school or a branch thereof, the holder of the licence shall give such instruction only if the relevant condition as to the employment of instructors at that school or branch is complied with.

In this sub-paragraph "the relevant condition as to the employment of instructors" means that, for each holder of a licence in which the school or branch thereof is specified, there is employed thereat one or more persons whose names are in the Register at the rate of one such person for each holder of a licence.

- (3) In the case of any licence other than the second of two licences issued in respect of consecutive periods, the holder thereof shall, while giving instruction in the driving of a motor car, receive direct personal supervision from a person whose name is in the Register for at least one-fifth of the total time the holder spends giving such instruction during the first three months for which the licence is in force.
- (4) The holder shall maintain in respect of each working day during the first three months of a licence to which paragraph (3) applies a record of the time he spends giving such instruction containing the particulars specified in paragraph (5), shall preserve such record for three months from the date of expiry of that licence and shall produce such record on request to an officer authorised by the Department to inspect such a record who shall be entitled to retain it, if he so desires.
- (5) The particulars referred to in paragraph (4) are :
 - (a) the name of the holder of the licence;
 - (b) its number;
 - (c) the name of the establishment from which the holder of the licence has given instruction;
 - (d) the name of the person under whose direct personal supervision the holder of the licence has given instruction;
 - (e) in respect of each working day—
 - (i) the date;
 - (ii) the total number of hours spent giving instruction from the establishment;
 - (iii) the periods spent under the direct personal supervision of the person referred to at (d);
 - (iv) the signature of the holder of the licence;
 - (v) the counter-signature of the person referred to at (d).

Revocation of licence

15.—(1) The Registrar may revoke a licence at any time during the currency of the said licence if he is satisfied that the licence holder—

- (a) did not hold a current licence of one of the kinds mentioned in Regulation 10(1)(a)(i) and (ii); or

- (b) was disqualified under section 167 of the Act; or
- (c) has ceased to be a fit and proper person to hold a licence; or
- (d) was granted a licence by mistake or obtained a licence by fraud; or
- (e) has failed to comply with any of the conditions subject to which the licence was granted.

(2) Where the Registrar decides to revoke a licence he shall give written notice to the licence holder stating the grounds for revocation.

Decisions and appeals

16. A decision of the Registrar under Regulation 8, 9 or 15 shall take effect—

- (a) where no appeal under Regulation 17 is brought against the decision within the time limited for the appeal on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal;
- (c) where such an appeal is brought and not withdrawn or struck out as aforesaid, if and when the appeal is dismissed, and not otherwise.

17. A person who is aggrieved by a decision of the Registrar—

- (a) to refuse an application for the entry of his name in the Register;
- (b) to refuse an application for the renewal of an entry in the Register;
- (c) to remove his name from the Register;
- (d) to refuse his application for a licence; or
- (e) to revoke his licence;

may by notice in writing appeal to the Department within a period of twenty-eight days in the case of (a), (b) or (c) or fourteen days in the case of (d) or (e) from the date of the notice of the decision or such longer period as the Department may in special circumstances allow, and the Department may make such determination as it thinks fit having regard to the circumstances.

Fees

18.—(1) A person applying to submit himself to the written part of the examination shall pay a fee of £5.

(2) A person applying to submit himself to the practical part of the examination shall pay a fee of £10.

(3) The fee is to be paid by a person who applies for the renewal of an entry of his name in the Register for a further period of four years shall be £15.

(4) The fee to be paid by a person exempted under Regulation 20(1) applying for the entry of his name on the Register shall be £15.

(5) The fee to be paid by a person who applies for the re-entry of his name in the Register shall be £15, if that person's name has been removed from the Register and, by virtue of Regulation 20(3) he is not required again to pass the examination.

(6) The fee to be paid by a person applying for a licence or a renewal thereof shall be £1.

Examination of ability to give driving instruction

19.—(1) The examination of ability to give instruction in the driving of motor cars shall consist of a written part and a practical part as set out in Schedule 1.

(2) Unless the person who is applying to have his name entered in the Register is exempted under Regulation 20(2) from the written part of the examination, he must pass such written part before he takes the practical part and he must have passed such written part within three years of the date on which he takes the practical part.

(3) A person who, having submitted himself on any day for the written or practical part of the examination, fails to pass that part, shall not be eligible to submit himself again for that part of the examination before the expiration of a period of three months beginning with that day.

Exemption from Regulations

20.—(1) The Registrar may exempt from the condition specified in Regulation 6(1)(a) a person who satisfies the Registrar that his name is in the corresponding Register established under the law of Great Britain and that he is resident in Northern Ireland.

(2) The Registrar may exempt from the written part of the examination a person who satisfies the Registrar that he has passed the written examination prescribed in Regulation 6 of the Motor Cars (Driving Instruction) Regulations 1969(e) and he must have passed such written examination not earlier than three years before the date on which he takes the practical part thereof.

(3) A person whose name has been removed from the Register under Regulation 9(3) who applies for his name to be re-entered in the Register shall be required again to pass the examination unless his application is made before the end of a period of one year from the date of removal of his name from the Register.

Official title and certificate of registration

21.—(1) The official title or description for use by persons registered in the Register shall be "Department of the Environment for Northern Ireland Approved Driving Instructor".

(2) A certificate of Registration in the Register shall be in the form set out in Schedule 3.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland this 6th day of June 1974.

(L.S.)

B. D. Palmer,
Assistant Secretary.

The Department of Finance hereby approves of Regulation 18.

Sealed with the Official Seal of the Department of Finance for Northern Ireland this 6th day of June 1974.

(L.S.)

C. F. Darling,
Assistant Secretary.

SCHEDULE 1

Regulation 19

Examination of ability to give instruction

Written part of examination

1. The written part of the examination shall consist of a theoretical examination, which each candidate shall be 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 technique of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards and taking proper action, dealing properly with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil in driving a motor car, including the items 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 Highway Code for Northern Ireland and other matters in the booklet in which it is published;
- (e) the booklet "Advice on the Driving Test" (D.L.2) issued by the Department of the Environment for Northern Ireland and published by Her Majesty's Stationery Office;
- (f) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence or of fitness to drive prescribed by Regulation 4 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965(f);
- (g) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car;
- (h) the book "Driving—The Department of the Environment Manual" issued by the Department of the Environment and published by Her Majesty's Stationery Office.

Practical part of examination

2.—(1) The practical part of the examination shall consist of tests of eyesight, driving technique and instructional ability, and the candidate shall be required to reach the qualifying standard in all three tests on one and the same occasion.

(2) The test of eyesight shall be a requirement that the candidate read, in good daylight, a motor vehicle registration mark containing letters and figures $3\frac{1}{2}$ inches in height at a distance of 100 feet, or $3\frac{1}{4}$ inches in height at a distance of 90 feet, in either case with the aid of glasses if worn.

(3) The test of driving technique shall be as follows:

- (a) The candidate shall be required to 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. In particular, he shall be required to satisfy the examiner on all or any of the following subjects—
 - (i) his expert handling of controls;
 - (ii) his use of correct road procedure;
 - (iii) his anticipation of the actions of other road users and taking of appropriate action;
 - (iv) his sound judgment of distance, speed and timing; and
 - (v) his consideration for the convenience and safety of other road users.
- (b) The candidate will be asked to demonstrate his ability to perform all or any of the following manoeuvres:
 - (i) move away straight ahead or at an angle;

(f) S.R. & O. (N.I.) 1965, No. 42.

- (ii) overtake, meet or cross the path of other vehicles and take an appropriate course;
- (iii) turn right-hand and left-hand corners correctly;
- (iv) stop the vehicle as in an emergency;
- (v) drive the vehicle backwards and whilst so doing enter limited openings to the right and to the left; and
- (vi) turn the vehicle around in the road to face in the opposite direction by the use of forward and reverse gears.

(4) The following provisions shall have effect with regard to the test of instructional ability, that is to say:

- (a) The candidate shall be required to demonstrate his knowledge and ability by giving practical driving instruction to the examiner acting as his pupil, assuming the examiner to be, successively, an absolute novice, a learner driver with some knowledge, and a learner driver who is at about driving test standard, and for each of these three phases the examiner will nominate one or more of the following subjects as the basis of the instruction:
 - (i) explaining the controls;
 - (ii) moving off and making normal progress;
 - (iii) driving the vehicle backwards and while so doing entering limited openings to the right and to the left;
 - (iv) turning the vehicle around in the road to face in the opposite direction, using forward and reverse gears;
 - (v) parking close to the kerb, using reverse gear;
 - (vi) using the mirror, and explaining how to make an emergency stop;
 - (vii) approaching corners;
 - (viii) judging speed and general road positioning;
 - (ix) dealing with road junctions;
 - (x) dealing with cross roads;
 - (xi) meeting, crossing the path of, and overtaking other vehicles; and
 - (xii) allowing adequate clearance for other road users, and dealing with pedestrian crossings.
- (b) The candidate shall be assessed on the method, clarity, adequacy and correctness of his instruction, the observation and correction of driving errors committed by his pupil and his manner generally. ("Correctness of instruction" shall be assessed on the application of the principles in the Highway Code for Northern Ireland and the methods laid down in the book "Driving—The Department of the Environment Manual".)

(5) A candidate for the practical part of the examination shall provide, at his own expense, a motor car for the purposes of that part, in respect of which the following conditions shall apply:

- (a) The vehicle shall have four wheels and be—
 - (i) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel; or
 - (ii) a dual-purpose vehicle as defined in section 190 of the Act the unladen weight of which does not exceed 2 tons.
- (b) The vehicle shall be in proper condition, shall carry no advertisements or signs which might cause other road users to believe that it is being used for the purpose of giving driving instruction or that the driver is not a qualified driver, shall have a readily adjustable driving seat and a seat for a forward-facing front passenger, shall have its steering wheel on its off-side, and shall 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 of the vehicle.

- (c) There shall be in existence an insurance covering the vehicle during the practical part of the examination against any liability of the candidate or the examiner as the driver or the person in charge of the vehicle for the death of or injury to third parties as required by Part V of the Act and to any passengers in the vehicle, including official passengers, and against any liability of the examiner whilst he is driving or in charge of the vehicle for damage to the vehicle or to any other property.
- (d) The candidate shall have with him two distinguishing marks in the form set out in Schedule 7 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965 which are capable of being displayed when required during the practical part of the examination in a conspicuous manner on the front and on the back of the vehicle.

SCHEDULE 2

Regulation 6(3)

Test of continued ability and fitness to give instruction

The following provisions shall have effect with regard to the test, that is to say:—

- (1) The test shall consist of the attendance of the examiner while the candidate is giving instruction to a pupil in a motor car on a road and the pupil being instructed, during such a test shall not be the holder of a full licence to drive a motor car issued under Part I of the Act.
- (2) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities:
 - (a) his method, clarity, adequacy and correctness of instruction (“Correctness of instruction” shall be assessed on the application of the principles in the Highway Code for Northern Ireland and the methods laid down in the book “Driving—The Department of the Environment Manual”);
 - (b) his observation and proper correction of the pupil’s errors;
 - (c) his manner, patience and tact in dealing with the pupil; and
 - (d) his ability to inspire confidence.
- (3) The candidate shall provide a motor car which is a passenger vehicle in proper condition for such a test and in respect of which there shall be in existence at the time of the test a proper insurance and the cover shall include the liability of the driver and the person in charge of the vehicle to passengers in the vehicle

SCHEDULE 3

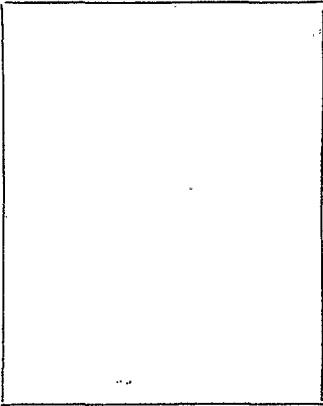
Regulation 21

Form of Certificate of Registration

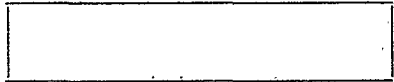
DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND
APPROVED DRIVING INSTRUCTOR

ROAD TRAFFIC ACT (NORTHERN IRELAND) 1970

Photograph



On behalf of the Department
of the Environment for Northern
Ireland I certify that



is included in the Register of
Approved Driving Instructors
as qualified to give instruction
in the driving of motor cars.

This Certificate
is valid until
the last day of

Signed
Date

Registrar

Signature of holder



Number

SCHEDULE 4

Regulation 13

Form of Licence

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

REGISTER OF APPROVED DRIVING INSTRUCTORS

Licence to give instruction in driving motor cars

Licence number

Name of holder

Address

.....

.....

Name of training establishment

Address

.....

.....

Date of expiry of licence

Issued under the Road Traffic Act (Northern Ireland) 1970

Signature

Registrar

Date of issue

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the requirements necessary for compulsory registration of driving instructors. They revoke and re-enact, with amendment, the existing Regulations.

The main changes are the introduction of a licensing system for trainee instructors (Regulations 10 to 15), an extension of the period of registration from 2 to 4 years (Regulation 7) and a revised fee structure (Regulation 18).