

1976 No. 242

ROAD TRAFFIC AND VEHICLES

**Heavy Goods Vehicles (Drivers' Licences) (Amendment No. 2) Regulations
(Northern Ireland) 1976**

Made 12th August 1976

Coming into operation 6th September 1976

The Department of the Environment for Northern Ireland in exercise of the powers conferred by sections 67(2), 71, 74, and 189 of the Road Traffic Act (Northern Ireland) 1970(a) as amended by article 3(2) and paragraphs 9 and 10 of Schedule 1 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976(b) and to the powers conferred on it by article 3(3) and paragraphs 3(4) to (6) of Schedule 2, to the said Order of 1976 and all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Heavy Goods Vehicles (Drivers' Licences) (Amendment No. 2) Regulations (Northern Ireland) 1976 and shall come into operation on 6th September 1976.

Regulations amended

2. The Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970(c) shall be amended as follows:

(1) In Regulation 2(1):

(a) for the definition of "articulated vehicle" there shall be substituted the following:

" "articulated vehicle" means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle and which has a trailer so attached;"; and

(b) after the definition of "hgv driver's licence" there shall be inserted the following:

" "the Order" means the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976;";

(2) In regulation 3(1):

(a) sub-paragraph (c) shall be deleted;

(b) in sub-paragraph (d)(ii) and (iv) for the words "paragraph 1 of Schedule 1 to the Act", there shall be substituted "paragraph 3(3) of Schedule 2 to the Order";

(a) 1970 c. 2 (N.I.) as amended by S.I. 1973/1229 (N.I. 17) Article 17 and Schedules 3 and 4 and S.I. 1976/581 (N.I. 11)

(b) S.I. 1976/581 (N.I. 11) see footnote (a)

(c) S.R. & O. (N.I.) 1970 No. 40 (p. 218) as amended by S.R. & O. (N.I.) 1971 No. 137 (p. 658) and S.R. & O. 1973 No. 102 (I, p. 433) and S.R. 1976 No. 105

- (3) For regulation 4(c) there shall be substituted the following:

“(c) he shall, on the date of commencement of the hgv driver’s licence applied for—

(i) in the case of an applicant for a hgv driver’s licence for class 1, 1A, 2, 2A, 3 or 3A of heavy goods vehicles, be aged 21 years or over, except in the case of an applicant who is a person to whom paragraph 3 of Schedule 2 to the Order applies, and is applying during 1976 for a hgv driver’s licence restricted as mentioned in the said paragraph 3, be aged 17 years or over;

(ii) in the case of an applicant for a hgv driver’s licence for heavy goods vehicles of class 4 or 4A, be aged 17 years or over; and”;

- (4) In regulation 9(2)(a) the word “either” and the words from “or is a person” to “vehicles of that class” shall be deleted;

- (5) In regulation 23:

(a) in paragraph (1) the words “, and paragraph 1 of Schedule 1 to, ” shall be deleted; and

(b) paragraph 2 shall be deleted;

- (6) For Regulation 24 there shall be substituted the following regulations:

“*Licences granted in pursuance of paragraph 3 of Schedule 2 to the Order*

24.—(1) Any hgv licence granted by virtue of paragraph 3(3) of Schedule 2 to the Order to an applicant who has been in the habit of driving, during any period or periods referred to in the said paragraph, only goods vehicles of the qualifying weight with automatic transmission, shall be restricted to heavy goods vehicles of class 3A.

(2) The reference in paragraph 3(3)(b) of Schedule 2 to the Order to the driving of a goods vehicle shall not include a reference to the driving—

(a) of a heavy goods vehicle of any of the classes specified in regulation 23(1) other than the class specified in sub-paragraph (o);

(b) of a heavy goods vehicle to which section 66(3)(a) of the Act applies.

Effect on existing hgv drivers’ licences of changes in definitions

25. The validity of a hgv drivers’ licence granted before 12th August 1976 shall not be affected by the coming into operation on that date of paragraph 11 of Schedule 1 to the Order (which amends the definition of heavy goods vehicle in the Act), and for the purpose of determining the vehicles which the holder of the licence is thereby authorised to drive on or after that date, or on or after the date of the commencement of the licence, if later, the references in the licence to heavy goods vehicles, or to the classes of such vehicles, or to any one or more numbered classes of such vehicles, shall be construed as embracing (and only embracing) the vehicles which fall within the definition of heavy goods vehicle or, as the case may be, the definition of the vehicles comprised in the classes or the particular numbered class or classes of heavy goods vehicles, as such definitions have effect in these Regulations on and after the coming into operation of the Heavy Goods Vehicles (Drivers’ Licences) (Amendment No. 2) Regulations (Northern Ireland) 1976.”

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 12th August 1976.

(L.S.)

B. D. Palmer

Assistant Secretary

EXPLANATORY NOTE

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

These Regulations further amend the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1970 as a consequence of the coming into operation on 12th August 1976 of the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976 (hereinafter referred to as "the Order of 1976").

The effect of the principal amendments is to—

- (a) redefine "articulated vehicle" (regulation 2(1)(a));
- (b) provide for the evidence to be produced on an application for a heavy goods vehicle licence without a test in pursuance of paragraph 3 of Schedule 2 to the Order of 1976 (regulation 2(2)(b));
- (c) allow a person over 17 years of age and to whom paragraph 3 of Schedule 2 to the Order of 1976 applies, to apply during 1976 for a hgv driver's licence, restricted as mentioned in the said paragraph 3 (regulation 2(3));
- (d) specify the classes of goods vehicles the driving of which does not qualify under the said paragraph 3 of Schedule 2 to the Order of 1976 and in pursuance of sub-paragraph 5 of that paragraph restrict the licence granted to a person under that paragraph who has had experience of driving only goods vehicles with automatic transmission to vehicles of class 3A (regulation 2(6));
- (e) provide for the effect of the change in the definition of "heavy goods vehicle" in section 74 of the Road Traffic Act (Northern Ireland) 1970, made by paragraph 11 of Schedule 1 to the Order of 1976, on hgv drivers' licences issued or in force at the coming into operation of that paragraph (regulation 2(6)); and
- (f) take account of the repeal of section 73 and Schedule 1 and references to the latter in sections 66(1), 67(2) and 74, of the Road Traffic Act (Northern Ireland) 1970 by the coming into operation on the 1st April 1975 of Article 17(2) and Schedule 4 of the Road Traffic (Amendment) (Northern Ireland) Order 1973.