

## 1982 No. 401

**EUROPEAN COMMUNITIES  
ROAD TRAFFIC AND VEHICLES**

**The Community Driving Licence Regulations (Northern Ireland) 1982**

*Made* . . . . . 30th November 1982  
*Coming into operation* . . . . . 1st January 1983

The Department of the Environment, being a department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and in exercise of the powers conferred on it by Article 18(b) of the Road Traffic (Northern Ireland) Order 1981(c), and of every other power enabling it in that behalf, hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Community Driving Licence Regulations (Northern Ireland) 1982 and shall come into operation on 1st January 1983.

*Interpretation*

2.—(1) In these Regulations “the Order” means the Road Traffic (Northern Ireland) Order 1981.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

*Definition of “Community licence”*

3. In Article 2(2) of the Order (Interpretation) after the definition of “certificate of insurance” there shall be inserted—

““Community licence” means a document issued in respect of a member State other than the United Kingdom by an authority of that or another member State (including the United Kingdom) 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 a member 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;”.

*Grant of driving licences to holders of Community licences*

4. In Article 12 of the Order (driving licences)—

- (a) In paragraph (1)(b) after the word “adequate” there shall be inserted “and, where the application is made by virtue of sub-paragraph (d)(iv), surrenders to the Department his Community licence”;

(a) S.I. 1981/1536  
(b) 1972 c. 68

(c) S.I. 1981/154 (N.I. 1)  
(d) 1954 c. 33 (N.I.)

- (b) at the end of paragraph (1)(d)(iii) after “relates” there shall be added “or”;
- (c) after paragraph (1)(d)(iii) there shall be added—
- “(iv) at the time of application for the licence—
- (A) he holds a Community licence authorising the driving of vehicles of a category corresponding to that class or description to which his application relates, and
- (B) he is normally resident in the United Kingdom but has not been so resident for more than one year.”;
- (d) in paragraph (2) for the words “head (i), (ii) or (iii)” there shall be substituted “head (i), (ii), (iii) or (iv)”;
- (e) after paragraph (5) there shall be added—
- “(6) For the purposes of this Article a Community licence issued in respect of a member State shall not be treated as authorising a person to drive a vehicle of any category if—
- (a) the licence is not for the time being valid for that category, or
- (b) it was issued in respect of that category to enable him to undergo a test corresponding to the test.
- (7) Where a Community licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any of the classes or descriptions included in a group specified in the second column of Schedule 3 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981(a)—
- (a) that category shall be treated for the purposes of paragraph (1)(d)(iv) as corresponding to all classes or descriptions included in the group; and
- (b) where, by virtue of regulation 17(2) of said regulations a person who has passed a test to drive vehicles of a class or description included in any particular group shall be deemed competent to drive also vehicles of a class or description included in any other group which is referred to in the fourth column of Schedule 3 to said regulations as being an additional group in relation to that particular group, that category shall be treated for the purposes of paragraph (1)(d)(iv) as corresponding to all categories included in that other group.”.

*Temporary validity for Community licences*

5. In relation to a person who becomes normally resident in the United Kingdom and who holds a Community licence regulation 26(1) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981 (holders of foreign permits who become resident in Northern Ireland may be treated temporarily as holding driving licences) shall have effect as if the references to Northern Ireland were references to Northern Ireland, Great Britain or Gibraltar.

*Heavy goods vehicle drivers' licences*

6. At the end of Article 72(2) of the Order (grounds for granting heavy goods vehicle drivers' licences) there shall be added—

“or

- (c) holds a driving licence under Article 12(1) or under the corresponding provision of any enactment repealed by this Order and that—
- (i) either he holds a Community licence authorising the driving of vehicles of a category corresponding to that class or to such class as may be prescribed or, at the time of the application for the driving

licence or of an application for a previous such licence, he surrendered such a Community licence, and

(ii) he fulfils the requirements of paragraph (2A).

(2A) Those requirements are that at the time of his application for the heavy goods vehicle driver's licence he has not been normally resident in the United Kingdom for more than 18 months, that he surrenders to the Department any Community licence which he holds and that either—

- (a) he has passed in the member State in respect of which his Community licence was issued a test in respect of vehicles of a category corresponding to the class in question, being a test which, in the opinion of the Department, is at least equivalent to the prescribed test of competence to drive vehicles of that class, or
- (b) at the time at which he became normally resident in the United Kingdom, he had been in the habit of driving vehicles of a category corresponding to the class in question—
  - (i) for a period of six months falling within the period of 18 months ending at that time, or
  - (ii) for a period of one year falling within the period of three years ending at that time, or
  - (iii) for periods which, taken together, satisfy (i) or (ii).

(2B) Article 12(6) shall apply for the purposes of this Article.

(2C) For the purposes of this Article where a Community licence authorises the driving of vehicles of any category and any vehicle falling within that category falls also within any class of vehicles specified by regulations under Article 76 as a class in respect of which a heavy goods vehicle driver's licence may be issued—

- (a) that category shall be treated as corresponding to that class, and
- (b) where, by virtue of those regulations, a person who passes a test of competence to drive vehicles of that class is treated as having also passed a test of competence to drive vehicles of another class, that category shall be treated as corresponding to that other class."

#### *Public service vehicle drivers' licences*

7.—(1) In any case where a person applies for a licence to drive a public service vehicle of any type and—

- (a) he holds a driving licence under Article 12(1) of the Order or under the corresponding provision of any enactment repealed by the Order;
- (b) either he holds a Community licence authorising the driving of vehicles of a category corresponding to that type of public service vehicles or, at the time of the application for the driving licence or of an application for a previous such licence, he surrendered such a Community licence; and
- (c) he fulfils the requirements of paragraph (2),

the applicant shall not be required under regulation 27 of the Public Service Vehicles Regulations (Northern Ireland) 1965(a) to satisfy a practical examination of his ability to drive public service vehicles of the type in question and his application shall not be refused on the ground that he has not passed such an examination.

(2) The requirements referred to in paragraph (1)(c) are that at the time of the application for the licence to drive public service vehicles the applicant has not been normally resident in the United Kingdom for more than 18 months, that he surrenders to the Department any Community licence which he holds and that either—

(a) S.R. & O. (N.I.) 1965 No. 161 as amended by S.R. & O. (N.I.) 1969 No. 310 and other amending instruments not relevant for the purpose

- (a) he has passed in the member State in respect of which his Community licence was issued a test in respect of public service vehicles of the type in question, being a test which, in the opinion of the Department is at least equivalent to the examination referred to in paragraph (1); or
- (b) at the time at which he became normally resident in the United Kingdom he had been in the habit of driving public service vehicles of the type in question—
  - (i) for a period of six months falling within the period of 18 months ending at that time, or
  - (ii) for a period of one year falling within the period of three years ending at that time, or
  - (iii) for periods which, taken together, satisfy (i) or (ii).

(3) For the purposes of this regulation, a Community licence issued in respect of a member State shall not be treated as authorising a person to drive a public service vehicle of any type if—

- (a) the licence is not for the time being valid for that type, or
- (b) it was issued for the purpose of enabling him to drive vehicles of that type with a view to passing a test of his ability to do so.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 30th November 1982.

(L.S.)

*J. M. Irvine*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations give effect to Article 8 of Council Directive (EEC) 80/1263 of 4th December 1980 on the introduction of a Community driving licence (O.J. No. L.375, 31.12.80, page 1).

*Driving Licences under Article 12 of the Road Traffic (Northern Ireland) Order 1981*

Subject to satisfying the other requirements of Part II of the Road Traffic (Northern Ireland) Order 1981 ("the Order") and in particular the requirements of Article 6 as to physical fitness, and not being disqualified by a Court (Articles 194 and 196) or by age (Article 4), these Regulations provide (in regulation 4) for the grant of a driving licence under Article 12 of the Order in exchange for a licence issued in respect of a member State other than the United Kingdom in the case of a person who has become normally resident in the United Kingdom and who has not been so resident for more than one year. A person who satisfies these requirements is not required to have passed a test or held a licence under Article 12 within ten years. The licence issued in respect of the other member State must be valid at the time of surrender and must not be a licence issued for the purpose of enabling the holder to drive the vehicles to which it relates with a view to passing a test of competence to drive. The licence granted under Article 12 will be for the classes corresponding to the categories to which the surrendered licence relates and any classes included as a group with those classes or falling within any group additional to that group as specified in Schedule 3 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1981.

By virtue of the definition of "Community licence" inserted in Article 2(2) of the Order by regulation 3 the obligation to exchange the licence will not apply if the licence issued in respect of the other member State contains a statement to the effect that the licence or a previous such licence was issued in exchange for a licence issued in respect of a State other than a member State.

Regulation 5 provides for the recognition of the validity of a Community licence in the case of a person who becomes normally resident in Northern Ireland, Great Britain or Gibraltar for up to one year after he becomes resident in any of those territories.

An amendment to Article 12(1)(b) of the Order requires the holder of a Community licence who applies for a licence under Article 12 to surrender it to the Department of the Environment (regulation 4 (a)).

*Heavy Goods Vehicle Drivers' Licences*

Regulation 6 modifies Article 72(2) of the Order to enable a person who holds a licence under Article 12 and who either surrendered a Community licence when he applied for the licence under Article 12 or holds a Community licence or a previous such licence, on satisfying the other requirements of Article 72, to be granted a heavy goods vehicle driver's licence without being required to have held such a licence or to have passed a test prescribed under Article 76 of the Order within five years.

The licence will be granted for heavy goods vehicles of a class which includes any vehicle falling within that category and for any other class of heavy goods vehicles for which a person who has passed a test of competence under the Heavy Goods Vehicles (Drivers' Licences) Regulations (Northern Ireland) 1981 is treated as having passed such a test.

The applicant must not have been normally resident in the United Kingdom for more than eighteen months and he must either—

- (i) have passed a test of competence in another member State which, in the opinion of the Department, is at least equivalent to the test prescribed by said Regulations for the class of heavy goods vehicles in question, or
- (ii) satisfy the Department as to his experience of driving the vehicles of the class of heavy goods vehicles to be included in the licence for which he applies.

*Public Service Vehicle Drivers' Licences*

The same provision is made for the grant of public service vehicle drivers' licences to the holders of Community licences who become normally resident in the United Kingdom without their being required to undergo a practical examination of ability to drive public service vehicles of the type in question (regulation 7).

---

**1982 No. 402**

This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.