

1991 No. 373

ROAD TRAFFIC AND VEHICLES

**Motor Cars (Driving Instruction) Regulations
(Northern Ireland) 1991**

Made 12th August 1991

Coming into operation 16th September 1991

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The Department of the Environment, in exercise of the powers conferred on it by Articles 2(2)(a), 132(2), 135 and 218(1) of the Road Traffic (Northern Ireland) Order 1981(b) and of all other powers enabling it in that behalf, and with the approval of the Department of Finance and Personnel(c) as regards regulation 24, makes the following Regulations:

(a) See the definition of "Department"

(b) S.I. 1981/154 (N.I. 1)

(c) Formerly the Department of Finance. See S.I. 1982/338 (N.I. 6) Art. 3

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991 and shall come into operation on 16th September 1991.

Interpretation

2.—(1) In these Regulations—

“continued ability and fitness test” means the test of continued ability and fitness to give instruction in the driving of motor cars referred to in regulation 5(3) and the nature of which is prescribed in regulation 14;

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

“driving ability and fitness test” means the practical test of ability and fitness to drive referred to in the definition of “examination” and the nature of which is prescribed in regulation 11;

“examination” means the examination of ability to give instruction in the driving of motor cars and for the purpose of these Regulations shall consist of the written examination, the driving ability and fitness test and the instructional ability and fitness test;

“examiner”, in relation to part of the examination or the continued ability and fitness test, means an officer of the Department appointed to conduct that part of the examination or that test;

“instructional ability and fitness test” means the practical test of ability and fitness to give instruction in the driving of motor cars referred to in the definition of “examination” and the nature of which is prescribed in regulation 12 of these Regulations;

“licence” means a licence to give driving instruction granted under Article 135(1) of the Order;

“the Order” means the Road Traffic (Northern Ireland) Order 1981 as amended by the Road Traffic (Amendment) (Northern Ireland) Order 1991(a);

“the register” means the register of approved driving instructors referred to in Article 132(1) of the Order;

“the Registrar” means the officer of the Department by whom the register is, on behalf of the Department, compiled and maintained; and

“written examination” means the written examination referred to in the definition of “examination” and the nature of which is prescribed in regulation 10 of these Regulations.

(2) In these Regulations a reference to a part of the examination is a reference to one of the 3 parts of the examination set out in the definition of “examination” in paragraph (1).

PART II

REGISTRATION

Application for registration

3. Applications for registration in the register shall be made in such form and contain such information as the Department may determine.

Register

4. 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 the Registrar.

Registration

5.—(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 application is made within one year of passing the examination;
- (c) that he fulfills the conditions laid down in regulation 16(a) and (b); and
- (d) 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 regulation 14.

Period of registration

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

Renewal of registration

7.—(1) A person shall be entitled on payment of the fee specified in regulation 24 to have the entry of his name in the register renewed for a further period of four years if he satisfies the Registrar that—

- (a) he has not refused to undergo a test such as is mentioned in regulation 14 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 16(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

8.—(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 7 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 Article 194 of the Order from holding or obtaining a licence to drive a motor vehicle granted under the Order;
- (b) that he refused to undergo a test such as is mentioned in regulation 14;
- (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 16(a)(i) and (ii).

(2) Where a person whose name has been removed from the register under this regulation applies under regulation 3 for his name to be entered again in the register and either—

- (a) the application is made after the end of the period of one year beginning with the date on which his name was removed; or
- (b) his name was removed on the grounds that he has failed to pass such a test as is mentioned in regulation 5(3).

the Registrar shall not regard the condition specified in paragraph (a) of regulation 5(1) as fulfilled unless he is satisfied that that person has again passed the examination mentioned in that paragraph since the date on which his name was removed from the register.

(3) 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.

(4) 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.

PART III

EXAMINATION OF ABILITY TO GIVE INSTRUCTION

General provisions

9.—(1) A person who desires to submit himself for any part of the examination shall supply the Registrar with such particulars as the Department may determine.

(2) Where a person has passed the written examination (whether before or after these Regulations are made) he shall not be eligible to take it again during the following 2 years.

(3) Subject to the provisions of this regulation, a person shall be regarded as having passed the examination only if the following conditions are fulfilled in his case—

- (a) he has passed the three parts of the examination in the following order:
 - (i) the written examination;
 - (ii) the driving ability and fitness test; and
 - (iii) the instructional ability and fitness test;
- (b) he passed the driving ability and fitness test—
 - (i) before 16th September 1991; or
 - (ii) on his first or second attempt after 15th September 1991; or
 - (iii) on his first, second or third attempt after he had passed the written examination;
- (c) within two years after passing the written examination and having passed the driving ability and fitness test he made an application to take the instructional ability and fitness test; and
- (d) he passed the instructional ability and fitness test—
 - (i) before 16th September 1991; or
 - (ii) on his first or second attempt after 15th September 1991; or
 - (iii) on his first, second or third attempt after he had passed the written examination,

and on a date appointed by the Registrar in respect of an application made in accordance with sub-paragraph (c).

- (4) For the purposes of this regulation—
 - (a) where a person has commenced the driving ability and fitness test or the instructional ability and fitness test and does not complete the test, the person shall be treated as having failed the test in question unless the Registrar is satisfied that the person had a reasonable excuse for not completing that test;
 - (b) subject to sub-paragraph (c), a reference to the passing of the written examination or the driving ability and fitness test (including paragraph (3)(a)) shall, in relation to a person who has passed that examination or test (as the case may be) on more than one occasion, be read as a reference to the last of those occasions;

(c) if a person takes the written examination on an occasion when he is not eligible to take it he shall not in any circumstances be regarded as having passed on that occasion.

(5) For the purposes of this regulation a person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

Written examination

10. The written examination shall consist of a theoretical examination, in which the candidate is 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 techniques of driving a motor car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards, taking proper action with respect to hazards, dealing with pedestrians and other road users and the use of safety equipment;
- (c) the tuition required to instruct a pupil on the matters 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 theory of learning and the theory and practice of teaching and assessment;
- (e) the Highway Code for Northern Ireland and other matters in the booklet in which it is published;
- (f) the booklet "Advice on the Driving Test" (D.L. 2) issued by the Department of the Environment and published by Her Majesty's Stationery Office;
- (g) the interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence prescribed by regulation 20(2) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989(a);
- (h) knowledge, adequate to the needs of driving instruction, of the mechanism and design of a motor car; and
- (j) the book "Driving — The Department of Transport Manual", issued by the Department of Transport and published by Her Majesty's Stationery Office.

Driving ability and fitness test

11.—(1) The driving ability and fitness test shall consist of tests of eyesight and driving technique and the candidate shall be required to reach the qualifying standard in both tests on the same occasion.

(2) The test of eyesight shall be a test of the candidate's ability to read in good daylight, a motor vehicle registration mark containing letters and figures 79.4 millimetres in height at a distance of 27.5 metres (with the aid of glasses or contact lenses if worn).

(3) The test of driving technique shall be a test in which the candidate is 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.

(4) A candidate taking the test of driving technique shall in particular be required to satisfy the examiner on—

- (a) his expert handling of controls;
- (b) his use of correct road procedure;
- (c) his anticipation of the actions of other road users and taking of appropriate action;
- (d) his sound judgment of distance, speed and timing; and
- (e) his consideration for the convenience and safety of other road users.

(5) The candidate taking the test of driving technique shall be required to demonstrate his ability to perform all or any of the following manoeuvres—

- (a) moving away straight ahead or at an angle;
- (b) overtaking, meeting or crossing the path of other vehicles and taking an appropriate course;
- (c) turning right-hand and left-hand corners;
- (d) stopping the vehicle as in an emergency; and
- (e) carrying out manoeuvres involving the use of reverse gear.

Instructional ability and fitness test

12.—(1) The instructional ability and fitness test shall be a test in which the candidate is required to demonstrate his knowledge and ability by giving practical driving instruction to an examiner as if the examiner were—

- (a) a novice or partly-trained pupil, and then
- (b) a pupil who is approaching driving test standard.

(2) The candidate shall, in respect of one or both of those levels as the examiner shall specify, instruct the examiner in such of the following subjects as the examiner shall specify as the basis of the instruction—

- (a) explaining the controls of the vehicle,
- (b) moving off,
- (c) making normal stops,
- (d) reversing, and while doing so entering limited openings to the right or to the left,
- (e) turning to face the opposite direction, using forward and reverse gears,
- (f) parking close to the kerb, using forward and reverse gears,
- (g) using mirrors and explaining how to make an emergency stop,
- (h) approaching and turning corners,

- (i) judging speed, and making normal progress,
 - (j) road positioning,
 - (k) dealing with road junctions,
 - (l) dealing with cross roads,
 - (m) dealing with pedestrian crossings,
 - (n) meeting, crossing the path of, overtaking and allowing adequate clearance for, other vehicles and other road users, and
 - (o) giving correct signals.
- (3) The candidate's knowledge and ability shall be assessed on—
- (a) the method, clarity, adequacy and correctness of his instruction,
 - (b) the observation and correction of the examiner's driving errors, and
 - (c) his manner generally.

Motor car to be provided for practical part of examination

13.—(1) A candidate for the driving ability and fitness test or the instructional ability and fitness test shall provide, at his own expense, a motor car for the purposes of that test, in respect of which the following conditions are satisfied.

- (2) The vehicle must have four wheels and be either—
- (a) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel, or
 - (b) a dual purpose vehicle as defined in Article 2(2) of the Order.
- (3) The vehicle must—
- (a) have a readily adjustable driving seat and a seat for a forward-facing front passenger,
 - (b) having a steering wheel on its off-side,
 - (c) 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, and
 - (d) be otherwise suitable for the purposes of the test.

(4) The vehicle must not, during any driving ability and fitness test display the distinguishing mark referred to in regulation 8(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989 or anything resembling such a distinguishing mark.

(5) In the case of a vehicle provided for the purposes of an instructional ability and fitness test, there must be in force in relation to the use of the vehicle a policy of insurance that—

- (a) complies with the requirements of Article 92 of the Order in relation to the candidate as driver of the vehicle,
- (b) complies with the requirements of that Article in relation to the examiner as the driver of the vehicle, and
- (c) insures the examiner as driver of the vehicle in respect of liability for damage to the vehicle during the test,

and throughout the test there shall be displayed in a conspicuous manner on the front and on the back of the vehicle distinguishing marks in the form referred to in regulation 8(1)(b) of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1989.

PART IV

TEST OF CONTINUED ABILITY AND FITNESS TO GIVE INSTRUCTION

Nature of test and provision of a motor car

14.—(1) The following provisions shall have effect where a person is required to undergo the continued ability and fitness test.

(2) The test shall consist of the attendance of the examiner, while the person is giving instruction to a pupil or pupils.

(3) Unless the examiner otherwise directs, the test shall be carried out in a motor car on a road while the examiner is in the vehicle and a pupil is under instruction.

(4) 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;
- (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.

(5) The candidate shall provide a motor car which is a passenger vehicle and which is suitable for such a test and in respect of which there shall be in existence at the time of the test insurance cover which shall include the liability of the driver and the person in charge of the vehicle to passengers in the vehicle.

PART V

LICENCES UNDER ARTICLE 135 OF THE ORDER

Application for a licence

15.—(1) Applications for a licence shall be made in such form and contain such information as the Department may determine.

(2) A person shall be deemed to have made an application on the date that his application and the fee prescribed by these Regulations are received by the Registrar.

Licence

16. An applicant for a licence shall apply to the Registrar who subject to regulation 17 shall grant a licence on being satisfied that the applicant—

- (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 Article 13(1) of the Order(a);
- (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, one or more of the following requirements have been satisfied in relation to him for periods amounting in the aggregate to at least four years—

- (A) he has held a current licence of one of the kinds aforesaid,
 - (B) after having passed the test of competence prescribed under Article 5(1) of the Order or, as the case may be, the law for the time being in force in Great Britain corresponding to that Article, to drive a motor vehicle, he has held a current provisional licence to drive a motor vehicle,
 - (C) he has held 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 vehicle 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 Article 194 of the Order 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(b) for more than 12 months;
- (c) is a fit and proper person to hold a licence; and
- (d) has made application to submit himself for the written examination.

Refusal to grant a licence

17.—(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 16 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

18. Subject to regulation 21 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 23 against the decision has expired and, if such an appeal is duly brought, it is finally disposed of.

(a) Articles 3 to 19E were substituted by Sch. 1 to the Road Traffic (Amendment) (Northern Ireland) Order 1991

(b) S.R. & O. (N.I.) 1968 No. 42

Form of licence

19. A licence shall be in the form set out in Schedule 2.

Conditions subject to which licences are granted

20.—(1) A licence shall be granted subject to the following conditions—

- (a) the holder may give instruction in the driving of a motor car only from the establishment identified in the licence;
- (b) in such establishment the holder may give instruction in the driving of a motor car only if, at the time he gives such instruction, the number of approved driving instructors for whom that establishment is their principal place of work as a driving instructor is not less than the number of persons who hold a licence in which that establishment is identified.

(2) A licence, other than a licence which comes into force upon the expiry of a licence previously issued to the same person, shall also be subject to the following conditions—

- (a) the holder must, for at least one fifth of the total time he spends giving instruction during the first 3 months the licence is in force, receive direct supervision from an approved driving instructor;
- (b) the holder must maintain in respect of each working day during the first 3 months the licence is in force a record of the time he spends giving instruction in the driving of a motor car, giving the particulars set out in Schedule 1, and
 - (i) he must continue to maintain such a record when any records previously maintained by him are being retained by or on behalf of the Department after they have been delivered pursuant to sub-paragraph (d), but
 - (ii) he need not maintain such a record after he has complied with sub-paragraph (e);
- (c) the record must be signed each day by the holder and by any approved driving instructor under whose direct personal supervision the holder has given instruction;
- (d) the holder must on request produce all records maintained by him under this regulation to an officer authorised by the Department or deliver them to him for retention (if so required); and
- (e) the holder must deliver those records (other than any that have been delivered to an officer authorised by the Department pursuant to paragraph (d) and not returned) to the Registrar during the 7 day period which ends 3 months after the licence came into force.

Revocation of licence

21.—(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 16(a)(i) and (ii);
- (b) was disqualified under Article 194 of the Order;

- (c) has ceased to be a fit and proper person to hold a licence;
- (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.

PART V

SUPPLEMENTARY

Decisions

22. A decision of the Registrar under regulation 7, 8 or 21 shall take effect—

- (a) where no appeal under regulation 23 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.

Appeals

23. 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

24.—(1) A person applying to submit himself to the written part of the examination shall pay a fee of £50.

(2) A person applying to submit himself to the driving ability and fitness test shall pay a fee of £50.

(3) A person applying to submit himself to the instructional ability and fitness test shall pay a fee of £50.

(4) The fee to be paid by a person who applies for the entry of his name on the register shall be £170.

(5) The fee 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 £170.

(6) The fee to be paid by a person exempted under regulation 26(1) applying for the entry of his name on the register shall be £170.

(7) The fee to be paid by a person who applies for the re-entry of his name in the register shall be £170 if that person's name has been removed from the register and, by virtue of regulation 26(2) he is not required again to pass the examination.

(8) The fee to be paid by a person applying for a licence or a renewal thereof shall be £85.

Official title of registered person and certificate of registration

25.—(1) The official title for use by persons whose names are in the register shall be "Department of the Environment for Northern Ireland Approved Driving Instructor".

(2) The certificate for issue to persons whose names are in the register as evidence of their names being therein shall be in the form set out in Schedule 3.

Exemption from regulations

26.—(1) The Registrar may exempt from the condition specified in regulation 5(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) A person whose name has been removed from the register under regulation 8(4) 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.

Revocations and transitional provisions

27.—(1) The Regulations specified in Part I of Schedule 4 are revoked.

(2) Part II of Schedule 4 contains transitional provisions relating to applications for the entry of a person's name in the register and for the grant of a licence made before 16th September 1991.

Sealed with the Official seal of the Department of the Environment on 12th August 1991.

(L.S.)

Trevor Pearson

Assistant Secretary

The Department of Finance and Personnel approves regulation 24.

Sealed with the Official Seal of the Department of Finance and Personnel on 12th August 1991.

(L.S.)

R. A. H. Miller

Assistant Secretary

SCHEDULE 1

(See regulation 20)

LICENCE CONDITIONS

Particulars of which a record is to be kept by certain licence holders during first 3 months a licence is in force

1. The name of the holder of the licence.
2. The number of the licence.
3. The name of the establishment from which the holder of the licence has given instruction.
4. The name of the person under whose direct personal supervision the holder of the licence has given instruction.
5. In respect of each working day—
 - (a) the date;
 - (b) the total number of hours spent giving instruction from the establishment;
 - (c) the periods spent under the direct personal supervision of the person referred to in paragraph 4;
 - (d) the signature of the holder of the licence;
 - (e) the counter-signature of the person referred to in paragraph 4.

SCHEDULE 2

(See regulation 19)

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 (Northern Ireland) Order 1981

Signature

Registrar

Date of Issue

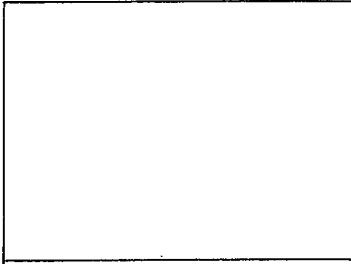
FORM OF CERTIFICATE OF REGISTRATION

DEPARTMENT OF THE ENVIRONMENT FOR NORTHERN IRELAND

APPROVED DRIVING INSTRUCTOR

Road Traffic (Northern Ireland) Order 1981

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.

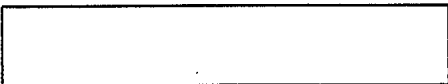
This Certificate is valid until the last day of

Registrar

Signed

Date

Signature of holder



Number

SCHEDULE 4

(See regulation 27)

REVOCATIONS AND TRANSITIONAL PROVISIONS

PART I

Regulations Revoked

<i>Title</i>	<i>Year and Number</i>
Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1974	S.R. 1974 No. 109
Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 1978	S.R. 1978 No. 76
Motor Cars (Driving Instruction) (Amendment) Regulations (Northern Ireland) 1985	S.R. 1985 No. 113

PART II

Transitional Provisions

1. The conditions to which a licence is granted pursuant to an application made before 16th September 1991 under the Regulations revoked by Part I of this Schedule shall continue to apply to such licence instead of the conditions mentioned in regulation 20.

2. For the purposes of this Part of this Schedule an application shall not be regarded as having been made before 16th September 1991 unless the application is received by the Registrar before that date.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations which prescribe the requirements necessary for the compulsory registration of driving instructors consolidate with amendments, the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1974 and the Regulations which amended them as specified in Schedule 4 to these Regulations.

The effect of the principal amendments is as follows:

- (1) the examination, previously in 2 parts, is now in 3 parts, namely the written examination, the driving ability and fitness test and the instructional ability and fitness test, which must be taken in that order (regulation 2);
- (2) (a) a person must apply to have his name entered in the register within 1 year of passing the examination (regulation 5); and
(b) a person who has failed the test of continued ability and fitness to give instruction and whose name has been removed from the register and a person whose name has been removed on any other grounds and whose application for re-entry is made more than 12 months later must pass the examination again before his name can be re-entered on the register (regulation 8);
- (3) (a) a person must apply to take the instructional ability and fitness test within two years of passing the written examination;
(b) a candidate will fail the whole examination if he fails either the driving ability and fitness test or the instructional ability and fitness test more than twice (ie, he will be allowed three attempts at each);
(c) a candidate who has passed the written examination (whether before or after these Regulations are made) will not be allowed to take that part of the examination again within the following 2 years; and
(d) transitional provisions allow a person who has failed either of the practical tests mentioned above more than once before 16th September 1991 will, in any event, be allowed two further attempts. Furthermore, a test passed before that date will count as a pass however many previous attempts had been made (regulation 9);
- (4) in the test of driving technique the requirements relating to the use of reverse gear and turning are replaced by a single requirement for the carrying out of manoeuvres involving the use of reverse gear (regulation 11(5));
- (5) it will no longer be necessary for approved driving instructors to be employed at a driving school so long as the establishment is their principal place of work as driving instructors (regulation 20);
- (6) the following fees have been increased:

- (a) an application for entry in the register following the passing of the examination, from £100 to £170;
 - (b) an application for renewal in the register, from £100 to £170;
 - (c) an application for entry in the register by a person in the corresponding register in Great Britain, from £100 to £170; and
 - (d) an application for re-entry in the register where the applicant is not required to pass the examination by virtue of regulation 26(2) of these Regulations, from £100 to £170 (regulation 24); and
- (7) as a consequence of the division of the practical part of the examination into 2 parts, the former fee of £90 payable on application for the practical part of the examination has been replaced by a fee of £50 for submission to the driving ability and fitness test and a fee of £50 for submission to the instructional ability and fitness test. The fee of £50 for submission to the written examination is unchanged as is the fee of £85 payable on application for a licence (regulation 24).

The Regulations as set out in Schedule 4 are revoked as a consequence of these Regulations.