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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 542**

**Motor Vehicles (Driving Licences)  
Regulations (Northern Ireland) 1996**

**Part IV**

**Goods and Passenger-Carrying Vehicles**

*Drivers' conduct*

**Obligatory revocation of large goods vehicle drivers' licences and disqualification on revocation**

**44.**—(1) The prescribed circumstances for the purposes of Article 73(1)(a) of the Order are that, in the case of the holder of a large goods vehicle driver's licence who is under the age of 21, the counterpart of his ordinary driving licence bears more than one relevant endorsement.

(2) Where a large goods vehicle driver's licence is revoked under Article 73(1)(a) the cases in which the person whose licence has been revoked must be disqualified indefinitely or for a period, shall be determined by the Department.

(3) Where the Department determines that a person whose licence has been revoked under Article 73(1)(a) is to be disqualified for a period he shall be disqualified until he reaches 21 years of age or for such longer period as the Department may determine.

**Applicants for and holders of a licence who are disqualified by order of a court**

**45.**—(1) Subject to paragraphs (2) to (4), where a person's licence is treated as having no effect by virtue of Article 194(4) of the Order the Department may—

- (a) order that person to be disqualified indefinitely or for such period as the Department thinks fit under Article 74(2)(a) of the Order; or
- (b) except where the licence treated as having no effect by virtue of Article 194(4) is a provisional licence, if it appears to the Department that, owing to the conduct of the person, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences until he passes a test—
  - (i) prescribed in respect of any category of motor vehicle which he was authorised to drive by that licence, and
  - (ii) and which, by virtue of these Regulations, he is at that time eligible to take, order him to be disqualified for holding or obtaining a full licence until he passes such a test under Article 74(2)(b) of the Order.

(2) Where a person's licence is treated as having no effect by virtue of Article 194(4) of the Order and the Department would have been required to revoke that person's large goods or passenger-carrying vehicle driver's licence by virtue of Article 73(1)(a) of the Order and regulation 44 had he

not been disqualified by order of a court, the Department must order that person to be disqualified indefinitely or for a period under Article 74(1) of the Order.

(3) The cases in which a person to whom paragraph (2) applies must be disqualified indefinitely or for a period shall be determined by the Department.

(4) Where the Department determines that a person to whom paragraph (2) applies is to be disqualified for a period that person shall be disqualified until he reaches 21 years of age or for such longer period as the Department may determine.

### **Notice of application for removal of disqualification**

46.—(1) Where a person who has been disqualified for holding or obtaining a licence intends to apply to a court to remove the disqualification he shall, at least 10 clear days before the day on which the court sits, give notice in writing of his intention to make such application—

- (a) where the disqualification was imposed by order of a court of summary jurisdiction, or of a county court on appeal, to the Superintendent of the Royal Ulster Constabulary for the petty sessions district in which the prosecution which resulted in the conviction was originally brought; or
- (b) where the disqualification was imposed in any other manner, to the Superintendent of the Royal Ulster Constabulary for the petty sessions district in which was committed the offence for which the person was convicted.

(2) Such notice shall set forth the grounds of the application and shall be given by leaving a copy thereof at the office of the Superintendent, or by forwarding the same by post to him at his office, and shall be in the form set out in Schedule 11.

### **Removal of disqualification**

47.—(1) Subject to paragraph (2) and (3) the Department may remove a disqualification under Article 74(4) of the Order, if an application for the removal of the disqualification is made after the expiration of whichever is relevant of the following periods commencing on the date of the disqualification—

- (a) two years, if the disqualification is for less than four years;
- (b) one half of the period of the disqualification, if it is for less than ten years, but not less than four years;
- (c) five years in any other case.

(2) An application may not be made if the applicant has during the relevant period been convicted (or treated as convicted) of an offence by virtue of which he has incurred any further relevant endorsements.

(3) Where an application under paragraph (1) for the removal of a disqualification is refused, a further such application shall not be entertained if made within three months after the date of refusal.