
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 542

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

Part V

Disabilities

Licence groups

48.—(1) In this Part—

“Group 1 licence” means a licence in so far as it authorises its holder to drive classes of motor vehicle included in categories A, B, B + E, F, G, H, K, L and P;

“Group 2 licence” means, subject to paragraph (2), a licence in so far as it authorises its holder to drive classes of motor vehicle included in any other category or sub-category; and

“licence” includes, unless the context otherwise requires, a Great Britain licence and a Community licence.

(2) In so far as a licence authorises its holder to drive vehicles of a class included in sub-categories C1, C1 + E (8.25 tonnes), D1 (not for hire or reward) and D1 + E (not for hire or reward) it is a Group 1 licence while it remains in force if—

(a) it was in force at a time before 1st January 1997; or

(b) it was granted upon the expiry of the licence which was in force at a time before 1st January 1997.

(3) A licence shall be a Group 1 licence in so far as it authorises, by virtue of any provision of regulation 5, the driving of a class of motor vehicles which is not included in a category or sub-category specified in relation to a Group 1 licence in paragraph (1) or (2).

Disabilities prescribed in respect of Group 1 and 2 licences

49.—(1) The following disabilities are prescribed for the purposes of Article 9(2) of the Order as relevant disabilities in relation to an applicant for, or a person who holds, a Group 1 or Group 2 licence—

(a) epilepsy;

(b) severe mental disorder;

(c) liability to sudden attacks of disabling giddiness or fainting, other than attacks falling within sub-paragraph (d);

(d) liability to sudden attacks of disabling giddiness or fainting which are caused by any disorder or defect of the heart as a result of which the applicant for the licence or, as the case may be, the holder of the licence has a device implanted in his body, being a device which, by operating on the heart so as to regulate its action, is designed to correct the disorder or defect; and

- (e) persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency.
- (2) The disability prescribed in paragraph (1)(d) is prescribed for the purpose of Article 9(4)(b) of the Order in relation to an applicant for a Group 1 or Group 2 licence if the applicant suffering from that disability satisfies the Department that—
 - (a) the driving of a vehicle by him in pursuance of the licence is not likely to be a source of danger to the public; and
 - (b) he has made adequate arrangements to receive regular medical supervision by a cardiologist (being a supervision to be continued throughout the period of the licence) and is conforming to those arrangements.
- (3) The following disabilities are prescribed for the purposes of paragraphs (a) and (c) of Article 9(4) of the Order namely, any disability consisting solely of any one or more of the following—
 - (a) the absence of one or more limbs;
 - (b) the deformity of one or more limbs; or
 - (c) the loss of use of one or more limbs which is not progressive in nature.
- (4) In this regulation—
 - (a) in paragraph (1)(b), the expression “severe mental disorder” includes mental illness, arrested or incomplete development of the mind, psychopathic disorder and severe impairment of intelligence or social functioning;
 - (b) in paragraph (2)(b), the expression “cardiologist” means a registered medical practitioner who specialises in disorders or defects of the heart and who, in that connection, holds a hospital appointment;
 - (c) in paragraph (3), references to a limb include references to a part of a limb, and the reference to loss of use, in relation to a limb, includes a reference to a deficiency of limb movement or power.

Disabilities prescribed in respect of Group 1 licences

- 50.**—(1) There is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a person who holds, a Group 1 licence, the inability to read in good light (with the aid of glasses or contact lenses if worn) a registration mark fixed to a motor vehicle and containing letters and figures 79.4 millimetres high at a distance of—
- (a) 12.3 metres, in the case of an applicant for a licence authorising only the driving of motor vehicles of a class included in category K; or
 - (b) 20.5 metres, in any other case.
- (2) Epilepsy is prescribed for the purposes of Article 9(4)(b) of the Order if an applicant for a Group 1 licence suffering from epilepsy satisfies one of the following conditions, namely that—
- (a) he has been free from any epileptic attack during the period of one year immediately preceding the date when the licence is granted; or
 - (b) (if not so free from attack) he has had an epileptic attack whilst asleep more than three years before the date when the licence is granted and has had attacks only whilst asleep between the date of that attack and the date when the licence is granted,
- and that the driving of a vehicle by him in accordance with the licence is not likely to be a danger to the public.
- (3) The disability prescribed in paragraph (1) is prescribed for the purposes of Article 11(5)(b)(ii) of the Order in relation to an applicant for, or a person who holds, a Group 1 licence.

Disabilities prescribed in respect of Group 2 licences

51.—(1) There is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to an applicant for, or a person who holds, a Group 2 licence, the inability to read in good light (with the aid of corrective lenses if necessary) a registration mark fixed to a motor vehicle and containing letters and figures 79.4 millimetres high at a distance of 20.5 metres.

(2) There is also prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to a person other than an excepted licence holder who is an applicant for or who holds a Group 2 licence, such abnormality of sight in one or both eyes that he cannot meet the relevant standard of visual acuity.

(3) The relevant standard of visual acuity for the purposes of paragraph (2) means—

(a) in the case of a person who—

- (i) was the holder of a Group 2 licence or an obsolete vocational licence upon each relevant date specified in column (1) of the Table, and
- (ii) if he is an applicant for a Group 2 licence, satisfies the Department that he has adequate recent driving experience and has not during the period of 10 years immediately before the date of the application been involved in any road accident in which his defective eyesight was a contributory factor,

the standard prescribed in relation to him in column (2) of Table 1;

(b) in the case of a person who—

- (i) does not fall within sub-paragraph (a), and
- (ii) was the holder of a Group 2 licence upon the relevant date specified in column (1) of Table 2,

the standard prescribed in relation to him in column (2) of Table 2;

(c) in the case of any other person, a standard of visual acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye and at least 6/12 in the worse eye and, if corrective lenses are worn, uncorrected acuity of at least 3/60 in both eyes.

(4) There is prescribed in relation to a person—

- (a) to whom paragraph (3)(c) applies; and
- (b) who is able to meet the relevant standard of visual acuity prescribed in that sub-paragraph only with the aid of corrective lenses;

poor toleration of the correction made by the lenses.

(5) There is prescribed for the purposes of Article 9(2) of the Order as a relevant disability in relation to a person who is an applicant for or who holds a Group 2 licence, sight in only one eye unless—

(a) he held an obsolete vocational licence on 1st April 1991, the Department who granted the last such licence knew of the disability before 1st January 1991, and—

- (i) in a case of a person who also held such a licence on 1st January 1983, the visual acuity in his sighted eye is no worse than 6/12, or
- (ii) in any other case, the visual acuity in his sighted eye is no worse than 6/9, and

if he is an applicant for a Group 2 licence, he satisfies the Department that he has had adequate recent driving experience and has not during the period of 10 years immediately before the date of the application been involved in any road accident in which his defective eyesight was a contributory factor; or

(b) the person is an excepted licence holder.

(6) Diabetes requiring insulin treatment is prescribed for the purposes of Article 9(2) of the Order in relation to an applicant for or a person who holds a Group 2 licence unless the person suffering from the disability held an obsolete vocational licence on 1st April 1991 and the Department who granted the last obsolete vocational licence knew of the disability before 1st January 1991.

(7) Liability to seizures arising from a cause other than epilepsy is prescribed for the purposes of Article 9(2) of the Order in relation to an applicant for or a person who holds a Group 2 licence.

(8) Epilepsy is prescribed for the purposes of Article 9(4)(b) of the Order in the case of an applicant for a Group 2 licence suffering from epilepsy satisfies the Department that—

- (a) during the period of 10 years immediately preceding the date when the licence is granted—
 - (i) he has been free from any epileptic attack, and
 - (ii) he has not required any medication to treat epilepsy; and
- (b) that the driving of a vehicle by him in accordance with the licence is not likely to be a danger to the public.

(9) In this regulation—

- (a) references to measurements of visual acuity are references to visual acuity measured on the Snellen Scale;
- (b) “excepted licence holder” means a person who—
 - (i) was the holder of a licence authorising the driving of vehicles included in sub-categories C1 and C1 + E (8.25 tonnes) which was in force at a time before 1st January 1997, and
 - (ii) is an applicant for, or the holder of, a Group 2 licence solely by reason that the licence applied for or held authorises (or would, if granted, authorise) the driving of vehicles included in those sub-categories; and
- (c) “obsolete vocational licence” means a licence to drive heavy goods vehicles or public service vehicles which was in force at a time before 1st April 1991 (whether or not it was continued in force by Article 4(2) of the Road Traffic (Amendment) (Northern Ireland) Order 1991(1)).

TABLE 1

Column (1)	Column (2)
Person holding Group 2 licence or obsolete vocational licence on—	Standard of visual acuity applicable—
1. 1st January 1983 and 1st April 1991	Acuity (with the aid of corrective lenses if necessary) of at least 6/12 in the better eye or at least 6/36 in the worse eye, or uncorrected acuity of at least 3/60 in at least one eye.
2. 1st October 1992, but not on 1st January 1983	Acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye or at least 6/12 in the worse eye, or uncorrected acuity of at least 3/60 in at least one eye.

TABLE 2

Column (1) Person holding Group 2 licence on—	Column (2) Standard of visual acuity applicable—
1. 31st December 1996, but not on 1st October 1992	Acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye and at least 6/12 in the worse eye and, if corrective lenses are needed to meet that standard, uncorrected acuity of at least 3/60 in at least one eye.
2. 1st January 1997, but not on 31st December 1996	Acuity (with the aid of corrective lenses if necessary) of at least 6/9 in the better eye and at least 6/12 in the worse eye and, if corrective lenses are needed to meet that standard, uncorrected acuity of at least 3/60 in both eyes.

Disabilities requiring medical investigation: High Risk Offenders

52.—(1) Subject to paragraph (2), the circumstances prescribed for the purposes of paragraph (5) of Article 11 of the Order, under paragraph (4) of that Article, are that the person who is an applicant for, or holder of, a licence—

- (a) has been disqualified by an order of a court by reason that the proportion of alcohol in his body exceeded—
 - (i) 87.5 microgrammes per 100 millilitres of breath, or
 - (ii) 200 milligrammes per 100 millilitres of blood, or
 - (iii) 267.5 milligrammes per 100 millilitres of urine;
- (b) has been disqualified by order of a court by reason that he has failed, without reasonable excuse, to provide a specimen when required to do so pursuant to Article 18 of the 1995 Order; or
- (c) has been disqualified by order of a court on two or more occasions within any period of 10 years by reason that—
 - (i) the proportion of alcohol in his breath, blood or urine exceeded the limit prescribed by virtue of Article 16 of the 1995 Order, or
 - (ii) he was unfit to drive through drink contrary to Article 15 of that Order.

(2) For the purposes of paragraph (1)(a) a court order shall not be taken into account unless it was made on or after 1st April 1991 and paragraph (1)(c) shall not apply to a person unless the last such order was made on or after 1st April 1991.