
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 179

**Motor Cars (Driving Instruction)
Regulations (Northern Ireland) 2004**

**PART 2
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 in relation to the following conditions –

- (a) that he has passed the examination;
- (b) that application is made within one year of passing the examination;
- (c) that he is the holder of a current licence of one of the following kinds, that is to say –
 - (i) a current licence to drive a motor car granted under Article 13(1) of the Order of 1981⁽¹⁾;
 - (ii) a current licence to drive a motor car granted under the corresponding law in force in Great Britain; or
 - (iii) a Community licence by which he is authorised to drive a motor car in Northern Ireland,

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 the periods amounting in the aggregate to at least four years –

- (aa) he has held a current licence of one of the kinds aforesaid,
- (bb) after having passed the test of competence prescribed under Article 5(1) of the Order of 1981 or, as the case may be, the law for the time being in force in

⁽¹⁾ Articles 3 to 19E were substituted by Sch. 1 to the [Road Traffic \(Amendment\) \(Northern Ireland\) Order 1991 \(S.I. 1991 No. 197 \(N.I. 3\)\)](#)

Great Britain corresponding to that Article, to drive a motor vehicle, he has held a current provisional licence to drive a motor vehicle,

- (cc) he has held a current foreign licence, that is to say, a document issued under the law of a country or territory other than an EEA state (within the meaning of the Order of 1981) authorising the holder to drive a motor vehicle in that country;
- (d) that he 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 35 or 41 of the Order of 1996 from holding or obtaining a licence granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain; and
- (e) apart from the fulfilment of the foregoing conditions that 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 retention 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 15.

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 25 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 15 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 under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence to drive a motor vehicle granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain;
- (d) he is the holder of a current licence of one of the kinds mentioned in regulation 5(1)(c); and
- (e) 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.

(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 the 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 did not hold a current licence of one of the kinds mentioned in regulation 5(1)(c);
- (b) that he was disqualified under Article 35 or 41 of the Order of 1996 from holding or obtaining a licence to drive a motor vehicle granted under Article 13(1) of the Order of 1981 or under the corresponding law in Great Britain;
- (c) that he refused to undergo a test such as is mentioned in regulation 15;
- (d) that he failed to appear for such a test on more than two occasions;
- (e) that he failed to pass such a test;
- (f) that he ceased to be a fit and proper person to have his name included in the register; or
- (g) that the entry of his name in the register, or the renewal of the entry was made by mistake or procured by fraud.

(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.