

**2009 No. 14**

**ROAD TRAFFIC AND VEHICLES**

**The Motor Vehicles (Driving Licences) (Amendment)  
Regulations (Northern Ireland) 2009**

*Made* - - - - *15th January 2009*

*Coming into operation in accordance with regulation 1(1)*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 5(3), (4), (5) and (5ZA)(a), 17(2) and 17(3)(b), 19C(1), (1A) and (2)(c) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(d).

**Citation, commencement and interpretation**

**1.—(1)** These Regulations may be cited as the Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation—

- (a) for the purposes of all regulations other than regulation 4 on 17<sup>th</sup> February 2009; and
- (b) for the purposes of regulation 4—
  - (i) paragraph (4), and paragraphs (1) and (5), so far as they relate to that paragraph, on 17<sup>th</sup> February 2009; and
  - (ii) paragraphs (2) and (3), and paragraphs (1) and (5), so far as they are not already in operation, on 10<sup>th</sup> September 2009.

(2) In these Regulations “the principal Regulations” means the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996(e).

**Amendment to regulation 2 (interpretation)**

**2.** In regulation 2(1) of the principal Regulations(f)—

- (a) after the definition of “incomplete large vehicle” insert—

““large vehicle test of driving theory” means the test of driving theory described in regulation 29B(2);

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(a) Article 5 was substituted by S.I. 1991/197 (N.I. 3), Schedule 1 and amended by S.R. 1996 No. 426, Schedule 1, paragraph 2, S.I. 1996 No. 1320 (N.I. 10), Schedule 3, paragraph 3 and S.I. 2007 No. 916 (N.I. 10), Articles 31, 32 and 44

(b) Article 17 was amended by S.R. 1996 No. 426, Schedule 1, paragraph 10

(c) Article 19C was inserted by S.I. 1991 No. 197 (N.I. 3), Schedule 1 and amended by S.R. 1996 No. 426, Schedule 1, paragraph 11, S.I. 1996 No. 1320 (N.I. 10), Schedule 3, Part I, paragraph 8, paragraph 8 of the Schedule to S.R. 2002 No. 374, S.R. 2003 No. 2903 (N.I. 16), Schedule 1, paragraph 6, S.R. 1997 No. 241, Schedule 2, paragraph 1 and S.I. 2007 No. 916 (N.I. 10), Article 79

(d) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department” and “prescribed”

(e) S.R. 1996 No. 542, relevant amending Regulations are S.R. 1997 No. 383, S.R. 1998 No. 379, S.R. 1999 No. 358, S.R. 2000 No. 297, S.R. 2001 No. 402, S.R. 2002 No. 383, S.R. 2003 No. 64, S.R. 2003 No. 183, S.R. 2007 No. 111 and S.R. 2007 No. 317 and S.R. 2008 No. 418

(f) Regulation 2(1) was amended by S.R. 1997 No. 383, regulation 2, S.R. 2001 No. 402, regulation 2, S.R. 2002 No. 383, regulation 3 and S.R. 2008 No. 418, regulation 2

“large vehicle test of hazard perception” means the test of hazard perception described in regulation 29B(4);

“large vehicle theory test pass certificate” means a certificate in the form specified in regulation 36B(1);”;

(b) after the definition of “special manoeuvres test” insert—

““standard test of driving theory” means the test described in regulation 29B(1);

“standard test of hazard perception” means the test described in regulation 29B(3);

“standard theory test pass certificate” means a certificate in the form specified in regulation 36(2)(a)(a);” and

(c) omit the definition of “theory test”.

### **Meaning of theory test**

3. After regulation 2 insert—

#### **“Meaning of theory test**

**2A.**—(1) In these Regulations “theory test” means—

(a) where a test is to be conducted, by virtue of regulation 29(2), in two parts, the part, described in regulation 29(2)(a), which consists of the standard test of driving theory and the standard test of hazard perception;

(b) where a test is to be conducted, by virtue of regulation 29(3), in three parts, the part, described in regulation 29(3)(a), which consists of the standard test of driving theory and the standard test of hazard perception; or

(c) where a test is to be conducted, by virtue of regulation 29(4), in three parts, the parts, described in regulation 29(4)(a) and (b), which consist of the large vehicle test of driving theory and the large vehicle test of hazard perception.

(2) Any reference in these Regulations to a theory test includes such a test conducted as part of an extended driving test.”.

### **Amendment to regulation 6 (minimum ages for obtaining or holding licences)**

**4.**—(1) Regulation 6 of the principal Regulations is amended in accordance with paragraphs (2) to (5).

(2) Omit paragraph (4).

(3) For paragraphs (7) and (8) substitute—

“(7) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category C or C+E where the person driving the vehicle—

(a) has an initial qualification authorising him to drive motor vehicles of that class;

(b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007**(b)**;

(c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class; or

(d) by reason of being a person in relation to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification as described in sub-paragraph (a).”.

(4) For paragraph (9) substitute—

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(a) Regulation 36 was amended by S.R 1997 No. 383, regulation 15

(b) S.I. 2007 No. 605 as amended by S.I. 2008 No. 506

“(9) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in category D or D+E, other than sub-category D1 or D1+E, where the person driving the vehicle—

- (a) has an initial qualification authorising him to drive motor vehicles of that class and is either—
  - (i) engaged in the carriage of passengers on a regular service over a route which does not exceed 50 kilometres, or
  - (ii) not engaged in the carriage of passengers;
- (b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007;
- (c) is authorised by such a document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class; or
- (d) by reason of being a person in relation to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification relating to motor vehicles of that class.

(9A) In item 7, the age of 18 is substituted for the age of 21 in relation to a motor vehicle of a class included in sub-category D1 or D1+E where the person driving the vehicle—

- (a) has an initial qualification authorising him to drive motor vehicles of that class;
- (b) is using the vehicle as described in regulation 3(2)(e) of the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007;
- (c) is authorised by such document as is referred to in regulation 4(5)(d) of those Regulations to drive motor vehicles of that class; or
- (d) by reason of being a person to whom regulation 4(7) of those Regulations applies, is not required to have an initial qualification relating to motor vehicles of that class.

(9B) In item 7, the age of 20 is substituted for the age of 21 in relation to a motor vehicle of a class included in category D or D+E, other than sub-category D1 or D1+E, where the person driving the vehicle—

- (a) has an initial qualification authorising him to drive motor vehicles of that class, and
- (b) is engaged in the carriage of passengers otherwise than on such a service as is described in paragraph 9(a)(i).”

(5) For paragraph 11(c) substitute—

- “(c) in paragraphs (7), (9), (9A) and (9B), “initial qualification” means such initial qualification as is provided for in Article 3(1)(a) of Council Directive 2003/59/EC of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers<sup>(a)</sup>; and
- (d) in paragraphs (9) and (9B), expressions which are also used in that Directive have the same meaning as in that Directive.”

### **Amendment to regulation 17 (interpretation of Part III)**

**5.** In regulation 17 of the principal Regulations, after the definition of “appointed person” insert—

““the CPC subjects” means the list of subjects set out in section 1 of Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15<sup>th</sup> July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85

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(a) O.J. No. L 226, 10.9.2003, p. 4

and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC in so far as these subjects are not already covered by the matters specified in regulation 29C(5) in respect of a vehicle of the relevant class;”.

**Amendment to regulation 18 (persons by whom practical and unitary tests may be conducted)**

6. After paragraph (2) of regulation 18 of the principal Regulations(a) insert—  
“(2A) The Department may vary any conditions imposed under paragraph (2) by notice in writing given to the person to whom the approval was granted.”.

**Amendment to regulation 19 (persons by whom theory tests may be conducted)**

7. After paragraph (3) of regulation 19 of the principal Regulations(b) insert—  
“(3A) The Department may vary any conditions imposed under paragraph (3) by notice in writing given to the person to whom the approval was granted.”.

**Amendment to regulation 27 (further requirements at tests)**

8. In paragraph (3) of regulation 27 of the principal Regulations—  
(a) in sub-paragraph (c) for “regulation 29(2)” substitute “regulation 29(5)”;  
(b) for “valid certificate” substitute “valid standard theory test pass certificate or a valid large vehicle theory test pass certificate”;  
(c) after the words “regulation 36(2)(a)” insert “or regulation 36B(2)”; and  
(d) for “such a” substitute “either such”.

**Nature of tests**

9. For regulations 29 and 29A of the principal Regulations substitute—

**“Nature of tests other than extended tests**

**29.**—(1) This regulation and regulations 29A to 29C apply to tests other than extended driving tests and are subject to regulation 31.

(2) The test for a licence authorising the driving of a motor vehicle of a class included in category B shall be conducted in two parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception, and  
(b) a practical test of driving skills and behaviour,

and a person taking such a test must pass both parts.

(3) The test for a licence authorising the driving of a motor vehicle of a class included in category A or P shall be conducted in three parts, namely—

- (a) the standard test of driving theory and the standard test of hazard perception;  
(b) a special manoeuvres test; and  
(c) a practical test of driving skills and behaviour,

and a person taking such a test must pass all three parts.

(4) Subject to paragraph (5), the test for a licence authorising the driving of a motor vehicle of a class included in category C or D shall be conducted in three parts, namely—

- (a) a large vehicle test of driving theory;

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(a) Regulation 18 was amended by S.R. 1997 No. 383, regulation 5, S.R. 2000 No. 297, regulation 2 and S.R. 2001 No. 402, regulation 4  
(b) Regulation 19 was amended by S.R. 1997 No. 383, regulation 6

- (b) a large vehicle test of hazard perception; and
  - (c) a practical test of driving skills and behaviour,
- and a person taking such test must pass all three parts.

(5) The test for a licence authorising the driving of a motor vehicle of a class included in category B+E, C+E and D+E—

- (a) in a case where the test is for a licence authorising the driving of vehicles in sub-category C1+E and the applicant is a holder of a full licence which was in force at a time before 1<sup>st</sup> January 1997 and authorises the driving of motor vehicles included in sub-category C1+E (8.25 tonnes) but not the driving of any other vehicles included in sub-category C+E, shall consist of the matters prescribed in respect of the large vehicle test of driving theory for category C, the large vehicle test of hazard perception and the specified requirements prescribed in respect of the practical test for category C+E, and
- (b) in any other case, shall consist of a practical test only.

(6) The test for a licence authorising the driving of a motor vehicle of a class included in category F, G, H or K shall be a unitary test and a person taking such test shall be treated as having passed it if he satisfies the person conducting the test that he is —

- (a) generally competent to drive a vehicle of that class without danger to, and with due consideration for, other road users;
- (b) fully conversant with the Highway Code; and
- (c) able to comply with the requirements specified in regulation 29C(6) in respect of a vehicle of that class.

#### **Order of test**

**29A.**—(1) Where a test is required to be conducted in two parts, a person taking the test—

- (a) must pass the theory test before he takes the practical test; and
- (b) shall not be entitled to apply for an appointment for a practical test in respect of a motor vehicle of a class included in category B until he has been furnished with—
  - (i) a valid standard theory test pass certificate stating that he has passed the theory test prescribed in respect of that category, or
  - (ii) a certificate corresponding to such a certificate furnished under the law of Great Britain stating that he has during the relevant period passed the theory test in respect of the same category.

(2) Where a test is required to be conducted in three parts in respect of vehicles in categories C and D, a person taking the test—

- (a) must pass the large vehicle test of driving theory and the large vehicle test of hazard perception before he takes the practical test;
- (b) shall not be entitled to apply for an appointment for a practical test in respect of a motor vehicle of a class included in category C or D until he has been furnished with—
  - (i) a valid large vehicle theory test pass certificate in respect of that category, or
  - (ii) a certificate corresponding to such a certificate furnished under the law of Great Britain.

(3) Where a test is required to be conducted in three parts in respect of vehicles in categories A and P, a person taking the test—

- (a) must pass the standard test of driving theory before he takes the special manoeuvres test;

- (b) shall not be entitled to apply for an appointment for the special manoeuvres test in respect of a motor vehicle of a class included in category A or P until he has been furnished with—
  - (i) a valid standard theory test pass certificate stating that he has passed the theory test prescribed in respect of that category, or
  - (ii) a certificate corresponding to such a certificate furnished under the law of Great Britain stating that he has during the relevant period passed the theory test in respect of the same category; and
- (c) shall not be entitled to apply for an appointment for the practical test of driving skills and behaviour in respect of a motor vehicle of a class included in category A or P until he has been furnished with a certificate issued under regulation 37A(1)(a) stating that he has passed the special manoeuvres test.

### **Content of tests**

**29B.**—(1) The standard test of driving theory shall—

- (a) be conducted as an approved form of examination consisting of 50 questions, the questions being in either multiple choice or multiple response form and testing the candidate on the matters specified in regulation 29C(5) in respect of a vehicle of the relevant class; and
- (b) have a duration of 57 minutes, or in the circumstances specified in paragraph (6), 114 minutes.

(2) The large vehicle test of driving theory shall—

- (a) be conducted as an approved form of examination consisting of 100 questions, the questions being in either multiple choice or multiple response form and testing the candidate on the matters specified in regulation 29C(6) in respect of a vehicle of the relevant class and the CPC subjects applicable to that class; and
- (b) have a duration of 115 minutes, or in the circumstances specified in paragraph (6), 230 minutes.

(3) The standard test of hazard perception shall—

- (a) be conducted by means of the exhibition of film clips that take the perspective of the driver of a motor vehicle and show, at some point during each film clip, one or more hazards to traffic occurring on or near the road; and
- (b) require the candidate (using electronic equipment provided for the purpose and capable of recording the exact moment of each response) to indicate during each film clip the moment he observes a hazard to traffic on the road.

(4) The large vehicle test of hazard perception shall comply with the requirements set out in paragraph (3) for the standard test of hazard perception and shall be in a form considered appropriate by the Department for testing the candidate's competence in hazard perception in relation to vehicles in categories C and D.

(5) The practical test and the unitary test shall each be conducted so that—

- (a) the person taking the test drives, wherever possible, both on roads outside built-up areas and on urban roads; and
- (b) the time during which that person is required to drive on roads is—
  - (i) in the case of a test, taken before 17<sup>th</sup> February 2009, for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1, not less than 50 minutes;
  - (ii) in the case of a test, taken on or after 17<sup>th</sup> February 2009, for a licence authorising the driving of a class of vehicle included in category C, C1, D or D1 not less than 60 minutes;

(iii) in the case of a test for a licence authorising the driving of a class of vehicle included in category B+E, C1+E, C+E, D1+E or D+E, not less than 50 minutes; and

(iv) in the case of any other test, not less than 30 minutes.

(6) The circumstances referred to in paragraphs (1) and (2) are that the candidate requires the assistance of a suitably qualified person at the test by virtue of having reading difficulties.

(7) For the purposes of this regulation—

“an approved form of examination” means a form of examination which is conducted in writing or by means of data recorded on equipment operating in response to instructions given by the candidate; and

“film clip” means a sequence of visual images displayed electronically.

### **Passing the test**

**29C.**—(1) A person shall be treated as having passed the theory test described in regulation 29(2)(a) if he satisfies the person conducting the test—

- (a) in respect of the standard test of driving theory, of his knowledge and understanding of specified matters; and
- (b) in respect of the standard test of hazard perception, that his performance in the test demonstrates an ability to perceive hazards on the road.

(2) A person shall be treated as having passed—

- (a) the large vehicle test of driving theory if he satisfies the person conducting the test of his knowledge and understanding of the specified matters and the CPC subjects; and
- (b) the large vehicle test of hazard perception if he satisfies the person conducting the test that his performance in the test demonstrates an ability to perceive hazards on the road.

(3) A person shall be treated as having passed the practical test if he satisfies the person conducting the test of his ability to drive safely and to comply with the specified requirements.

(4) A person shall be treated as having passed the special manoeuvres test if he satisfies the person conducting the test of his ability to comply with the specified requirements.

(5) The specified matters for a standard test of driving theory in respect of a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the Table are the matters specified in relation to that category in column (2) of the Table.

(6) The specified matters for a large vehicle test of driving theory in respect of a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the Table are the matters specified in relation to that category in column (2) of the Table.

(7) The specified requirements for a practical or unitary test in respect of a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the Table are the matters specified in relation to that category in column (3) of the Table.

(8) The specified requirements for a special manoeuvres test for a licence authorising the driving of a motor vehicle of a class included in a category shown in column (1) of the Table are the requirements specified in relation to that category in column (4) of the Table.



**TABLE**

<i>Column (1) Category</i>	<i>Column (2) Specified matters</i>	<i>Column (3) Specified requirements</i>	<i>Column (4) Specified requirements</i>
A	Matters specified in Part 1 of Schedule 6	Requirements specified in Part 1 of Schedule 7	Requirements specified in Part 1 of Schedule 7A
B	Matters specified in Part 2 of Schedule 6	Requirements specified in Part 2 of Schedule 7	—
B+E	—	Requirements specified in Part 2 of Schedule 7	—
C	Matters specified in Part 3 of Schedule 6	Requirements specified in Part 3 of Schedule 7	—
D	Matters specified in Part 4 of Schedule 6	Requirements specified in Part 4 of Schedule 7	—
C+E	—	Requirements specified in Part 3 of Schedule 7	—
D+E	—	Requirements specified in Part 4 of Schedule 7	—
F	—	Requirements specified in Parts 5 and 6 of Schedule 7	—
G	—	Requirements specified in Parts 5 and 6 of Schedule 7	—
H	—	Requirements specified in Parts 5 and 7 of Schedule 7	—
K	—	Requirements specified in Part 5 of Schedule 7	—
P	Matters specified in Part 1 of Schedule 6	Requirements specified in Part 1 of Schedule 7	Requirements specified in Part 2 of Schedule 7A

**Nature of extended driving tests**

**29D.**—(1) Where a person is disqualified by order of a court under Article 41 of the Offenders Order until he passes as extended driving test, the test he must pass is a test conducted in accordance with regulations 29 to 29C as modified by paragraph (2) of this regulation.

(2) For the purposes of an extended driving test, the provisions of regulations 29 to 29C shall apply as if regulation 29(1) were omitted and as if for paragraph (b) of regulation 29B(5) there were substituted—

“(b) the time during which that person is required to drive on roads is not less than 60 minutes.”.”.



### **Amendment to regulation 30 (order of test)**

10. Regulation 30 of the principal Regulations is revoked.

### **Amendment to regulation 36 (evidence of result of theory tests)**

11. In regulation 36 of the principal Regulations(a)—

(a) for paragraph (1), substitute—

“(1) A person conducting the standard test of driving theory described in regulation 29(2)(a) and (3)(a) shall arrange for the test to be marked on the day of the test.”; and

(b) for the words “pass certificate” wherever they occur substitute “standard theory test pass certificate”.

### **Evidence of result of theory tests: category C and D**

12. After regulation 36 of the principal Regulations (evidence of results of theory tests) insert—

#### **“Evidence of result of theory tests: category C and D**

**36A.**—(1) A person conducting—

- (a) a large vehicle test of driving theory; or
- (b) a large vehicle test of hazard perception,

shall arrange for the test to be marked on the day of the test.

(2) A person conducting a large vehicle test of driving theory shall, upon completion of the marking of the test, furnish—

- (a) a person who passes the test with a statement of performance in the form set out in Part 1 of Schedule 9A; and
- (b) a person who fails to pass the test with a statement of performance in the form set out in Part 2 of Schedule 9A.

(3) A person conducting a large vehicle test of hazard perception shall, upon completion of the test, furnish—

- (a) a person who passes the test with a statement of performance in the form set out in Part 1 of Schedule 9B; and
- (b) a person who fails to pass the test with a statement of performance in the form set out in Part 2 of Schedule 9B.

(4) Where the person who has conducted a large vehicle test of driving theory or a large vehicle test of hazard perception is satisfied that a statement of performance has been furnished in error to a person who took the test, he shall, upon receipt of that document from that person, and subject to paragraph (5), furnish that person with a correct statement.

(5) Where the person who took the test alleges that a statement of performance has been furnished under paragraph (2)(b) or (3)(b) in error he may return the statement not later than 14 days after it is furnished to him to the person who conducted the test with a request in writing that the test be remarked.

(6) The person who conducted the test shall comply with a request under paragraph (5) for the purpose of ascertaining whether an error has been made but subject thereto shall not be obliged to remark any test.

(7) A statement of performance is not valid for the purposes of regulation 36B(1)—

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(a) Regulation 36 was amended by S.R. 1997 No. 383, regulation 15

- (a) if the person to whom it is furnished is at that time ineligible, by virtue of an enactment contained in the Order or these Regulations, to take the test to which the statement relates; or
- (b) if the statement is furnished in error or with an error in the particulars required to be specified in it.

### **Large vehicle theory test pass certificate**

**36B.**—(1) Where a person has obtained statements of performance under regulation 36A(2)(a) and (3)(a) he shall be entitled to be furnished with a large vehicle theory test pass certificate in the form set out in Schedule 9C.

(2) The large vehicle theory test pass certificate shall be furnished as soon as practicable to a person entitled to it under paragraph (1) by the person who conducted the test to which the later of the two statements relates.

(3) A large vehicle theory test pass certificate furnished in error, or with an error in the particulars required to be specified in it, may not be presented in support of an application for a licence as evidence that the person has passed the tests mentioned in such a certificate.

(4) A large vehicle theory test pass certificate shall be valid for the purposes of regulation 27(3) for a period commencing on the earlier of the dates on which a person passes the large vehicle test of driving theory or the large vehicle test of hazard perception and ending—

- (a) two years later, or
- (b) on the date on which that person is disqualified by order of a court under Article 41 of the Offenders Order<sup>(a)</sup> until he passes the appropriate driving test,

whichever is the earlier.

(5) A large vehicle theory test pass certificate is not valid for the purposes of regulation 27(3) if—

- (a) it is furnished in error or with an error in the particulars required to be specified in it; or
- (b) the person to whom it is furnished is at that time ineligible, by virtue of an enactment contained in the Order or these Regulations, to take any test to which the certificate relates.

(6) Where a person who has furnished a large vehicle theory test pass certificate is satisfied that it has been furnished with an error in the particulars specified in it he shall, upon receipt of that document from the person to whom it was furnished, furnish that person with a correct certificate.

(7) A large vehicle theory test pass certificate shall cease to be valid if the person to whom it is furnished is disqualified by order of a court under Article 41 of the Offenders Order until he passes the appropriate driving test.

(8) A person authorised to conduct theory tests by virtue of paragraphs (c) or (d) of regulation 19(1) or regulation 19(1A)(b) shall issue large vehicle theory test pass certificates using the forms supplied by the Department.”.

### **Amendment to regulation 37 (evidence of the result of practical and unitary tests)**

**13.** In regulation 37 of the principal Regulations, for paragraph (4)(b) substitute—

- “(b) under paragraph (1)(a) is invalid if, at the time when it is issued, the person conducting the practical test is unaware that—
  - (i) the standard theory test pass certificate produced to him in accordance with regulation 27(3) is invalid by virtue of regulation 36(7), or

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(a) Article 41 was amended by S.R. 1997 No. 241, Schedule 1, paragraph 5

- (ii) the large vehicle theory test pass certificate produced to him in accordance with regulation 27(3) is invalid by virtue of regulation 36B(5).”.

**Amendment of Schedule 4A (fees for theory tests)**

14. For Schedule 4A to the principal Regulations(a) substitute—

“SCHEDULE 4A

Regulation 24

FEEES FOR THEORY TESTS

<i>Column (1)</i> <i>Category or sub-category of vehicle</i>	<i>Column (2)</i> <i>Fee</i>
1. A, A1 and P	£28.50
2. B and B1 (other than invalid carriages)	£28.50
3. C, C1, D and D1 large vehicle test of driving theory	£35.00
4. C, C1, D and D1 large vehicle test of hazard perception	£15.00”

**Amendment of Schedule 6 (specified matters for theory test)**

15. In Schedule 6 to the principal Regulations(b) for the words “Regulation 29” substitute “Regulation 29C”.

**Amendment of Schedule 9 (forms of certificate and statement of theory test result)**

16. In Schedule 9 to the principal Regulations, in the heading for the words “Theory Test” substitute “Standard Theory Test”.

**Forms of statement of performance and certificate**

17. After Schedule 9 to the principal Regulations insert Schedules 9A, 9B and 9C as set out in the Schedule to these Regulations.

**Savings and transitional provision**

18.—(1) The principal Regulations shall have effect in relation to—

- (a) a theory test for which application has been made before the coming into operation of these Regulations; and
- (b) a theory test to be taken on or after the date on which these Regulations come into operation but before 10<sup>th</sup> March 2009,

without the amendments made by these Regulations.

(2) In this Regulation “theory test” has the same meaning as in regulation 2 of the principal Regulations but without the amendments made by these Regulations.

Sealed with the Official Seal of the Department of the Environment on 15<sup>th</sup> January 2009.

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(a) Schedule 4A was inserted by S.R. 2007 No. 111, regulation 4 and amended by S.R. 2007 No. 317, regulation 2  
 (b) Schedule 6 was amended by S.R. 1999 No. 358, regulation 8 and S.R. 2003 No. 183, regulation 3



*Stanley Duncan*  
A senior officer of the Department of the Environment

SCHEDULE

Regulation 17

“SCHEDULE 9A

Regulation 36A(2)

Large vehicle test of driving theory

PART 1

Statement of performance: pass

Name of candidate: .....

Driver number: .....

Date of test: .....

You have passed the large vehicle test of driving theory prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981, as substituted by the Road Traffic (Amendment) (Northern Ireland) Order 1991 in respect of category/categories .....

Test centre [number or location of centre]

PART 2

Statement of performance: fail

Name of candidate: .....

Driver number: .....

Date of test: .....

You have failed the large vehicle test of driving theory prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981, as substituted by the Road Traffic (Amendment) (Northern Ireland) Order 1991 in respect of category/categories .....

Test centre [number or location of centre]

**SCHEDULE 9B**

Regulation 36A(3)

**Large vehicle test of hazard perception**

**PART 1**

Statement of performance: pass

Name of candidate: .....

Driver number: .....

Date of test: .....

You have passed the large vehicle test of hazard perception prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981, as substituted by the Road Traffic (Amendment) (Northern Ireland) Order 1991 in respect of category/categories ....

Test centre [number or location of centre]

**PART 2**

Statement of performance: fail

Name of candidate: .....

Driver number: .....

Date of test: .....

You have failed the large vehicle test of hazard perception prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981, as substituted by the Road Traffic (Amendment) (Northern Ireland) Order 1991 in respect of category/categories ....

Test centre [number or location of centre]

SCHEDULE 9C

Regulation 36B(1)

Large vehicle theory test pass certificate

Name of candidate: .....

Driver number: .....

Certificate number: .....

You have passed the large vehicle test of driving theory and the large vehicle test of hazard perception prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981 as substituted by the Road Traffic (Amendment) (Northern Ireland) Order 1991 in respect of category/categories ..... You will need to produce this certificate when you take your practical test.

You have two years from [date] to take your practical test. If you do not pass your practical driving test on or before [date] you will have to pay for and take further tests. ”



## EXPLANATORY NOTE

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

These Regulations further amend the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”).

The Regulations come into operation on 17<sup>th</sup> February 2009 except for regulation 4, part of which comes into operation on 10<sup>th</sup> September 2009. The 1996 Regulations (without the amendments made by these Regulations) continue to apply in respect of theory tests booked before 17<sup>th</sup> February 2009 or taken before 10<sup>th</sup> March 2009.

In respect of the driving test for (broadly) lorries and buses, these Regulations replace the existing theory test with a theory test consisting of two parts (a large vehicle test of driving theory and a large vehicle test of hazard perception) (regulation 9). The additional requirement to pass a practical test makes this a three part driving test.

The scope of the matters to be covered by the large vehicle test of driving theory is also increased so as to include subjects required to be tested under Annex I to Directive 2003/59/EC of the European Parliament and of the Council of 15<sup>th</sup> July 2003 on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No. 3820/85 and the Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC (O.J. No. L226, 10.9.2003, p. 4). Directive 2003/59/EC has been implemented by the Vehicle Drivers (Certificates of Professional Competence) Regulations 2007 (S.I. 2007/605) which, in this respect, these Regulations supplement (new regulations 29B(2)(a) and 29C(2)(a) as inserted by regulation 9). Regulation 5 inserts a new definition of “CPC” subjects for the purposes of Part III of the 1996 Regulations.

A person required to take this three part test must pass the large vehicle test of driving theory and the large vehicle test of hazard perception before taking the practical test, and is not entitled to apply for an appointment for a practical test until he has obtained a valid large vehicle theory test pass certificate (new regulation 29A inserted by regulation 9).

The fee for the new large vehicle test of driving theory is £35 and the fee for the new large vehicle test of hazard perception is £15 (regulation 14). This represents an increase of 56% over the fee of £32 for the former combined large vehicle theory and hazard perception test.

Examiners who conduct large vehicle tests of driving theory or large vehicle tests of hazard perception must furnish a person who has taken the test with a statement of performance (new regulation 36A as inserted by regulation 12).

A person who has obtained statements of performance for both parts of the theory test is entitled to a large vehicle theory test pass certificate (new regulation 36B as inserted by regulation 12). That certificate is valid for the purposes of eligibility to take a practical test (under regulation 27 of the 1996 Regulations) for a period of two years from the earlier dates on which the large vehicle test of driving theory or large vehicle test of hazard perception was passed. There are prescribed forms for the statements of performance and the large vehicle theory test pass certificate (regulation 17).

The Department is given a new power to vary the conditions of approval applying to persons and organisations authorised to appoint driving examiners (regulations 6 and 7).

Regulation 4 amends the 1996 Regulations so that the new minimum age requirements in Directive 2003/59/EC apply to bus and lorry drivers who have passed the initial CPC test. Broadly, the age of 18 is substituted for the age of 21 in respect of bus drivers and lorry drivers provided that, in the case of the former, the driver is carrying passengers on a route which does not exceed 50 kilometres or does not carry passengers at all. For other bus drivers, age 20 is substituted for 21.

Regulations 2, 3, 8, 10, 11, 13, 15, and 16 make consequential amendments to the 1996 Regulations.

Regulation 18 provides for the transitional arrangements for the coming into operation of the Regulations.

A full Regulatory Impact Assessment has been prepared for these Regulations and is available from the Driver and Vehicle Agency, 66 Balmoral Road, Belfast, BT12 6QL or the DVA website at [www.dvni.gov.uk](http://www.dvni.gov.uk).

A transposition note has been prepared in relation to regulation 4 of these Regulations and is available from the above address.

Copies of the EC Directives referred to in these Regulations can be obtained from TSO, 16 Arthur Street, Belfast BT1 4GD.

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**2009 No. 14**

**ROAD TRAFFIC AND VEHICLES**

The Motor Vehicles (Driving Licences) (Amendment)  
Regulations (Northern Ireland) 2009