

2009 No. 302

ROAD TRAFFIC AND VEHICLES

The Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 2009

Made - - - - - *28th August 2009*

Coming into operation - - - - - *12th October 2009*

The Department of the Environment, being satisfied that satisfactory provision is made by the laws of the territories specified in this Order as respects the grant of driving licences of the description specified in this Order, makes the following Order in exercise of the powers conferred on it by Article 19D(2)(b), (2A), (2B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981(a).

Citation and commencement

1. This Order may be cited as the Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 2009 and shall come into operation on 12th October 2009.

Interpretation

2. In this Order—

- (a) “driving test” means a test corresponding to the practical test of driving skills and behaviour prescribed under Article 5 of the Road Traffic (Northern Ireland) Order 1981(b) as part of the test of competence to drive;
- (b) “Table 1” and “Table 2” mean the Tables bearing those numbers in Schedule 1;
- (c) “vehicle with automatic transmission” means a vehicle in which either—
 - (i) the driver is not provided with any means whereby he may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or
 - (ii) he is provided with such means but they do not include a clutch pedal or lever which he may operate manually,(and accordingly, a vehicle with manual transmission is any other class of vehicle); and
- (d) a reference to a licensing category is a reference to the category identified by the same letter or combination of letters in Schedule 1 to the Motor Vehicles (Driving Licences)

(a) S.I. 1981/154 (N.I. 1); see Article 2(2) for the definition of “Department” and “prescribed”; Article 19D(2), (2A) and (2B) were substituted by S.I. 2007/916 (N.I. 10), Article 35; see Article 19D(1) for the definitions of “EEA State”, “EEA Agreement”, “exchangeable licence” and “EEA exchangeable licence”. The definitions of “EEA State”, “EEA Agreement” and “exchangeable licence” were inserted by S.R. 1996 No. 426, Schedule 1, paragraph 12. The definition of “exchangeable licence” was substituted by S.R. 2007/916 (N.I. 10), Article 35 and the definition of “EEA exchangeable licence” was inserted by that Article.

(b) 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. 1996/1320 (N.I. 10), Schedule 3, paragraph 3 and S.I. 2007/916 (N.I. 10), Articles 31, 32 and 44

Regulations (Northern Ireland) 1996^(a) and a reference to a class of motor vehicle shall include a reference to a subdivision of such a class.

Designation of countries and territories

3.—(1) Subject to paragraphs (3) and (4), the countries and territories specified in Table 1 are designated under Article 19D(2)(b) of the Road Traffic (Northern Ireland) Order 1981 as respects licences of the descriptions specified in paragraph (2).

(2) The licences referred to in paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, B, B+E, F, K or P, and
- (b) which have been granted by the licensing authority of a country or territory specified in Table 1—
 - (i) to a person who has passed a driving test in that country or territory, or
 - (ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom), in any other country or territory specified in Table 1, in a country or territory specified in Table 2 or in a country or territory named in Schedule 2 to a person who had passed a driving test in such a State, country or territory.

(3) A licence of a description specified in paragraph (2)(b)(ii), being a licence granted by way of exchange for a licence granted to a person who had passed a driving test in a country or territory specified in Table 2, shall not be exchangeable in so far as it authorises the driving of a class of vehicles corresponding to a class of vehicles included in licensing category A, notwithstanding that the licence authorises the driving in the country or territory specified in Table 1 of a class of vehicles corresponding to that licensing category.

(4) Notwithstanding that a licence of a description specified in paragraph (2) authorises the driving of vehicles with manual transmission, that licence shall be exchangeable only to the extent that it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test in a vehicle with automatic transmission.

4.—(1) Subject to paragraph (3), the countries and territories specified in Table 2 are designated under Article 19D(2)(b) of the Road Traffic (Northern Ireland) Order 1981 as respects licences of the descriptions specified in paragraph (2).

(2) The licences referred to in paragraph (1) are licences which—

- (a) authorise the driving of a class of vehicles corresponding to a class of vehicles included in licensing category B, B+E, F, K or P, and which have been granted by the licensing authority of a country or territory specified in Table 2—
 - (i) to a person who has passed a driving test in that country or territory, or
 - (ii) by way of exchange for a licence granted in an EEA State (including the United Kingdom), in any other country or territory specified in Table 2, in a country or territory specified in Table 1 or in a country or territory named in Schedule 2 to a person who had passed a driving test in such a State, country or territory, and
- (b) authorise the driving of a class of vehicle corresponding to a class of vehicle in licensing category A and which have been granted by the licensing authority of a country or territory specified in Table 2 by way of exchange for a licence granted in an EEA State (including the United Kingdom), a country or territory specified in Table 1 or a country or territory named in Schedule 2 to a person who had passed a driving test in such a State, country or territory.

(3) Notwithstanding that a licence of a description specified in paragraph (2) authorises the driving of vehicles with manual transmission, that licence shall be exchangeable only to the extent

(a) S.R. 1996 No. 542 to which there are amendments not relevant to this Order

that it authorises the driving of vehicles with automatic transmission if it was granted to a person who passed a driving test in a vehicle with automatic transmission.

Revocation

5. The Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 1994(a) and the Motor Vehicles (Exchangeable Licences) (Amendment) Order (Northern Ireland) 2002(b) are revoked.

Sealed with the Official Seal of the Department of the Environment on 28th August 2009.



Stanley Duncan
A senior officer of the Department of the Environment

(a) S.R. 1994 No. 364
(b) S.R. 2002 No. 328

SCHEDULE 1

Articles 3 and 4

Table 1

<i>Country or territory</i>
Australia
Barbados
British Virgin Islands
The provinces and territories of Canada
Falkland Islands
Hong Kong
Japan
New Zealand
Principality of Monaco
Singapore
South Africa
Switzerland
Zimbabwe

Table 2

<i>Country or territory</i>
Faroe Islands
Republic of Korea

SCHEDULE 2

Articles 3 and 4

Other countries and territories from where a licence may have been exchanged

Guernsey

Isle of Man

Jersey

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Motor Vehicles (Exchangeable Licences) Order (Northern Ireland) 1994 (S.R. 1994 No. 364), as amended.

The Order designates certain countries and territories under Article 19D(2)(b), (2A) and (2B) of the Road Traffic (Northern Ireland) Order 1981 as making satisfactory provisions for the issue of certain classes of driving licences. This enables a person holding one of those licences to exchange it for a corresponding Northern Ireland licence.

The licences affected are those authorising the driving of mopeds, motor bicycles, motor cars and small goods vehicles up to 3.5 tonnes maximum authorised mass (with or without a trailer), tractors, pedestrian controlled vehicles and mowing machines.

There are specific provisions regarding licences which authorise the driving of motor bicycles. In the case of countries and territories specified in Table 1 of Schedule 1 most licences authorising the driving of motor bicycles are exchangeable. However if that licence is one which had previously been granted in exchange for a licence held by a person who had originally passed a test in the Republic of Korea or the Faroe Islands it may not be exchanged for a corresponding Northern Ireland licence.

In the case of the Republic of Korea and the Faroe Islands while a motor bicycle licence is not exchangeable for a corresponding Northern Ireland licence if that licence had been granted to a person who had passed a test in the Republic of Korea or the Faroe Islands, it will be exchangeable if that licence is one which had previously been granted in exchange for a licence held by a person who had originally passed a test in one of the countries or territories specified in Table 1 of Schedule 1, or an EEA State or a country or territory specified in Schedule 2.

The Order also provides that a licence may not be exchanged for a corresponding Northern Ireland licence authorising the driving of vehicles with manual transmission unless the holder took a driving test in a vehicle with manual transmission.

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