

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT No. 2)
REGULATIONS (NORTHERN IRELAND) 2012

SR 2012 No. 355

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 9(2) and (4)(b) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This submission seeks your agreement to make the Statutory Rule (SR) (aside). The SR implements the minimum standards of medical fitness required for diabetes mellitus (“diabetes”), as specified in Directive 2009/112/EC of 25th August 2009 and Directive 2009/113/EC of 25th August 2009.

3. Background

- 3.1. These Regulations amend the medical standards applicable for driver licensing of applicants and licence holders with diabetes, by making amendments to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (“the principal Regulations”). They amend the terms in which diabetes is prescribed as a relevant disability for the purposes of Article 9(2) of the Road Traffic (Northern Ireland) Order 1981, with the effect that a person with that relevant disability cannot be granted a licence; and for the purposes of Article 9(4)(b) of that Order, by which an applicant can be granted a licence for certain prescribed formulations of a disability on prescribed conditions.

4. Consultation

- 4.1. A UK wide consultation documents were issued to interested parties between 3 February to 28 April 2011 for the SR. No issues were raised.

5. Equality Impact

- 5.1. There are no Human Rights, Equality, Environmental, Rural or Financial Issues associated with the proposed legislation.

6. Regulatory Impact

- 6.1. A RIA was not prepared as no adverse impact on the costs of the private or voluntary sectors are foreseen.

7. Financial Implications

- 7.1. Not applicable

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered the matter of Convention rights and Community law and is satisfied that the proposed statutory rule is not incompatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. These Regulations implement the minimum standards of medical fitness required for diabetes mellitus (“diabetes”), as specified in Directive 2009/112/EC of 25th August 2009 and Directive 2009/113/EC of 25th August 2009 (“the Medical Directives”) (O.J. No. L223, 26.8.09, p.26 and p.31) which amend respectively Directive 91/439/EEC of the European Parliament and of the Council on driving licences (O.J. No. L237, 24.8.91, p.1) and Directive 2006/126/EC of the European Parliament and of the Council on driving licences (O.J. No. L51, 22.2.06, p.17). The Medical Directives were added to Annex XIII of the European Economic Area Agreement by Decision of the EEA Joint Committee No. 28/2010 of 12th March 2010 (O.J. No. L143, 10.6.10, p.23).

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable