

EXPLANATORY MEMORANDUM TO
THE MOTOR VEHICLES (DRIVING LICENCES) (AMENDMENT NO. 3)
REGULATIONS (NORTHERN IRELAND) 2012

2012 SR No. 451

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 section 2(2) of the European Communities Act 1972 and Articles 5(3), 13(3A) and (3B) and 218(1) of the Road Traffic (Northern Ireland) Order 1981 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Statutory Rule covered by this Memorandum is to amend the Road Traffic (Northern Ireland) Order 1981 and the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 in order to accommodate the requirements of Directive 2006/126/EC on Driving Licences (“the 3rd EC Directive”).

3. Background

- 3.1. The legislation to transpose the 3rd EC Directive was made on 19th April 2012 and will come into operation on 19th January 2013.
- 3.2. The 3rd EC Directive introduces changes to the licensing categories of motorcycles, including a new medium sized motorcycle (category A2) and the introduction of direct access to the most powerful motorcycles (category A). It will also introduce changes to the minimum age requirements for motorcycles including setting the minimum age at 24 for motorcyclists gaining access to the most powerful motorcycles and providing for the introduction of staged access for younger motorcyclists who wish to ride those motorcycles.
- 3.3. These Regulations will accommodate these changes by allowing the training and testing of riders of category A2 and A motorcycles at speeds above 45mph. The post test speed restriction will also be removed for those riders but they will still be required to display an ‘R’ plate for the first year after qualification.
- 3.4. The Regulations make consequential changes to the compulsory basic training scheme for motorcyclists to take account of the removal of the 45mph speed restriction for learner riders of category A2 and A motorcycles.

3.5. The Regulations also make changes to the rules regarding reinstatement of motorcycle licences to ensure that the new minimum age requirements introduced by the 3rd EC Directive do not additionally disadvantage younger drivers who are disqualified but who previously had full entitlement under the old rules.

4. Consultation Outcome

4.1. The Department carried out consultation exercises in 2010 on the proposals to introduce the 3rd EC Directive, and in 2011 on graduated driver licensing, including the removal of the 45mph speed restriction. A stakeholder group was established in 2011 and their views have been sought throughout the process and they have supported the way forward.

5. Equality Impact

5.1. In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on the proposals to remove the 45mph speed restriction for riders of category A2 and A motorcycles during training, testing and post test and concluded that they do not have implications for equality of opportunity. The measures will not affect any racial group disproportionately. In light of this the Department considers that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment was completed for the Regulations transposing the 3rd EC Directive. A screening exercise was carried out on the proposals to remove the 45mph speed restriction for riders of category A2 and A motorcycles during training, testing and post test and concluded that the proposals imposed negligible costs or savings on businesses, charities, social economy enterprises or the voluntary sector. In light of this it was considered that a further regulatory impact assessment was not necessary.

7. Financial Implications

7.1. The Driver and Vehicle Agency's testing service is financed through a trading fund under the provision of the Driver and Vehicle Testing Agency Trading Fund (Northern Ireland) Order 1996 (S.R. 1996 No. 32). This requires the service to meet all of its expenditure requirements in respect of driver testing from the fees charged to customers. These changes will not impact on test fees.

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 legislation is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. These Regulations will accommodate the requirements of the 3rd EC Directive.

10. Parity or replicatory measure

10.1. Learner drivers in Great Britain are already trained and tested at up to the national speed limit and there are no post test speed restrictions. These Regulations will align Northern Ireland with Great Britain in relation to speed restrictions for motorcyclists and motorcycle training schemes and will also mirror amendments made in Great Britain in relation to disqualified motorcyclists.

11. Additional information

11.1. None