

1968. No. 274

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ROAD TRAFFIC

Approved Driving Instructors

REGULATIONS, DATED 11TH DECEMBER 1968, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTIONS 51 AND 56 OF THE ROAD TRAFFIC ACT (NORTHERN IRELAND) 1967.

The Ministry of Home Affairs in exercise of the powers vested in it by Sections 51 and 56 of the Road Traffic Act (Northern Ireland) 1967(a) and all other powers enabling it in that behalf hereby makes the following Regulations:—

Citation and Commencement

1. These Regulations may be cited as the Motor Vehicles (Approved Driving Instructors) Regulations (Northern Ireland) 1968 and shall come into operation on the 31st December 1968.

Interpretation

2. In these Regulations the expression—

“Ministry” means the Ministry of Home Affairs.

“Register” means the Register of persons approved by the Ministry as qualified to give instruction in the driving of motor cars.

“Examination” means the examination of ability to give instruction in the driving of motor cars referred to in Regulation 11 and prescribed in Schedule 1.

3. An application for Registration shall be made in such form and contain such information as the Ministry may determine.

4. The Register shall be in such form and contain such particulars as the Ministry may determine and shall be compiled and maintained by an officer of the Ministry of Home Affairs (hereinafter referred to as the “Registrar”).

Registration

5. 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 that the following conditions are fulfilled in his case:—

(a) that he has passed the examination and test of ability to give instruction in the driving of motor cars as specified in Schedule 1;

(b) that he is the holder of a current licence of one of the following kinds, that is to say—

(i) a licence to drive a motor car granted under Section 13 of the Road Traffic Act (Northern Ireland) 1955(b);

(ii) a licence to drive a motor car granted under the corresponding law in force in Great Britain;

(a) 1967. c. 38 (N.I.).

(b) 1955. c. 27.

and at no time during the period of four years ending with the day on which the application is made did he not hold one or other of the aforesaid licences, or a current foreign licence, that is to say, a document issued under the law of a country outside the United Kingdom authorising the holder to drive a motor vehicle in that country;

- (c) that he has not during any part of the said period been disqualified under Section 57 of the Road Traffic Act (Northern Ireland) 1955 or under the corresponding law in Great Britain from holding or obtaining a licence to drive a motor vehicle nor been subjected to the restrictions imposed by the Motor Vehicles (Restrictions on Drivers) Regulations (Northern Ireland) 1968(c) for more than 12 months;
- (d) that apart from fulfilment of the foregoing conditions he is a fit and proper person to have his name entered in the Register.

Period of Registration

6. The period of registration shall be two years beginning with the date on which the entry of the name was made.

Extension of Duration of Registration

7. A person shall be entitled on payment of the fee specified in Regulation 10(3) to have his name retained in the Register for a further period of two years if he satisfies the Registrar that the following conditions are fulfilled in his case, that is to say—

- (a) that he has not refused to undergo a practical test such as is mentioned in Regulation 12 during the previous period of registration;
- (b) that 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) that he has not during any part of the said period been disqualified for holding or obtaining a licence to drive a motor vehicle;
- (d) that apart from the fulfilment of the foregoing conditions he continues to be a fit and proper person to have his name entered in the Register.

Removal of Names from Register

8.—(1) The Registrar may remove the name of a person from the Register if the Registrar is satisfied that at any time since it was last retained any of the following conditions were fulfilled in the case of that person—

- (a) that he was disqualified under Section 57 of the Act of 1955 from holding or obtaining a licence to drive a motor vehicle granted under the said Act;
- (b) that he refused to undergo a practical test such as is mentioned in Regulation 12;
- (c) that he failed to pass such a test;
- (d) that he ceased to be a fit and proper person to have his name included in the Register;
- (e) that the entry of his name in the Register, or the retention of his name therein, was made by mistake or procured by fraud.

(2) The Registrar shall not remove the name of a person from the Register under this Regulation unless he has given notice to the person concerned and

has considered any representations the person has made within sixteen days from the date of the notice or such longer period as the Registrar may in special circumstances allow.

Appeals

9. A person who is aggrieved by a decision of the Registrar—

- (a) to refuse an application for the entry of his name in the Register,
- (b) to refuse an application for the retention of his name in the Register, or
- (c) to remove his name from the Register

may by notice in writing appeal to the Minister of Home Affairs within a period of thirty days from the date of the notice of the decision or such longer period as the Minister may in special circumstances allow, and the Minister may make such order as he thinks fit having regard to the circumstances.

Fees

10.—(1) A person applying to submit himself to the written part of the examination shall pay a fee of £5.

(2) A person applying to submit himself to the practical part of the examination shall pay a fee of £5.

(3) The fee to be paid by a person who applies for the retention of his name in the Register for a further period of two years shall be £5.

Examinations and Tests of Ability to Give Driving Instruction

11.—(1) The examination shall consist of a written part and a practical part as set out in Schedule 1.

(2) Unless the person who is applying to have his name entered in the Register is exempted under Regulation 13 from the written part of the examination, he must pass such written part before he takes the practical part thereof and he must have passed such written part not earlier than three years before the date on which he takes the practical part thereof.

Tests of Continued Ability to Give Instruction

12. The entry 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 Schedule 2.

Exemption from Regulations

13.—(1) The Registrar may exempt from the condition specified in Regulation 5(a) a person who satisfies the Registrar that his name was, on or after 31st December 1966, in the corresponding Register established under the law of Great Britain and that he is resident in Northern Ireland.

(2) The Registrar may exempt from the written part of the examination as prescribed in Regulation 11(1) a person who satisfies the Registrar that at the date of the coming into operation of these Regulations his name was in the Register of Instructors maintained either by the Motor Schools Association of Great Britain Limited or the Royal Automobile Club.

Official Title

14. The official title or description for use by persons registered in the Register shall be "Ministry of Home Affairs Approved Driving Instructor".

Certificate

15. The certificate which may be displayed by such persons shall be in the form set out in Schedule 3.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 11th day of December 1968.

(L.S.)

W. G. Robinson,
Assistant Secretary.

The Ministry of Finance hereby approves of paragraphs (1), (2) and (3) of Regulation 10.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 17th day of December 1968.

(L.S.)

James V. Morrison,
Assistant Secretary.

SCHEDULE 1

Examination of ability to give Instruction

1. *Written part of examination*

The written part of the examination for entry to the Register shall consist of a theoretical examination, which each candidate shall be required to answer from his own knowledge, on all or any of the following subjects:—

- (a) The principles of road safety generally and their application in particular circumstances.
- (b) The technique of driving a car correctly, courteously and safely, including control of the vehicle, road procedure, recognising hazards and taking proper action, dealing properly with pedestrians and other road users and the use of safety equipment.
- (c) The tuition required to instruct a pupil in driving a car, including the items set out in sub-paragraph (b), the correction of the pupil's errors, the manner of the instructor, the relationship between instructor and pupil and simple vehicle adaptation for disabled drivers.
- (d) The Highway Code and other matters in the booklet in which it is published.
- (e) The booklet "Advice on the Driving Test" (D.L.2) issued by the Ministry of Home Affairs and published by H.M. Stationery Office.
- (f) The interpretation of the reasons for failure appended to the Statement of Failure to pass the test of competence or of fitness to drive prescribed by Regulation 4 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965(d).
- (g) Knowledge, adequate to the needs of driving instruction, of the mechanism and design of a car.

2. *Practical part of examination*

(1) The practical part of the examination for entry to the Register shall consist of tests of eyesight, driving technique and instructional ability, and the candidate shall be required to reach the qualifying standard in all three tests on one and the same occasion.

(2) The test of eyesight shall be a requirement that the candidate read, in good daylight, a motor vehicle registration mark containing white letters and figures $3\frac{1}{2}$ inches in height on a black surface at a distance of 100 feet, or $3\frac{1}{8}$ inches in height at a distance of 90 feet, in either case with the aid of glasses if worn.

(3) The test of driving technique shall be as follows:—

- (a) The candidate shall be required to satisfy the examiner that he has an adequate knowledge of the principles of good driving and road safety and that he can apply them in practice. In particular, he shall be required to satisfy the examiner on all or any of the following subjects:—
 - (i) his expert handling of controls;
 - (ii) his use of correct road procedure;
 - (iii) his anticipation of the actions of other road users and taking of appropriate action;
 - (iv) his sound judgment of distance, speed and timing; and
 - (v) his consideration for the convenience and safety of other road users.
- (b) The candidate will be asked to demonstrate his ability to perform all or any of the following manoeuvres:—
 - (i) move away straight ahead or at an angle;
 - (ii) overtake, meet or cross the path of other vehicles and take an appropriate course;
 - (iii) turn right-hand and left-hand corners correctly;
 - (iv) stop the vehicle as in an emergency;

- (v) drive the vehicle backwards and whilst so doing enter limited openings to the right and to the left; and
- (vi) turn the vehicle around in the road to face in the opposite direction by the use of forward and reverse gears.

(4) The following provisions shall have effect with regard to the test of instructional ability, that is to say:—

(a) The candidate shall be required to demonstrate his knowledge and ability by giving practical driving instruction to the examiner acting as his pupil, assuming the examiner to be, successively, an absolute novice, a learner driver with some knowledge, and a learner driver who is at about driving test standard, and for each of these three phases the examiner will nominate one or more of the following subjects as the basis of the instruction:—

- (i) explanation of the controls;
- (ii) moving off and making normal progress;
- (iii) driving the vehicle backwards and while so doing entering limited openings to the right and to the left;
- (iv) turning the vehicle around in the road to face in the opposite direction, using forward and reverse gears;
- (v) parking close to the kerb, using reverse gears;
- (vi) using the mirror, and explaining how to make an emergency stop;
- (vii) approaching corners;
- (viii) judgment of speed and general road positioning;
- (ix) dealing with road junctions;
- (x) dealing with cross roads;
- (xi) meeting, crossing the path of, and overtaking other vehicles; and
- (xii) allowing adequate clearance for other road users, and dealing with pedestrian crossings.

(b) The candidate shall be assessed on the method, clarity, adequacy and correctness of his instruction, the observation and correction of driving errors committed by his pupil and his manner generally.

(c) A candidate for the practical part of the examination shall provide, at his own expense, a motor car for the purposes of that part, in respect of which the following conditions shall apply:—

- (i) the vehicle shall have four wheels and be—
 - (a) constructed solely for the carriage of passengers and their effects and fitted with a rigid roof, with or without a sliding panel, or
 - (b) a dual-purpose vehicle, this is to say, a vehicle constructed or adapted for the carriage of both passengers and goods or burden of any description being a vehicle of which the unladen weight does not exceed 2 tons and which satisfies the conditions as to construction specified in Section 9 of the Act of 1955;
- (ii) the vehicle shall be in proper condition, shall carry no advertisements or signs which might cause other road users to believe that it is being used for the purpose of giving driving instruction or that the driver is not a qualified driver, shall have a readily adjustable driving seat and a seat for a forward-facing front passenger, shall have its steering wheel on its off side, and shall be provided with a means whereby the driver may, independently of the use of the accelerator or the brakes, gradually vary the proportion of the power being produced by the engine which is transmitted to the road wheels of the vehicle;
- (iii) there shall be in existence an insurance covering the vehicle during the practical part of the examination against any liability of the candidate or the examiner as the driver or the person in charge of the vehicle for the death of or injury to third parties as required by Part II of the Motor Vehicles and Road Traffic Act (Northern Ireland) 1930(e) and to any

- passengers in the vehicle, including official passengers, and against any liability of the examiner whilst he is driving or in charge of the vehicle for damage to the vehicle or to any other property; and
- (iv) the candidate shall have with him two distinguishing marks in the form set out in Schedule 7 to the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1965, which are capable of being displayed when required during the practical part of the examination in a conspicuous manner on the front and on the back of the vehicle.

SCHEDULE 2

Test of continued ability and fitness to give Instruction

The following provisions shall have effect with regard to the test, that is to say:—

- (1) The test shall consist of the attendance of the examiner while the candidate is giving tuition to a pupil, and the pupil being instructed during such a test shall not be the holder of a full licence to drive a motor car issued under Part II of the Act of 1955.
- (2) The candidate shall be assessed on his instructional ability, and, in particular, in respect of the following qualities:—
 - (a) his method, clarity, adequacy and correctness of instruction;
 - (b) his observation and proper correction of the pupil's errors;
 - (c) his manner, patience and tact in dealing with the pupil; and
 - (d) his ability to inspire confidence.
- (3) The candidate shall provide a motor car which is a passenger vehicle in proper condition for such a test and in respect of which there shall be in existence at the time of the test a proper insurance, and the cover shall include the liability of the driver and the person in charge of the vehicle to passengers in the vehicle.

SCHEDULE 3

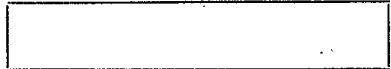
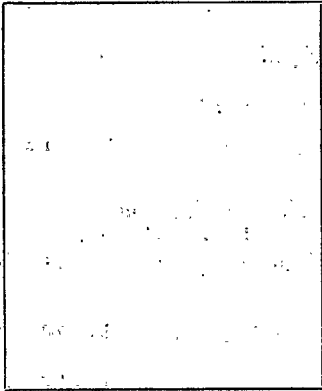
Regulation 13

Form of Certificate of Registration

MINISTRY OF HOME AFFAIRS APPROVED DRIVING INSTRUCTOR

The Ministry of Home Affairs
has approved

Photograph



as qualified to give instruction in the
driving of motor cars

THIS CERTIFICATE

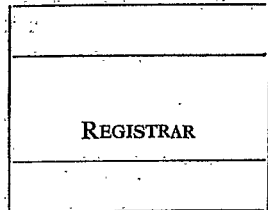
is valid until the of

Signature of holder:



SIGNED

DATE



Number

EXPLANATORY NOTE

(This note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations authorise the setting up of a Register of Driving Instructors approved by the Ministry as qualified to give instruction in the driving of motor-cars.

The Regulations prescribe:—

1. The conditions to be fulfilled for registration as an approved Driving Instructor (Regulation 5).
2. That the initial period of registration shall be two years (Regulation 6).
3. The conditions to be fulfilled for continued registration (Regulation 7).
4. Circumstances under which a person's name may be removed from the Register (Regulation 8).
5. The procedure for appeals to the Minister against a decision of the Registrar—there is no right of appeal against the decision of the Supervising Examiner on the written examination or practical test (Regulation 9).
6. Fees to be paid for registration and renewal of registration (Regulation 10).
7. The syllabus for the written examination, practical test and test of continued ability (Regulations 11 and 12 and Schedules 1 and 2).
8. Conditions to be fulfilled for exemption from the written examination and/or the practical test (Regulation 13).