



STATUTORY INSTRUMENTS.

S.I. No. 508 of 2020



ROAD TRAFFIC (LICENSING OF DRIVERS) (AMENDMENT) (NO. 9)
REGULATIONS 2020

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I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by sections 5(1), 23(2), 42(2)(b), 42(2)(c) and 42(2)(f) of the Road Traffic Act 1961 (No. 24 of 1961) and section 2 of the Road Traffic Act 2006 (No. 23 of 2006) and the National Roads and Road Traffic (Transfer of Departmental Administration and Ministerial Functions) Order 2002 (S.I. No. 298 of 2002) (as adapted by the Transport, Tourism and Sport (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 351 of 2020)), and for the purposes of giving further effect to Annex I of Directive No. 2006/126/EC of the European Parliament and of the Council of 20 December 2006,¹ as amended by Commission Directive No. 2011/94/EU of 28 November 2011,² Council Directive No. 2013/22/EU of 13 May 2013,³ and Commission Directive No. (EU) 2015/653 of 24 April 2015,⁴ in so far as it relates to Regulation 4, hereby make the following regulations:

1. (1) These Regulations may be cited as the Road Traffic (Licensing of Drivers) (Amendment) (No. 9) Regulations 2020.

(2) These Regulations come into operation on 9 November 2020.

2. In these Regulations -

“Act of 1961” means the Road Traffic Act 1961 (No. 24 of 1961);

“Regulations of 2006” means the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006).

3. Regulation 3(1) of the Regulations of 2006 is amended by the insertion of the following definition:

“‘licence record’ has the meaning assigned to it by the Road Traffic Act 2002 (No. 12 of 2002);”.

4. Regulation 10 of the Regulations of 2006 is amended by the substitution of the following paragraph for paragraph (1):

“(1) (a) A driving licence shall be in scheduled form D.402 and shall comply with the provisions of Annex I of Directive No. 2006/126/EC of the European Parliament and of the Council of 20 December 2006,⁵ as amended by Commission Directive No.

¹ OJ No. L 403, 30.12.2006, p. 18.

² OJ No. L 314, 29.11.2011, p. 31.

³ OJ No. L 158, 10.6.2013, p. 356.

⁴ OJ No. L 107, 25.4.2015, p. 68.

⁵ OJ No. L 403, 30.12.2006, p. 18.

2011/94/EU of 28 November 2011,⁶ Council Directive No. 2013/22/EU of 13 May 2013,⁷ and Commission Directive No. (EU) 2015/653 of 24 April 2015⁸.

- (b) In scheduled form D.402 -
- (i) ‘Date of issue’ indicates the date on which the driving licence concerned comes into force,
 - (ii) ‘Date of expiry’ indicates the date on which the driving licence concerned expires,
 - (iii) ‘Valid from’ indicates the date on which the licence holder first held a driving licence in the category concerned, and
 - (iv) ‘Valid to’ indicates the date on which the licence expires in respect of the category concerned.”.

5. Regulation 12 of the Regulations of 2006 is amended -

- (a) by the substitution of the following paragraph for paragraph (1A):

“(1A) An application for a driving licence shall be made to the licensing authority or to an office authorised by the licensing authority in that behalf -

- (a) in person,
- (b) online, by means of an online licence application system provided by or on behalf of the licensing authority, or
- (c) where one of the following conditions is met, and subject to paragraph (1AB), by post:
 - (i) the applicant has attained the age of 70 years on the date his or her application is received by the licensing authority;
 - (ii) the applicant, whose normal residence is in the State, is outside the State because of attendance at a university or school or in order to carry out a task of a definite duration.”,

- (b) by the insertion of the following paragraph after paragraph (1A):

“(1AB) Paragraph (1A)(c) shall not apply in the case of an application for the exchange of a recognised driving licence.”,

- (c) by the deletion of paragraph (1B),

- (d) by the insertion of the following paragraph after paragraph (1B):

⁶ OJ No. L 314, 29.11.2011, p. 31.

⁷ OJ No. L 158, 10.6.2013, p. 356.

⁸ OJ No. L 107, 25.4.2015, p. 68.

“(1BA) Where the licensing authority holds a photograph of a person making an application under paragraph (1A)(a) on the licence record, it may use that photograph for the purposes of the application, provided it is satisfied that the photograph is recent and shows an adequate facial likeness to the person.”,

(e) by the substitution of the following paragraph for paragraph (1C):

“(1C) A person making an application under paragraph (1A)(a) shall, where the licensing authority does not hold a photograph or is not satisfied in relation to a photograph under paragraph (1BA), allow his or her photograph, with adequate facial likeness, to be taken by or on behalf of the licensing authority for the purposes of the application.”,

(f) by the insertion of the following paragraphs after paragraph (1C):

“(1CA) A person making an application under subparagraph (b) or (c) of paragraph (1A) shall provide his or her photograph, which shall be recent and show an adequate facial likeness to him or her, to the licensing authority for the purposes of the application.

(1CB) Where an application is made under subparagraph (b) or (c) of paragraph (1A) and the licensing authority is not satisfied that a photograph provided under paragraph (1CA) satisfies the requirements of that paragraph, the licensing authority may -

(a) use a photograph which it holds on the licence record, provided the authority is satisfied that the photograph complies with the requirements of paragraph (1CA), or

(b) where the licensing authority does not hold a photograph which complies with the requirements of paragraph (1CA), require the applicant to provide a further photograph under paragraph (1CA).

(1CC) A person making an application under paragraph (1A) shall provide a copy of his or her signature to the licensing authority for the purposes of the application.”,

(g) by the deletion of paragraphs (1D), (1E), (1F) and (1G),

(h) in paragraph (2) -

(i) by the substitution of “The application” for “The application shall”,

(ii) by the substitution of the following subparagraphs for subparagraphs (a) and (b):

“(a) shall be made on a form approved by the licensing authority containing the particulars and declarations specified in Parts 1A and 1B of Schedule 9,

(b) in relation to particulars -

- (i) shall provide those particulars specified in Part 1A of Schedule 9, and
 - (ii) may provide those particulars specified in Part 1B of Schedule 9,”
 - (iii) in subparagraph (ba), by the insertion of “shall provide” before “evidence”,
 - (iv) by the substitution of the following subparagraph for subparagraph (c):
 - “(c) shall contain the declarations specified in Part 1A of Schedule 9, duly completed by the applicant,”
 - (v) in subparagraph (d) -
 - (I) by the substitution of “shall contain” for “contain”, and
 - (II) in clause (iv), by the substitution of “public, and” for “public.”, and
 - (vi) by the insertion of the following subparagraph after subparagraph (d):
 - “(e) shall contain such documentary evidence of the particulars and declarations specified in Part 1A of Schedule 9 as the licensing authority may request, and of such particulars specified in Part 1B of Schedule 9 as the applicant may wish to provide.”
 - (i) in paragraph (4)(a) -
 - (i) by the substitution of the following clause for clause (i):
 - “(i) holds a recognised driving licence, such licence,”
 - (ii) by the deletion of clause (ii),
 - (iii) by the substitution of the following clause for clause (iii):
 - “(iii) does not hold a recognised driving licence -
 - (I) but held a recognised driving licence issued by the competent authority of a Member State for any period within the period of 10 years preceding the date of application, the last such licence held by him or her, or
 - (II) but held a recognised driving licence issued by the competent authority of a state other than the State or a Member State for any period within the period of one year preceding the date of application, the last such licence held by him or her,”
- and
- (iv) by the deletion of clause (iv),

- (j) in paragraph (5), by the substitution of “Clauses (i) and (iii) of paragraph 4(a) do” for “Paragraph (4)(a)(i) to (iv) does”, and
- (k) by the deletion of paragraph (8).

6. Regulation 15 of the Regulations of 2006 is amended -

- (a) by the substitution of the following paragraph for paragraph (1):

“(1) The holder of a driving licence may apply for a duplicate of that licence and paragraphs (1), (1A), (1AB), (1BA), (1C), (1CA), (1CB), (1CC) and (2) of Regulation 12 shall, with all necessary modifications, apply to such an application.”,
- (b) by the deletion of paragraphs (1A), (1B), (1C), (1D) and (1E), and
- (c) in paragraph 2, by the deletion of “set out in Part 1 of the Schedule to the Road Traffic (Licensing of Drivers) (Fees) Regulations 2012 (S.I. No. 559 of 2012)”.

7. Regulation 20 of the Regulations of 2006 is amended -

- (a) by the substitution of the following paragraph for paragraph (1A):

“(1A) An application for a learner permit shall be made to the licensing authority or to an office authorised by the licensing authority in that behalf -

 - (a) in person,
 - (b) online, by means of an online licence application system provided by or on behalf of the licensing authority, or
 - (c) where one of the following conditions is met, and subject to paragraph (1AB), by post:
 - (i) the applicant has attained the age of 70 years on the date his or her application is received by the licensing authority;
 - (ii) the applicant, whose normal residence is in the State, is outside the State because of attendance at a university or school or in order to carry out a task of definite duration.”,
- (b) by the insertion of the following paragraph after paragraph (1A):

“(1AB) Paragraph (1A)(c) shall not apply in the case of an application for a first learner permit.”,
- (c) by the deletion of paragraph (1B),
- (d) by the insertion of the following paragraph after paragraph (1B):

“(1BA) Where the licensing authority holds a photograph of a person making an application under paragraph (1A)(a) on the

licence record, it may use that photograph for the purposes of the application, provided it is satisfied that the photograph is recent and shows an adequate facial likeness to the person.”,

(e) by the substitution of the following paragraph for paragraph (1C):

“(1C) A person making an application under paragraph (1A)(a) shall, where the licensing authority does not hold a photograph or is not satisfied in relation to a photograph under paragraph (1BA), allow his or her photograph, with adequate facial likeness, to be taken by or on behalf of the licensing authority for the purposes of the application.”,

(f) by the insertion of the following paragraphs after paragraph (1C):

“(1CA) A person making an application under subparagraph (b) or (c) of paragraph (1A) shall provide his or her photograph, which shall be recent and show an adequate facial likeness to him or her, to the licensing authority for the purposes of the application.

(1CB) Where an application is made under subparagraph (b) or (c) of paragraph (1A) and the licensing authority is not satisfied that a photograph provided under paragraph (1CA) satisfies the requirements of that paragraph, the licensing authority may -

- (a) use a photograph which it holds on the licence record, provided the authority is satisfied that the photograph complies with the requirements of paragraph (1CA), or
- (b) where the licensing authority does not hold a photograph which complies with the requirements of paragraph (1CA), require the applicant to provide a further photograph under paragraph (1CA).

(1CC) A person making an application under paragraph (1A) shall provide a copy of his or her signature to the licensing authority for the purposes of the application.”,

(g) by the deletion of paragraphs (1D), (1E), (1F) and (1G),

(h) in paragraph (2) -

(i) by the substitution of “The application” for “The application shall”,

(ii) by the substitution of the following subparagraphs for subparagraphs (a) and (b):

“(a) shall be made on a form approved by the licensing authority containing the particulars and declarations specified in Parts 2A and 2B of Schedule 9,

(b) in relation to the particulars -

- (i) shall provide the particulars specified in Part 2A of Schedule 9, and

- (ii) may provide the particulars specified in Part 2B of Schedule 9,”
- (iii) in subparagraph (ba), by the insertion of “shall provide” before “evidence”,
- (iv) by the substitution of the following subparagraph for subparagraph (c):
 - “(c) shall contain the declarations specified in Part 2A of Schedule 9, duly completed by the applicant, and”,
- (v) by the deletion of subparagraph (d), and
- (vi) by the insertion of the following subparagraph after subparagraph (d):
 - “(e) shall contain such documentary evidence of the particulars and declarations specified in Part 2A of Schedule 9 as the licensing authority may request, and of such particulars specified in Part 2B of Schedule 9 as the applicant may wish to provide.”,
- (i) in paragraph (5)(a) -
 - (i) by the substitution of the following clause for clause (i):
 - “(i) holds a recognised driving licence, such licence,”,
 - (ii) by the deletion of clause (ii),
 - (iii) by the substitution of the following clause for clause (iii):
 - “(iii) does not hold a recognised driving licence, but held a recognised driving licence issued by the competent authority of a Member State for any period within the period of 10 years preceding the date of application, the last such licence held by him or her,”, and
 - (iv) by the deletion of clause (iv),
- (j) in paragraph (7), by the substitution of “Clauses (i) and (iii) of paragraph (5)(a) do” for “Paragraph 5(a), (b), (c), and (d) does”, and
- (k) by the deletion of paragraph (8).

8. Regulation 22 of the Regulations of 2006 is amended -

- (a) by the substitution of the following paragraph for paragraph (1):
 - “(1) The holder of a learner permit may apply for a duplicate of that permit and paragraphs (1), (1A), (1AB), (1BA), (1C), (1CA), (1CB), (1CC) and (2) of Regulation 20 shall, with all necessary modifications, apply to such an application.”,
- (b) by the deletion of paragraph (1A), and

- (c) in paragraph (2), by the deletion of “as set out in Part 1 of the Schedule to the Road Traffic (Licensing of Drivers) (Fees) Regulations 2012 (S.I. No. 559 of 2012)”.

9. Regulation 41 of the Regulations of 2006 is amended -

- (a) by the substitution in paragraph (1)(a) of “12(2)(d)” for “12(2)(c)”, and
- (b) by the substitution in paragraph (1)(b) of “20(3)” for “20(2)(c)”.

10. Regulation 54 of the Regulations of 2006 is amended in paragraph (1) -

- (a) by the substitution of “one or more than one of the following” for “any of the following”,
- (b) by the substitution of the following subparagraph for subparagraph (a):
 - “(a) a passport or passport card issued by the State, which is current or expired by no more than 12 months,”,
- (c) by the insertion of the following subparagraphs after subparagraph (a):
 - “(aa) a current passport issued by a state other than the State, valid for international use,
 - (ab) a current national identity card issued by a Member State or Switzerland,
 - (ac) a certificate of naturalisation issued under the Irish Nationality and Citizenship Act 1956 (No. 26 of 1956),”
- (d) by the substitution of the following subparagraph for subparagraph (f):
 - “(f) a current travel document, issued by the Minister for Justice under section 55 of the International Protection Act 2015 (No. 66 of 2015),”
- (e) by the insertion of the following subparagraphs after subparagraph (f):
 - “(fa) the applicant’s most recent Irish driving licence or learner permit,
 - (fb) a current driving licence issued by the United Kingdom, containing the name and photograph of the applicant,” and
- (f) by the deletion of subparagraphs (b), (c), (d), (e), (g), (h), (i), (j) and (m) of paragraph (1).

11. Schedule 1 to the Regulations of 2006 is amended by the deletion of forms D.201 and D.401.

12. The Regulations of 2006 are amended by the insertion of the following Schedule after Schedule 8:

“SCHEDULE 9

Part 1A

Particulars and declarations which shall be provided on application for driving licence

1. Where the applicant has a driver number, that number, being -
 - (a) in the case of a driving licence in scheduled form D.402, the number given at item 4d. and described as ‘Driver number’,
 - (b) in the case of a driving licence issued before 19 January 2013, the number given at item 5 and described as ‘Number’, or
 - (c) in the case of a learner permit in scheduled form D.202, the number given at item 4d. and described as ‘Driver number’.
2. Title.
3. First name.
4. Surname.
5. Previous name (if changed since last driving licence or learner permit issued) and the reason for the change of name.
6. The personal public service number issued to the applicant under section 262(2) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005).
7. Gender.
8. Address.
9. Date of Birth.
10. Place of Birth.
11. An indication as to whether the applicant is applying for -
 - (a) his or her first Irish driving licence,

- (b) renewal of his or her current Irish driving licence,
 - (c) the addition or removal of a category of vehicle from his or her Irish driving licence,
 - (d) the change of any personal details recorded on his or her Irish driving licence, including his or her name, gender, address, or medical details,
 - (e) the replacement of a lost, destroyed or mutilated Irish driving licence, or
 - (f) the exchange of a recognised driving licence.
12. The category or categories of vehicle in respect of which the application is made.
13. Where the applicant holds a driving licence issued by a state other than the State, the name of the state which issued that licence and the driver number marked on that licence.
14. If the applicant is applying for a duplicate driving licence, a declaration, certified and stamped by a member of the Garda Síochána, that the applicant's driving licence has been lost, destroyed or mutilated.
15. Where the application is for the exchange of a recognised driving licence, the name of the state which issued that licence and, where that recognised driving licence was issued by that state in exchange for a licence issued by another state, the name of that other state.
16. Where the application is for the exchange of a recognised driving licence, an indication as to whether or not that recognised driving licence is restricted, suspended or withdrawn in a state other than the State.
17. A declaration that the applicant satisfies the aspects and standards of physical and mental fitness specified in Schedule 6.
18. A declaration that the applicant satisfies the eyesight standards specified in Schedule 7.
19. The date on which the applicant's residence in the State began.
20. A declaration by the applicant -

- (a) that he or she understands that, in accordance with section 22A of the Act -
- (i) where a person is disqualified by the Act for holding any driving licence or learner permit whatsoever during a period, he or she shall be disqualified for applying for any Irish driving licence or learner permit whatsoever for that period or any period the whole or part of which is within that period, and he or she shall not so apply,
 - (ii) where a person is disqualified by the Act for holding any driving licence or learner permit in respect of vehicles of a category during a period, he or she shall be disqualified for applying for an Irish driving licence or learner permit in respect of vehicles of that category for that period or any period the whole or part of which is within that period, and he or she shall not so apply, and
 - (iii) where he or she is disqualified within the meaning of section 22A of the Act, and applies for an Irish driving licence or learner permit, and obtains such a driving licence or learner permit, that licence or permit is void and of no effect,
- (b) that he or she understands that it is an offence under section 115 of the Act for an applicant to furnish or give any particulars required to be given or furnished by or under the Act which to his or her knowledge are false or in any material respect misleading,
- (c) that he or she has his or her normal residence in the State, and
- (d) that he or she is not currently disqualified from driving in the State, a Member State or a state in respect of which an order has been made under section 23A of the Act.

Part 1B

Particulars and declarations which may be provided on application for driving licence

1. Eircode.
2. Email address.
3. An indication by the applicant as to whether he or she consents or does not consent to being an organ donor.
4. Mobile telephone number.

Part 2A

Particulars and declarations which shall be provided on application for learner permit

1. If the applicant has a driver number, that number, being -
 - (a) in the case of a driving licence in scheduled form D.402, the number given at item 4d. and described as 'Driver number',
 - (b) in the case of a driving licence issued before 19 January 2013, the number given at item 5 and described as 'Number', or
 - (c) in the case of a learner permit in scheduled form D.202, the number given at item 4d. and described as 'Driver number'.
2. Title.
3. First name.
4. Surname.
5. Previous name (if changed since last driving licence or learner permit issued) and the reason for the change.
6. The personal public service number issued to the applicant under section 262(2) of the Social Welfare Consolidation Act 2005.
7. Gender.
8. Address.
9. Date of Birth.
10. Place of Birth.
11. An indication as to whether the applicant is applying for -
 - (a) his or her first learner permit,
 - (b) renewal of his or her current learner permit,
 - (c) the addition or removal of a category of vehicle from his or her learner permit,

- (d) the change of any personal details recorded on his or her learner permit including his or her name, gender, address, medical details, or
 - (e) the replacement of a lost, destroyed or mutilated learner permit.
- 12. If the application relates to the requirement to sit a driving test following a period of disqualification -
 - (a) the period of disqualification, and
 - (b) details of any condition relating to the disqualification.
- 13. The category or categories of vehicle in respect of which the application is made.
- 14. Where the applicant holds a driving licence issued by a state other than the State, the name of the state which issued that licence and the driver number marked on that licence.
- 15. If the applicant is applying for a duplicate learner permit, a declaration, certified and stamped by a member of the Garda Síochána, that the applicant's learner permit has been lost, destroyed or mutilated.
- 16. A declaration that the applicant satisfies the aspects and standards of physical and mental fitness specified in Schedule 6.
- 17. A declaration that the applicant satisfies the eyesight standards specified in Schedule 7.
- 18. The date on which the applicant's residence in the State began.
- 19. A declaration by the applicant -
 - (a) that he or she understands that, in accordance with section 22A of the Act -
 - (i) where a person is disqualified by the Act for holding any driving licence or learner permit whatsoever during a period, he or she shall be disqualified for applying for any Irish driving licence or learner permit whatsoever for that period or any period the whole or part of which is within that period, and he or she shall not so apply,
 - (ii) where a person is disqualified by the Act for holding any driving licence or learner permit in respect of vehicles of a category during a period, he or she shall be disqualified for

applying for an Irish driving licence or learner permit in respect of vehicles of that category for that period or any period the whole or part of which is within that period, and he or she shall not so apply, and

- (iii) where he or she is disqualified within the meaning of section 22A of the Act, and applies for an Irish driving licence or learner permit, and obtains such a driving licence or learner permit, that licence or permit is void and of no effect,
- (b) that he or she understands that it is an offence under section 115 of the Act for the applicant to furnish or give any particulars required to be given or furnished by or under the Act which to his or her knowledge are false or in any material respect misleading,
- (c) that he or she has his or her normal residence in the State, and
- (d) that he or she is not currently disqualified from driving in the State, a Member State or a state in respect of which an order has been made under section 23A of the Act.

Part 2B

Particulars and declarations which may be provided on application for learner permit

1. Eircode.
2. Email address.
3. An indication by the applicant as to whether he or she consents or does not consent to being an organ donor.
4. Mobile telephone number.”.



GIVEN under my Official Seal,
5 November, 2020.

EAMON RYAN,
Minister for Transport.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. 537 of 2006) in order to expand the online application system to accommodate all learner permit and driving licences applications.

BAILE ÁTHA CLIATH
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