

SL1 – To Departmental Committee Clerk

Dear Michael,

The Motorways Traffic (Amendment) Regulations (Northern Ireland) 2026

The Department for Infrastructure proposes to make a Statutory Rule under powers conferred by Article 20(3) of the Roads (Northern Ireland) Order 1993. The Statutory Rule is subject to negative resolution procedure.

Background

The Road Traffic (Amendment) Act (Northern Ireland) 2016 (“the 2016 Act”) established that the introduction of Graduated Driver Licensing (“GDL”) here was the will of the Assembly. The Act contains the framework and a lot of the detail on how GDL was to be implemented. There has been no departure in policy direction since the 2016 Act was enacted. The provisions of the 2016 Act can only be changed by a new primary Bill with the exception of a very limited scope for amendments by Regulation or Order as allowed by the Act itself.

GDL is designed to provide new drivers and riders with experience and skills over time and in low-risk environments. It will apply to learners and newly qualified drivers for category B motor vehicles (cars and light goods vehicles) and category A, A1 and A2 motor bicycles.

The key features of GDL established by the 2016 Act are:

- Introduction of a mandatory minimum learning period (MMLP) of 6 months, i.e. a learner driver cannot sit their practical test until at least six months after their provisional licence date of entitlement to drive a Cat B vehicle has commenced (this will not apply to motorcyclists). The 2016 Act does not require a minimum number of lessons or hours training. Effectively, the learner may take as long as they wish to complete each module within the Programme. There is no requirement to take paid lessons.
- Learner drivers / riders will be required to complete a Programme of Training. This training must be completed and recorded in a Logbook before a learner driver / rider can sit their practical test. The Logbook is completed by the learner and verified by an Approved Driving/Motorcycle Instructor or a Supervising Driver/Rider as defined in the 2016 Act.
- The removal of the current 45mph speed restriction for new drivers and learners, which will allow lessons to be taken up to the posted speed limits including, where appropriate, on a motorway.
- The current 12-month restricted period, where a new driver must display R plates, will be extended to a 24 month ‘new driver’ period in line with the existing probationary period set by the Road Traffic (New Drivers) (NI) Order 1998. This will require new drivers to display a distinguishing mark (plate) on the vehicle for two years after receiving a full licence.

- Post-test passenger carrying restrictions whereby, for the first six months, new drivers aged 17-23 will be restricted from carrying more than one passenger aged 14-20 between the hours of 11pm and 6 am. Some exceptions apply for family members.

The introduction of GDL will be facilitated by the making of a suite of four Statutory Rules (SRs) which should be considered together by the Committee. These SRs are interdependent and must become operational on the same date if GDL is to operate as intended from the start.

The four SRs are:

- The Road Traffic (Amendment) (2016 Act) (Commencement No. 4) Order (NI) 2026;
- The Motor Vehicles (Driving Licences) (Amendment) Regulations (NI) 2026;
- The Motor Vehicles (Specified Restrictions) (Amendment) Regulations (NI) 2026; and
- The Motorways Traffic (Amendment) Regulations (NI) 2026.

The Road Traffic (Amendment) (2016 Act) (Commencement No. 4) will commence the necessary provisions within the 2016 Act. As indicated above, the 2016 Act itself establishes most of the detail of how GDL must operate. As such, the framework and detail of GDL have already been scrutinised and debated by the Assembly.

Purpose of the Statutory Rule

The Motorways Traffic (Amendment) Regulations (NI) 2026 will amend the Motorways Traffic Regulations (Northern Ireland) 2008 (“the 2008 Regulations”) to permit learner drivers and learner motorcyclists to have motorway lessons when accompanied by an approved driving instructor or approved motorcycle instructor. It updates the definitions section to align with current licensing legislation and replaces the existing prohibition on learners using motorways with a more structured, supervised access regime. The order also introduces a provision that delays motorway eligibility for certain existing provisional licence holders until 1 April 2027.

The Rule replaces the existing prohibition on learners driving on motorways with a new, controlled access regime that permits motorway use only when the learner is accompanied by an Approved Driving Instructor or Approved Motorcycle Instructor, as defined in the Motor Vehicles (Driving Instruction) Regulations (Northern Ireland) 2010.

Regulation 3 substitutes the definitions in regulation 1(2) of the 2008 Regulations to update outdated terminology, ensure consistency with other road traffic legislation, and introduce definitions required to support supervised learner access to motorways. This includes updated definitions of “approved driving instructor,” “approved

motorcycle instructor,” “bus,” “bus lane,” and other terms necessary to ensure legal clarity.

Regulation 4 replaces regulation 11 of the 2008 Regulations. The new regulation 11 sets out the circumstances in which a learner may drive on a motorway, specifying that this is only permitted where the learner has passed the relevant test of competence, or is accompanied by an approved instructor in the case of categories B (cars) or A/A2/A1 (motorcycles). For motorcycles, the supervising instructor must be supervising only that learner, providing an additional safeguard.

The Rule also introduces a provision to defer motorway eligibility for certain existing learner drivers and riders. Learners in categories A1 and B, who already hold a provisional licence before 1 October 2026, will not be permitted to take motorway lessons until 1 April 2027. This ensures a managed process and allows time for the updated training arrangements to take effect.

Previous Engagement with the Committee

The Road Traffic (Amendment) Act (Northern Ireland) 2016 contains the framework and a lot of the detail on how GDL is to be implemented. The provisions in the 2016 Act were fully scrutinised by the Assembly and its Environment Committee as part of its passage as a Bill, including the usual clause by clause scrutiny. There has been no departure in policy direction since the 2016 Act was enacted.

In her appearance before the Infrastructure Committee in June 2025, Minister Kimmins confirmed her commitment to implement GDL in accordance with the 2016 Act as soon as was practicable.

The Department has not previously engaged with the Infrastructure Committee on the operational measures or subordinate legislation needed to implement GDL as envisioned by the Act.

Consultations

The main measures of GDL were widely consulted on in 2011/12 and amended and approved by the NI Assembly through the passage of the 2016 Act.

The Driver & Vehicle Agency (“DVA”) carried out further public consultation between November 2017 and January 2018 and focused on those aspects of subordinate legislation that would be required to implement GDL as well as amendment of existing arrangements for driver training, testing and licensing in Northern Ireland.

There were a total of 297 responses to the consultation, 23 of which represented organisations or interested bodies. The majority (290) of responses were received through an online questionnaire hosted in Citizen Space. Overall, the majority of the proposals were received positively.

There were, however, two proposals on which the majority of respondents did not agree, but which the Department still intends to progress.

The proposed exemption of carers from the Mandatory Minimum Learning Period (MMLP) was opposed by 56% of respondents. Responses from Disability Action, Start 360, ROSPA and Sinn Fein were, however, supportive. It is intended that the exemption will only be available to those who are entitled to claim carers allowance and who are, essentially, full-time carers. They would still be required to complete the Programme of Training and complete the Logbook as evidence that they are considered ready to take the practical driving test.

The 2016 Act provides an exemption from the MMLP for those drivers who have had their licence revoked or those who have been disqualified until retest. The consultation sought views on whether a similar exemption should be provided for this group from the requirement to produce a Logbook. Just over half (55%) of respondents opposed the proposal. The Department considers that requiring such drivers to also complete a Logbook might be seen as an additional punitive measure being imposed on an existing offence.

Other proposals not supported by the majority of respondents and which the Department has since withdrawn include:

- Include eco-safe driving as an assessable/failure item in the practical driving test;
- Set a validity period against each training module within the Programme of Training;
- Design test routes to be different from each other containing different test elements; and
- Include self-evaluation forms in the Logbook.

The synopsis of responses (“the synopsis”) was originally published in May 2018. As the Assembly was then in suspension, it was not forwarded to the Committee. Given the passage of time, an addendum has now been added address measures where decisions were still to be taken or where a different approach than suggested is now being implemented. It also reflects engagement on proposals since 2018. The synopsis and addendum can be viewed at:

<https://www.infrastructure-ni.gov.uk/publications/synopsis-responses-consultation-graduated-driver-licensing-and-changes-practical-driving-test>

Equality Impact

The proposed Statutory Rule does not impact on equality of opportunity in any of the groups specified in section 75 of the Northern Ireland Act 1998.

Section 75 category impacts were considered when developing the legislative framework for GDL as part of the passage of the 2016 Act, and where possible, mitigations and exemptions have been put in place. Supplementary screening was conducted in 2025 and confirmed that there is no adverse impact for any category of people and no further mitigations have been identified at this time. Accordingly, the Department does not envisage or consider that there are likely to be any significant negative, adverse or unequal impacts associated with the introduction of GDL. A full Equality Impact Assessment is not therefore required.

Regulatory Impact

A Regulatory Impact Assessment on the general principles of GDL was completed in 2013 and a further RIA on the GDL scheme as set out in the 2016 Act is not considered necessary. There was, however, a need to consider whether an RIA was required on those aspects of the GDL measures which are now to be prescribed in Regulations pursuant to the 2016 Act. A screening exercise found that a full RIA was not warranted as it is not anticipated that the introduction of the suite of proposed GDL Regulations will result in any significant direct or indirect financial impact on the voluntary / community sector or businesses.

There will be a minor impact on learner drivers, i.e. £17 for the Logbook, and potentially, although not necessarily, an increased number of paid for driving lessons – there is no requirement to take paid lessons. However, this does not trigger the need for a full RIA based on current NI RIA guidance.

Rural Needs Impact

A Rural Needs Impact Assessment screening on proposals on how to implement provisions required by the Act was completed in 2017/18 and screened out the need for a full impact assessment.

The Department considers that the impact on rural communities will be positive as evidenced by existing research showing that GDL schemes reduce collisions involving young people. In 2024, 71% of people killed or seriously injured from collisions involving a driver aged 17-23 were on rural roads. Rural communities are severely affected by the tragic loss and consequences associated with serious road traffic collisions. The Department does recognise that rural drivers face unique challenges. GDL has therefore been designed to minimise inconvenience while prioritising safety.

A further screening document is currently being completed to confirm that outcome in view of the subordinate legislation now proposed. It is expected that screening document will be completed in the next few weeks.

Data Protection Impact

A Data Protection Impact Assessment (DPIA) screening exercise has been carried out on the GDL proposals. That screening has identified that a full DPIA Impact Assessment is required. Accordingly, the Driver & Vehicle Agency have commenced a full impact assessment exercise.

GDL introduces new data items (e.g., recording of practical lessons, module completion, verifier identity and time/date stamps) that must be recorded and provided to DVA as a prerequisite for test booking. This processing drives eligibility decisions (booking is permitted or denied), a decision that affects individuals. These triggers necessitate a full DPIA.

Child Rights Impact

The Department considers that the making of these Regulations will not have any direct impacts on child rights and a full Child Rights Impact Assessment is therefore not required.

Engagement with young people formed a key part of the consultation exercise carried out in relation to these Regulations and the Addendum to the Synopsis of Responses summarises that engagement.

As an overarching policy, it is anticipated that GDL will have a positive impact on children and young people in Northern Ireland by better preparing young drivers for the realities of driving and establishing positive driving behaviours. Evidence suggests that GDL will result in lower involvement by young drivers in road traffic collisions and a reduction in the number of resulting deaths and serious injuries. Actual outcomes will be monitored on an annual basis through the annual Graduated Driver Licensing (GDL) Monitoring Report which has been published annually since April 2016.

Position in Great Britain (if appropriate)

There are no equivalent regulations in GB at this time. However, the Department for Transport (DfT) is currently seeking views on introducing a minimum learning period and/or number of hours supervised tuition between passing a theory test and taking a practical driving test. It is also considering driver training programmes and a logbook. New drivers are already considered ‘on probation’ for 2 years post-test. They are not required to display a distinguishing plate, although ‘P’ plates are optional.

Any Other Information

None. Officials remain available to provide any additional information that the Committee may require.

Financial Implications

To deliver a structured approach to learning to drive and provide a means to evidence that learning, the Department has opted for a digital application (“app”) to deliver the Programme of Training and Logbook. The associated costs, in total, for the design, development and operational delivery of the app is approximately £2 million. This includes modifications to DVA’s online booking system for the practical driving test which interfaces with the app. Departmental capital funding has been made available for this expenditure over a 2- year period (2024-25 and 2025-26).

Post-implementation, ongoing operational costs mainly relate to system support costs for the digital application and the cost of a small DVA administrative team to support GDL. These resource costs will be funded from a charge of £17 to GDL applicants for access to the digital Programme of Training and Logbook via the DVA app. The charge is specified in these Regulations as proposed.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department is satisfied that the proposed legislation is compatible with section 24 of the Northern Ireland Act 1998. The proposals do not impose restrictions on individual's rights but rather provide them with the opportunity to build their driving experience in a more structured way to improve their safety and that of all road users.

In the same way, the changes do not alter rights or equality of opportunity, so do not engage Article 2(1) of the Windsor Framework.

Consideration by the Executive

Not required.

Proposed Timing of Consideration of the SL1

This SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe, and the Department proposes that the Committee considers the SL1 on Wednesday 18 March 2026.

Proposed Operational Date

It is proposed that these Regulations will come into operation on 1 October 2026 alongside a Commencement Order and other amending regulations required to implement GDL.

The draft of the proposed Statutory Rule is attached, and you will wish to bring this matter to the attention of the Committee for Infrastructure.

Yours sincerely,



JOSEPH HEATH
Departmental Assembly Liaison Officer
Signed for The Department for Infrastructure

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cc:

Human Rights Commission
Equality Commission

