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SUBSIDIARY LEGISLATION

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REGULATIONS 2009**

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MOTOR VEHICLES AND ROAD TRAFFIC (DRIVER LICENSING) REGULATIONS 2009

The Administrator makes these Regulations under section 3(e), (r), (u) and (v) of the Motor Vehicles and Road Traffic (Consolidation) Ordinance 2006(a).

Citation and commencement

1. These Regulations may be cited as the Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009 and come into force on the day they are published in the Gazette.

Interpretation

2. (1) In these Regulations—

“driving licence” means a driving licence issued under regulation 6 or a recognised driving licence;

“controlled drugs” has the same meaning as in the Narcotic Drugs and Psychotropic Substances (Consolidation) Ordinance 2006(b);

“force permit” means a permit issued to a member of a force by a licensing authority of the state to which the force belongs;

“international driving licence” means a driving licence issued other than by the Administrator or a member State under any international convention to which either the United Kingdom or the Republic is a party;

“learner driver” means a person who holds only a learner licence for the relevant category of motor vehicle;

“learner licence” means a driving licence issued to enable the holder to drive a motor vehicle with a view to passing a test of competence to drive a vehicle of the category to which the driving licence relates;

“member State” means a member State of the European Union;

“recognised driving licence” has the meaning given in regulation 8;

“short stay visitor” means a visitor who enters the island of Cyprus with the intention of staying for no more than 30 days;

“third country driving licence” means—

(a) a driving licence issued by a country other than a member State;

(b) a driving licence issued by a member State of a type referred to in regulation 3(2);

“visitor” means a person who enters the island of Cyprus for a bona fide non-immigration purpose, such as touring, recreation, health, family reasons, study or business, and whose stay in the island of Cyprus is in the opinion of the Administrator, of a temporary nature but does not include any person—

(a) who is employed in the island of Cyprus;

(b) who enters the island of Cyprus to take up employment for a period exceeding six months; or

(c) who normally resides in the island of Cyprus.

(2) In these Regulations, expressions relating to motor vehicle categories have the following meanings—

- (a) any reference to a category or sub-category identified by letter, number or word or by any combination of letters, numbers and words is a reference to the category or sub-category defined in the second column of Part 1 of Schedule 1 opposite that letter, number or word or combination of them in the first column of Schedule 1;
- (b) “sub-category” means, in relation to category A, B, C, C + E, D or D + E, a class of vehicles comprising part of the category and identified as a sub-category of that category in the second column of Part 1 of Schedule 1;
- (c) any reference to a special category identified by letter or by any combination of letters is a reference to the special category defined in the second column of Part 2 of Schedule 1 opposite that letter or combination in the first column of Schedule 1; and
- (d) unless the context otherwise requires, a reference to a category includes a reference to sub-categories of that category.

(3) In these Regulations, the expression—

- (a) “force” has the same meaning as that ascribed to it by paragraph (1)(a) of Section 1 of Annex C of the Treaty of Establishment and includes any authority that is by virtue of Annex B of that Treaty entitled to all the rights and facilities enjoyed in the Republic of Cyprus by a force; and
- (b) “member of the force” is to be construed—
 - (i) in accordance with paragraph (a); and
 - (ii) as including the persons referred to in paragraph (1)(d) of Section 1 of Annex C of the Treaty of Establishment of the Republic of Cyprus.

Community driving licence

3. (1) Subject to paragraphs (2) and (3), in these Regulations the expression “Community driving licence” means a driving licence issued in respect of a member State by an authority of that State authorising the holder to drive a motor vehicle.

(2) A driving licence is not a “Community driving licence” if—

- (a) it was issued by a member State other than the United Kingdom or the Republic; and
- (b) the driving licence contains a statement to the effect that the driving licence in question or a previous driving licence was issued by the member State in exchange for a driving licence issued by a third country (the “licensing third country”).

(3) A driving licence of a type referred to in paragraph (2) is to be regarded as a licence issued by the licensing third country.

(4) The expression “Community driving licence” does not include an international driving licence.

Application

4. These Regulations do not apply to any person serving as a member of Her Majesty’s Forces in respect of any motor vehicle used or controlled by that person in that capacity.

Requirement to hold driving licence

5. (1) A person must not drive a motor vehicle on a road unless that person is the holder of a driving licence permitting the holder to drive that category of motor vehicle.

(2) A person must not suffer, cause or permit another person to contravene paragraph (1).

(3) A person must not hire for reward any motor vehicle to another person (the “hirer”) unless the hirer holds a driving licence appropriate for that category of motor vehicle.

(4) A person who contravenes paragraph (1), (2) or (3) commits an offence and is liable to imprisonment for 1 year or a fine of €1,708 or both.

Issue of driving licences

6. (1) The Administrator may issue a driving licence to any person to drive any motor vehicle if that person meets the requirements specified in regulation 9 (age of driver) and regulation 12 (medical requirements).

(2) The Administrator may require a person to undergo such tests or examinations as he may specify before issuing a driving licence under paragraph (1).

(3) In requiring a person to undergo a test or examination under paragraph (2), the Administrator is to have regard to the tests and examinations which are prescribed in order to obtain a driving licence of the relevant category in the United Kingdom or the Republic.

(4) A driving licence issued under paragraph (1) is to specify the category of motor vehicle to which it relates.

(5) A driving licence issued under paragraph (1) is to be issued for a maximum period of validity of 3 years.

(6) A driving licence issued under paragraph (1) may be issued in any form which the Administrator considers appropriate but must not be in a form which is similar to a Community driving licence.

(7) The Administrator may suspend or cancel a driving licence issued under this regulation.

Signing of driving licences

7. (1) The holder of a driving licence issued under these Regulations must sign that licence immediately upon receiving it.

(2) The holder of a Community driving licence must ensure that such licence bears the signature of the holder.

(3) A person who contravenes paragraph (1) or (2) commits an offence and is liable on conviction to a fine of €170.

Recognition of driving licences

8. (1) Subject to these Regulations, the following driving licences are recognised driving licences—

- (a) a Community driving licence;
- (b) a learner licence issued by either the United Kingdom or the Republic;
- (c) a force permit;
- (d) subject to paragraph (2), an international driving licence; and
- (e) subject to paragraph (3), a third country driving licence.

(2) An international driving licence is only a recognised driving licence if it is held by a visitor.

(3) A third country driving licence is only a recognised driving licence—

- (a) in the case of a country listed in Schedule 2, for a maximum period of six months from the date on which the holder arrives on the island of Cyprus; or
- (b) in any other case if the driving licence is held by a short stay visitor.

(4) The recognised driving licences referred to in paragraph (1) are only recognised driving licences—

- (a) for those categories, sub-categories or special categories of motor vehicle which the holder is entitled to drive in the country which issued the driving licence; and
- (b) if the holder of the driving licence has attained the age specified in regulation 9 for the category of motor vehicle to which the driving licence relates.

(5) A driving licence is not a recognised driving licence for the purpose of these Regulations if the driving licence is cancelled or withdrawn by order of a Court or other lawful civil authority (however such order is worded) of the country which issued the driving licence for so long as such order of the relevant authority remains in force.

Age of driver

9. (1) Subject to paragraphs (2) and (3), a person must not drive a motor vehicle of a category referred to in the first column of the Table to this regulation on a road unless that person has attained the age opposite that category in the second column:

Table

Category or sub-category	Minimum age to be attained before holding a licence
Special category J	17 years of age.
Sub-category A Sub-category A1 Categories B, B + E, sub-category B1 Categories C, C + E, sub-categories C1 and C1 + E Special categories F and JB	18 years of age.
Category A	20 years of age if the person has held a licence for any sub-category of category A for a minimum of 2 years. 21 years if the person has held a licence for any sub-category of category A for less than 2 years and has successfully passed a test of skills and behaviour under the provisions of the Republican Driving Licence Law of 2001(c).
Categories D, D+E, sub-categories D1 and D1 + E Special categories G, I and JA Special category H	21 years of age.

(2) A person may drive a motor vehicle of category B or sub-category A or A1 on attaining the age of 17 years if that person holds a Community driving licence or a learner licence which permits the holder to drive a motor vehicle of category B or sub-category A or A1 on attaining such age.

(3) A person may drive a motor vehicle of special category J on attaining the age of 16 years if that person holds a Community driving licence or a learner licence which permits the holder to drive a motor vehicle of special category J on attaining such age.

(4) A person who contravenes this regulation commits an offence and is liable to imprisonment for 6 months or a fine of €1,025 or both

Learner licences

10. (1) Subject to this regulation, a learner driver must not drive a motor vehicle—

- (a) unless the learner driver has attained the age specified in regulation 9;
- (b) other than under the supervision of a qualified driver who is present with the learner driver in the vehicle;
- (c) unless the vehicle is manufactured or adapted in a manner which permits the qualified driver to control the handbrake of the vehicle;
- (d) unless a distinguishing mark in the form set out in Schedule 3 is displayed on the vehicle in such manner as to be clearly visible to other persons using the road from within a reasonable distance from the front and from the back of the vehicle;
- (e) while carrying a passenger in the motor vehicle other than the qualified driver;
- (f) while it is being used to draw a trailer.

(2) Paragraphs (1)(b) and (c) do not apply to learner drivers driving a motor vehicle of category A, sub-category A1 or special category J.

(3) Paragraph (1)(e) does not apply to a learner driver undertaking a test to obtain a driving licence.

(4) A learner driver on a motor vehicle of category A, sub-category A1 or special category J may only carry a passenger if that person is a qualified driver.

(5) A person who contravenes paragraph (1)(a) or (b) commits an offence and is liable to imprisonment for 6 months or a fine of €1,025 or both.

(6) A person who contravenes paragraph (1)(c), (d) or (e) or paragraph (4) commits an offence and is liable to imprisonment for 3 months or a fine of €512 or both.

(7) In this regulation, “qualified driver” means a driver who has held a driving licence for at least 2 years, other than a learner licence, authorising the driving of motor vehicles of the same category as the vehicle being driven by the learner driver.

Additional validity

11. A recognised driving licence for a category of motor vehicle specified in the first column of the Table to this regulation is also a recognised driving licence for a category of motor vehicle opposite that category in the second column:

Table

Category or sub-category	Additional category or sub-category which may be driven
Category C + E Category D + E	Category B + E.
Category C + E	If the driver is also the holder of a Category D licence – Category D + E .
Category C	Category B. Special category F. Special category G if the driver has attained the age of 21 years.
Sub-category D1	Category B. Special category F.

Medical requirements

12. (1) A person must not drive a motor vehicle on a road if that person suffers from any of the medical conditions specified in paragraph (2).

(2) The conditions specified in this paragraph are any of the following conditions if those conditions affect the ability of the person to drive a motor vehicle of the relevant category safely—

- (a) a disease or abnormality of the locomotor system;
- (b) diabetes mellitus;
- (c) serious neurological disease;
- (d) serious mental disorder;
- (e) serious kidney disease;
- (f) serious hearing defect;
- (g) serious eyesight defect;
- (h) an organ transplant or an artificial organ implant; or
- (i) dependency on alcohol or controlled drugs.

(3) A person who contravenes this regulation commits an offence and is liable to imprisonment for 3 months or a fine of €512 or both.

Production of driving licences

13. (1) Any of the persons specified in paragraph (2) must, on being required by a police officer, produce the driving licence held by that person for examination, so as to enable the police officer to ascertain the name and address of the holder of the driving licence, the date of issue and the authority by which it was issued.

(2) The persons specified in this paragraph are—

- (a) a person driving a motor vehicle on a road;
- (b) a person whom the police officer has reasonable cause to believe was the driver of a motor vehicle at a time when an accident occurred owing to its presence on a road;
- (c) a person whom the police officer has reasonable cause to believe has committed an offence in relation to the use of a motor vehicle on a road, or
- (d) a person—
 - (i) who supervises the holder of a learner licence while the learner driver is driving a motor vehicle on a road; or
 - (ii) whom a police officer has reasonable cause to believe was supervising the learner driver while driving, at a time when an accident occurred owing to the presence of the vehicle on a road or at a time when an offence is suspected of having been committed by the learner driver in relation to the use of the vehicle on a road.

(3) A person who contravenes paragraph (1) commits an offence and is liable to imprisonment for 1 year or a fine of €1,281 or both.

Savings

14. A driving licence issued under Part IV of the Motor Vehicles and Road Traffic Regulations 1985(d) which is in force at the time that these Regulations come into force continues in force as a driving licence issued under regulation 6.

Revocation

15. The following provisions in the Motor Vehicles and Road Traffic Regulations 1985 are revoked—

- (a) regulations 2(2) and (3);
- (b) regulation 5(1)(d);
- (c) Part IV;
- (d) forms D, E and F of the Second Schedule;
- (e) the Third Schedule.

SCHEDULES/.....

SCHEDULE 1

(Regulation 2)

Part 1

CATEGORIES AND SUB-CATEGORIES OF VEHICLE FOR LICENSING PURPOSES

Category or sub-category	Classes of vehicle included
Category A	Motor bicycles with or without a sidecar.
Sub-category A	A sub-category of category A comprising motorcycles and motor bicycles and sidecars with a power not exceeding 25kW or a power to weight ratio not exceeding 0.16kW/Kg.
Sub-category A1	A sub-category of category A comprising light motor bicycles with a cubic capacity not exceeding 125cm ³ and of a power not exceeding 11kW.
Category B	Motor vehicles having a maximum authorised mass not exceeding 3.5 tonnes and not more than 8 seats in addition to the driver's seat, including: <ul style="list-style-type: none">(i) a combination of any such vehicle and a trailer where the trailer has a maximum authorised mass not exceeding 750 Kg; and(ii) a combination of any such vehicle and a trailer where the maximum authorised mass of the combination does not exceed 3.5 tonnes and the maximum authorised mass of the trailer does not exceed the unladen weight of the tractor vehicle.
Sub-category B1	Motor-powered tricycles and quadricycles.
Category B + E	Combinations of a motor vehicle and trailer where the tractor vehicle is in category B but the combination does not fall within that category.
Category C	Motor vehicles having a maximum authorised mass exceeding 3.5 tonnes, other than vehicles falling within category D, including any such vehicle drawing a trailer having a maximum authorised mass not exceeding 750 Kg.
Sub-category C1	A sub-category of category C comprising motor vehicles having a maximum authorised mass exceeding 3.5 tonnes but not exceeding 7.5 tonnes, including any such vehicle drawing a trailer having a maximum authorised mass not exceeding 750 Kg.
Category C + E	Combinations of a motor vehicle and trailer where the tractor vehicle is in category C but the combination does not fall within that category.
Sub-category C1 + E	A sub-category of category C + E comprising combinations of a motor vehicle and trailer where: <ul style="list-style-type: none">(i) the tractor vehicle is in sub-category C1;(ii) the maximum authorised mass of the trailer exceeds 750 Kg but not the unladen weight of the tractor vehicle; and(iii) the maximum authorised mass of the combination does not exceed 12 tonnes.

Category or sub-category	Classes of vehicle included
Category D	Motor vehicles constructed or adapted for the carriage of passengers having more than 8 seats in addition to the driver's seat, including any such vehicle drawing a trailer having a maximum authorised mass not exceeding 750 Kg.
Sub-category D1	A sub-category of category D comprising motor vehicles having more than 8 but not more than 16 seats in addition to the driver's seat and including any such vehicle drawing a trailer with a maximum authorised mass not exceeding 750 Kg.
Category D + E	Combinations of a motor vehicle and trailer where the tractor vehicle is in category D but the combination does not fall within that category.
Sub-category D1 + E	A sub-category of category D + E comprising combinations of a motor vehicle and trailer where: <ul style="list-style-type: none"> (i) the tractor vehicle is in sub-category D1; (ii) the maximum authorised mass of the trailer exceeds 750 Kg but not the unladen weight of the tractor vehicle; (iii) the maximum authorised mass of the combination does not exceed 12 tonnes; and (iv) the trailer is not used for the carriage of passengers.

Part 2

Special Categories

Special Category	Classes of vehicle included
Special category F	Agricultural or forestry tractors, including any such vehicle drawing a trailer but excluding any motor vehicle included in category G.
Special category G	Track-laying vehicles steered by their tracks.
Special category H	Road rollers.
Special category I	Heavy motor vehicles not belonging to another category or sub-category.
Special category J	Mopeds.
Special category JA	Motor vehicles other than those belonging to another category or sub-category.
Special category JB	Electric powered vehicles.

SCHEDULE 2

(Regulation 8)

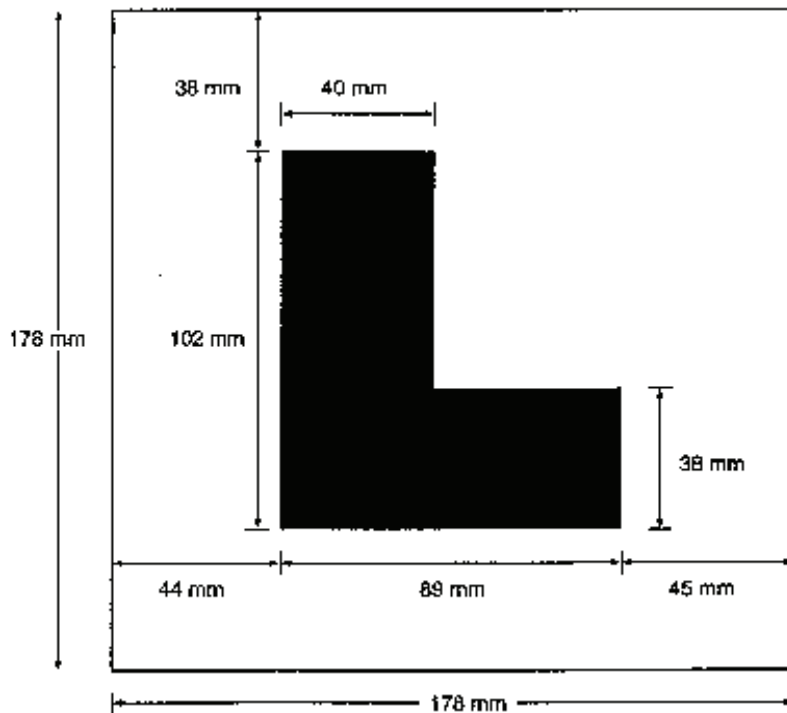
LIST OF COUNTRIES

Australia, Canada, Georgia, Iceland, Japan, Lichtenstein, New Zealand, Norway, Russia, Serbia, South Africa, South Korea, Switzerland, Ukraine, United States of America and Zimbabwe.

SCHEDULE 3

(Regulation 10)

DISTINGUISHING MARKS TO BE DISPLAYED ON A VEHICLE BEING DRIVEN UNDER A LEARNER LICENCE



Red letter on white ground.

The corners of the ground can be rounded off.

Dated this 2nd day of November 2009.

By the Administrator's Command,

J. D. Wilson,

Chief Officer,
Sovereign Base Areas.

(SBA/AG/2/AM/216/4)

Notes

- (a) Ordinance 5/06.
- (b) Ordinance 16/06.
- (c) Law 94(I)/2001, Republic of Cyprus.
- (d) PI 35/85.

EXPLANATORY NOTE

(This note does not form part of the Regulations)

Introduction

1. This explanatory note relates to the Motor Vehicles and Road Traffic (Driver Licensing) Regulations 2009 (the “Regulations”). It has been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Regulations. It does not form part of the Regulations.
2. The note should be read in conjunction with the Regulations. It is not, and is not meant to be, a comprehensive description of the Regulations. So when a regulation or part of a regulation does not seem to require any explanation or comment, none is given.
3. The Regulations revoke and replace Part IV of the Motor Vehicles and Road Traffic Regulations 1985 relating to the licensing of drivers of motor vehicles.
4. The Regulations mirror the categories of motor vehicle specified in the Republican Driving Licence Law of 2001 (Law 94(I) 2001) and in the Council Directive of 29 July 1991 on driving licences (91/439/EEC) (the “Directive”). Certain categories of motor vehicle are not specified in the Directive, but are specified in both the Driving Licence Law of 2001 and in the UK Motor Vehicles (Driving Licences) Regulations 1999 (S.I. 1999/2864). A table of equivalent categories which shows those Republican special categories for which there is a UK equivalent category and identifying that UK equivalent category is set out at the end of this paragraph.

Table of equivalent categories

(Note 4)

Republican Special Category	UK equivalent category	Classes of vehicle included
Special category F	Category F	Agricultural or forestry tractors, including any such vehicle drawing a trailer but excluding any motor vehicle included in Special category G.
Special category G	Category G	Track-laying vehicles steered by their tracks.
Special category H	Category H	Road rollers.
Special category J	Category P	Mopeds.
Special category JB	Category L	Electric powered vehicles.

5. Regulation 5 requires a person driving a motor vehicle to hold either a licence issued under the Regulations or else a recognised driving licence. A recognised driving licence includes a licence issued by a member State of the European Union (referred to as a “Community driving licence”), an international driving licence and a driving licence issued by a State which is not a member State of the European Union (referred to as “third country licences”).
6. It is anticipated that few licences will be issued under the Regulations and that most people driving motor vehicles in the Areas will drive on the basis of a Community driving licence.
7. A learner driver may only drive if he or she has a learner licence from the United Kingdom (i.e. a provisional licence) or from the Republic.
8. Regulation 9 prescribes the minimum age that a person must attain before driving a motor vehicle.