

SCHEDULES

SCHEDULE 2

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)

- 23.** In Article 4 (surrender of licences)–
- (a) in paragraph (3)–
 - (i) in sub-paragraph (a)–
 - (A) after “Offenders Order” insert “, retained by a vehicle examiner under that Article”; and
 - (B) for “fixed penalty clerk”, in the second place where it occurs, substitute “appropriate person”;
 - (ii) in sub-paragraphs (c), (d) and (f), for “fixed penalty clerk” substitute “appropriate person”;
 - (b) in paragraph (4)–
 - (i) omit “, the fixed penalty clerk”;
 - (ii) in sub-paragraph (a), insert at the beginning “the appropriate person”; and
 - (iii) in sub-paragraph (b), insert at the beginning “unless the appropriate person is the Department, he”;
 - (c) in paragraph (5), omit “by the fixed penalty clerk”;
 - (d) after paragraph (6) insert–
 - “(7) In this Article and Article 5–
 - “the appropriate person”, in relation to a fixed penalty notice, means–
 - (a) if it was given by a constable or an authorised person, the fixed penalty clerk; and
 - (b) if it was given by a vehicle examiner or the Department, the Department; and
 - “the appropriate person”, in relation to a conditional offer, means–
 - (a) where the conditional offer was issued under Article 80(1) of the Offenders Order, the fixed penalty clerk; and
 - (b) where it was issued under paragraph (1A) of that Article, the Department.”.
- 24.** In Article 5 (revocation of licences)–
- (a) in paragraph (1) for “(4)” substitute “(4)(b)”;
 - (b) after that paragraph insert–
 - “(1ZA) Where Article 4(4)(a) applies but the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued, revoke that person’s licence.”;
 - (c) in paragraph (1A), after “paragraph (1)” insert “or (1ZA)”;

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- (d) in paragraph (1B), after “section 3(1)” insert “or (1ZA)”;
 - (e) in paragraph (2), for “paragraph (1) or (1B)” substitute “this Article”.
- 25.** In Schedule 1 (newly qualified drivers holding test certificates)–
- (a) in paragraph 1, after sub-paragraph (2) insert–
 - “(2A) In this Schedule “the appropriate person” has the same meaning as in Articles 4 and 5.”;
 - (b) in paragraph 3(4)–
 - (i) in head (a), for “fixed penalty clerk” in both places substitute “appropriate person”;
 - (ii) in head (c), for “fixed penalty clerk” substitute “appropriate person”; and
 - (iii) in the words following head (c), for “fixed penalty clerk to whom the payment is made” substitute “appropriate person”;
 - (c) in paragraph 4(3)–
 - (i) in head (b), for “fixed penalty clerk” substitute “appropriate person”; and
 - (ii) for the words following head (c) substitute “Article 4(4) does not apply but if the appropriate person is the fixed penalty clerk sub-paragraph (4) applies instead.”;
 - (d) in paragraph 5–
 - (i) after sub-paragraph (1) insert–
 - “(1ZA) Where Article 4(4) is disapplied by paragraph 4(3) and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s test certificate.”;
 - (ii) in sub-paragraph (1A), after “sub-paragraph (1)” insert “or (1ZA)”;
 - (iii) in sub-paragraph (1B), after “paragraph 5(1)” insert “or (1ZA)”;
 - (iv) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”;
 - (e) in paragraph 6(1), after “paragraph 5(1)” insert “or (1ZA)”;
 - (f) in paragraph 7–
 - (i) in sub-paragraph (3)(b), for “fixed penalty clerk” substitute “appropriate person”; and
 - (ii) in sub-paragraph (4)–
 - (A) for “fixed penalty clerk” substitute “appropriate person”; and
 - (B) at the beginning of head (b) insert “unless the appropriate person is the Department.”;
 - (g) in paragraph 8–
 - (i) after sub-paragraph (1) insert–
 - “(1ZA) Where paragraph 7(4) applies and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s licence and test certificate.”;
 - (ii) in sub-paragraph (1A), after “sub-paragraph (1)” insert “or (1ZA)”;
 - (iii) in sub-paragraph (1B), after “paragraph 8(1)” insert “or (1ZA)”;
 - (iv) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”;
 - (h) in paragraph 9, after “paragraph 8(1)” insert “or (1ZA)”;

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- (i) in paragraph 10(a), after–
 - (i) “paragraph 5(1)”; and
 - (ii) “paragraph 8(1)”,insert “or (1ZA)”.