
STATUTORY RULES OF NORTHERN IRELAND

2007 No. 454 (C. 30)

ROAD TRAFFIC AND VEHICLES

The Road Traffic (2007 Order) (Commencement
No. 2) Order (Northern Ireland) 2007

Made - - - - 29th October 2007

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 1(3) of the Road Traffic (Northern Ireland) Order 2007(1).

Citation and interpretation

1.—(1) This Order may be cited as the Road Traffic (2007 Order) (Commencement No. 2) Order (Northern Ireland) Order 2007.

(2) In this Order “the Order” means the Road Traffic (Northern Ireland) Order 2007.

Appointed day

2. The day appointed for the coming into operation of the provisions of the Order specified in the Schedule shall be 15th November 2007.

Sealed with the Official Seal of the Department of the Environment on 29th October 2007.



Stanley Duncan
A senior officer of the Department of the
Environment

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

Provisions coming into operation on 15th November 2007

Provisions of the Order	Subject Matter
Article 14	Testing for drink and drugs
Article 15	Period of endorsement for failing to allow specimen to be tested
Article 18(1) and (3)	Power of arrest in relation to failure to stop a vehicle
Article 19	Production of certain documents
Article 20	Seizure of licences
Article 27	Disqualification until test passed
Article 29	False statements etc.
Article 30	Driving otherwise than in accordance with a licence
Article 31	Power to remove requirement to apply for licence after passing of test
Article 32	Removal of two year period from passing of test in which to apply for licence
Article 33	Physical fitness
Article 34	Payment of fee for confirmation of person's entitlement to drive
Article 35	Exchangeable driving licences
Article 37	Applying for or obtaining a driving licence, or driving , while disqualified
Article 41	Display of test certificates
Article 42	Vehicles modified to run on fuel stored under pressure
Article 44	Tests of competence to drive
Article 79	Removal of requirement for Department of Finance and Personnel to approve certain matters relating to charging of fees by Department
Schedule 7, paragraphs 1(a), 2 to 4, 6, 8, 10 to 13, 15(a), 17, 19 to 21 and Article 86(1) insofar as it relates to those paragraphs.	Minor and consequential amendments
The following repeals in Schedule 8 and Article 86(2) insofar as it relates to them—	Repeals
PART I	

Provisions of the Order	Subject Matter
<p>The Transport Act (Northern Ireland) 1967(2)— the entries relating to sections 9(1), 16(2), 23(2), 25(2) and 25(4).</p>	
<p>The Road Traffic (Northern Ireland) Order 1981(3)— Article 3(3), the entry relating to Article 5(5), Articles 13(6), 14(6) and 19C(3), the entries relating to Articles 66(1)(a), 75(3), 79A(2) and 80, Articles 166 to 168 and 174(6), the entry relating to 180(2)(b).</p>	
<p>The Magistrates' Courts (Northern Ireland) Order 1981(4)— in Part III of Schedule 6, paragraph 170.</p>	
<p>The Road Traffic (Amendment) (Northern Ireland) Order 1991(5)— in Schedule 2, paragraphs 9 and 10.</p>	
<p>The Road Traffic (Northern Ireland) Order 1995(6)— the entry relating to Article 13(2), Article 13(5).</p>	
<p>The Road Traffic Offenders (Northern Ireland) Order 1996(7)— Article 10(3)(a), heads (iv), (v) and (vi), Article 41(14), the entry relating to Article 50(6),</p>	

(2)	1967 c. 37
(3)	S.I. 1981/154 (N.I. 1)
(4)	S.I. 1981/1675 (N.I. 26)
(5)	S.I. 1991/197 (N.I. 3)
(6)	S.I. 1995/2994 (N.I. 18)
(7)	S.I. 1996/1320 (N.I. 10)

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Provisions of the Order	Subject Matter
<p>Part I of Schedule 1, insofar as it relates to the entries relating to Articles 13, 14, 166 and 167 of the Road Traffic (Northern Ireland) Order 1981,</p> <p>Part I of Schedule 3 insofar as it relates to paragraphs 17, 18 and 29.</p> <p style="text-align: center;">PART II</p> <p>The Road Traffic (New Drivers) (Northern Ireland) Order 1998⁽⁸⁾—</p> <p style="padding-left: 40px;">in Schedule 3, paragraph 9.</p> <p>The Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003⁽⁹⁾—</p> <p style="padding-left: 40px;">in Schedule 1, paragraph 9.</p>	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 15th November 2007 the provisions of the Road Traffic (Northern Ireland) Order 2007 specified in the Schedule as outlined below.

Article 14 substitutes Article 17 of the Road Traffic (Northern Ireland) Order 1995 (“the Order of 1995”) with a number of provisions and gives the police powers to require persons to undergo drug impairment tests and to use a device approved by the Department to detect the presence of drugs in a person’s body.

Article 15 amends Article 50(6) of the Road Traffic Offenders (Northern Ireland) Order 1996 (“the Order of 1996”) by adding the offence of failing to allow a specimen to be tested in a laboratory to those offences that remain endorseable on a person’s driving licence for 11 years.

Articles 18, 19 and 20 amend Article 180 of the Road Traffic (Northern Ireland) Order 1981 (“the Order of 1981”).

Article 18 empowers the police to arrest a person for failure to stop a vehicle when requested.

Article 19 extends the power of the police to require the production of test certificates and insurance certificates in respect of accidents to include accidents in a public place.

Article 20 empowers the police to seize a driving licence that has been revoked by the Department.

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S.I. 1998/1074 (N.I. 7)
S.I. 2003/2903 (N.I. 16)

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Article 27 amends Article 41 of the Order of 1996 to give the Department power to prescribe the nature of the appropriate driving test to be taken following a period of disqualification.

Article 29 amends Article 174 of the Order of 1981 to extend the offence of forgery and making false statements etc. to additional documents and enables the police or a vehicle examiner to seize designated documents.

Article 30 amends Article 3 of the Order of 1981 to create the offence of driving otherwise than in accordance with a licence.

Article 31 amends Article 5(1) of the Order of 1981 to remove the requirement for a person to apply for a full licence following the passing of a test.

Article 32 substitutes Article 5(1)(a) of the Order of 1981 to remove the requirement for a person to apply for a full licence within two years of passing a test.

Article 33 amends Articles 9 and 11 of the Order of 1981 and inserts a new Article 11A to create three new offences relating to the physical fitness of drivers.

Article 34 amends Article 19C(1A) of the Order of 1981 to give the Department power to charge a fee for the issue of a certificate of entitlement to drive.

Article 35 amends Article 19D of the Order of 1981 to give the Department power to provide that only a licence of a specified description is suitable for exchange.

Article 37 inserts a new Article 168A into the Order of 1981 which amalgamates the offences of applying for or obtaining a licence while disqualified from driving and driving a vehicle while disqualified.

Article 41 inserts a new Article 63A into the Order of 1995 to create the offence of failure to display a vehicle test certificate.

Article 42 amends Articles 55 and 72 of the Order of 1995 to give the Department power to require keepers of vehicles modified to run on fuel stored under pressure to notify the Department of such modification and submit the vehicle for examination and certification.

Article 44 amends Article 5 of the Order of 1981 to introduce a number of administrative changes in respect of driving tests, thereby enabling, for example, the use of telephone and internet to book tests. Article 44 also amends Article 8 of the Order of 1981 to enable the Department to repay the whole or any part of a fee.

Article 79 amends a number of provisions in the Transport Act (Northern Ireland) 1967 and the Order of 1981 to remove the requirement for the Department of Finance and Personnel to approve the setting of certain fees by the Department.

In Schedule 7 a number of minor and consequential amendments.

In Schedule 8 a number of consequential repeals.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Road Traffic (Northern Ireland) Order 2007 have been brought into operation by commencement order before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 3(a) (insofar as it relates to the amendment of the punishment for commission of the offence of driving a motor vehicle in	27th June 2007	2007 No. 302 (C. 19)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
contravention of regulations requiring the wearing of seat belts), (b) and (c), Articles 4-9, Article 17, Article 26, Article 28, Article 43, Articles 82-85, Article 86(1) and Schedule 7 (partially), Article 86(2) and Schedule 8 (partially).		