***Status:*** *Point in time view as at 19/07/2018. This version of this Order contains provisions that are prospective.*
***Changes to legislation:*** *Road Traffic (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

STATUTORY INSTRUMENTS

# 1981 No. 154 (N.I. 1)

# Road Traffic (Northern Ireland) Order 1981

- - - - - - *10th February 1981*

**Modifications etc. (not altering text)**

**C1** Order: transfer of functions (8.5.2016) by The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76), art. 1(2), **Sch. 5 Pt. 2** (with art. 9(2))

**C2** Order applied (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(4)(5)**, 59; S.R. 2009/352, **art. 2**, Sch.

## PART I

## INTRODUCTORY

### Title and commencement

**1.**—(1) This Order may be cited as the Road Traffic (Northern Ireland) Order 1981.

(2) Subject to paragraph (3), this Order shall come into operation on the expiration of the period of one month from the date on which it is made.

*Para. (3) rep. by 1996 NI 10*

(4) The Head of the Department may by order appoint a day for the purposes of Article 93(1).

### Interpretation

**2.**—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"applicable Community rules" means any directly applicable Community provision for the time being in force about the driving of road vehicles**[**[F1] and includes the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport of 1st July 1970, as amended from time to time**]**;

"appointed day" means, in relation to any provision of this Order, the day appointed under Article 1 for the purposes of that provision;

*Definition rep. by 1997 NI 2*

"carriage of goods" includes the haulage of goods;

"certificate of insurance" has the meaning assigned to it by Article 92(4);

**[**[F2]"the Community Drivers' Hours Regulation" means Regulation No (EC) 561/2006 of the European Parliament and of the Council as amended from time to time;**]**

**[**[F3]"Community licence" has the meaning assigned to it by Article 19D;**]**

"constable" does not include a member of the Naval, Military or Royal Air Force Police;

"Department" means the Department of the Environment;

*Definition rep. by 1997 NI 2*

"domestic drivers' hours code" has the meaning given by Article 56(6);

*Definition rep. by 1995 NI 18*

"driving licence" means a licence to drive a motor vehicle granted under**[**[F4] Part II**]**;

"dual purpose vehicle" means a vehicle constructed or adapted for the carriage both of passengers and of goods or burden of any description, being a vehicle of which the unladen weight does not exceed 2040 kilograms, and which either—

(i) is so constructed or adapted that the driving power of the engine is, or by the appropriate use of the controls of the vehicle can be, transmitted to all the wheels of the vehicle, or

(ii) satisfies the following conditions as to construction, namely—

(a) the vehicle must be permanently fitted with a rigid roof, with or without a sliding panel;

(b) the area of the vehicle to the rear of the driver's seat must—

(i) be permanently fitted with at least one row of transverse seats (fixed or folding) for two or more passengers and those seats must be properly sprung or cushioned and provided with upholstered back-rests, attached either to the seats or to a side or the floor of the vehicle; and

(ii) be lit on each side and at the rear by a window or windows of glass or other transparent material having an area or aggregate area of not less than 1850 square centimetres on each side and not less than 770 square centimetres at the rear;

(c) the distance between the rearmost part of the steering wheel and the back-rests of the row of transverse seats satisfying the requirements specified in head ( *b*)(i) (or, if there is more than one such row of seats, the distance between the rearmost part of the steering wheel and the back-rests of the rearmost such row) must, when the seats are ready for use, be not less than one-third of the distance between the rearmost part of the steering wheel and the rearmost part of the floor of the vehicle;

"enactment" includes any order, regulation, rule, bye-law or other instrument made under a statutory provision;

"goods" includes goods or burden of any description;

"goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

"goods vehicle certificate" means a certificate granted under Article 54;

"heavy locomotive" has the meaning assigned to it by Article 37(1)( *a*);

"heavy motor car" has the meaning assigned to it by Article 37(1)( *d*);

"hours of darkness" means the time between half an hour after sunset and half an hour before sunrise;

"hovercraft" has the meaning given in section 4(1) of the Hovercraft Act 1968 ;

**[**[F5]"inspector of vehicles" shall be construed in accordance with paragraph (4) of Article 74 of the Order of 1995 (appointment of vehicle examiners);**]**

*Definition rep. by 1995 NI 18*

"lamp" includes a tail light;

"light locomotive" has the meaning assigned to it by Article 37(1)( *b*);

"motor car" has the meaning assigned to it by Article 37(1)( *e*);

"motor cycle" has the meaning assigned to it by Article 37(1)( *f*);

"motor tractor" has the meaning assigned to it by Article 37(1)( *c*);

"motor vehicle" means a mechanically-propelled vehicle (not being a tramcar or other vehicle running on permanent rails, or a trolley vehicle) which is intended or adapted for use on roads;

"obligatory headlamps" means the lamps referred to in Article 38(2);

**[**[F6]"the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996;**]**

**[**[F5]"the Order of 1995" means the Road Traffic (Northern Ireland) Order 1995;**]**

**[**[F7]"the Order of 2007" means the Road Traffic (Northern Ireland) Order 2007;**]**

*Definition rep. by 1995 NI 18*

*Definition rep. by 1997 NI 2*

"parking place" means a place where vehicles or vehicles of any particular class or description may wait;

*Definition rep. by 1995 NI 18*

"prescribed" means prescribed by regulations;

**[**[F4]"provisional licence" has the meaning given in Article 19D(1);**]**

*Definition rep. by 1997 NI 2*

"public service vehicle" means a motor vehicle or a trolley vehicle used in standing or plying for hire, or used to carry passengers for hire, but does not include any vehicle in respect of which a certificate of exemption in the prescribed form has been issued by the Department**[**[F8] any motor vehicle exempted from licensing requirements by virtue of section 10A of the Transport Act (Northern Ireland) 1967**]**[[F9] or any vehicle to which Article 66A (car-sharing arrangements) applies**]**;

"rear lamps" means the lamps referred to in Article 38(1)( *b*);

*Definition rep. by 1996 NI 10*

"relevant Community provision" means any Community provision for the time being in force about the driving of road vehicles, whether directly applicable or not;

"road" includes a public road and any street, carriageway, highway or roadway to which the public has access;

**[**[F5]"the Road Traffic Orders" means this Order[F10]. . . the Order of 1995**[**[F10F11]. . . the Road Traffic Regulation (Northern Ireland) Order 1997**]**[[F12F13]. . . the Order of 2007**]**[[F14]and the Taxis Act (Northern Ireland) 2008**]**;**]**

"side lamps" means the lamps referred to in Article 38(1)( *a*);

*Definition rep. by 1991 NI 3*

"statutory provision" has the meaning assigned to it by section 1( *f*) of the Interpretation Act (Northern Ireland) 1954 ;

"tail light" means, in relation to any vehicle, any lamp carried attached to the vehicle for the purpose of showing a red light to the rear in accordance with this Order and any regulations made under this Order;

**[**[F4]"the test" means the test of competence to drive prescribed by virtue of Article 5(3)**]**

"traffic" includes the passage of animals on a road;

**[**[F15]"transport undertaking" has the meaning given in the Community Drivers' Hours Regulation;**]**

*Definition rep. by 1997 NI 2*

"trailer" means a vehicle drawn by a motor vehicle;

*Definition rep. by 1995 NI 18*

"trunk road" has the meaning given in Article 2(2) of the Roads (Northern Ireland) Order**[**[F16] 1993**]**;

"vehicle" includes a[F5]. . . cycle and a trailer.

**[**[F5](2A) Any expression for whose interpretation provision is made by Part I of the Order of 1995 or Article 53 of that Order (and not by this Article) is to be construed in accordance with that provision.**]**
*Para. (3) rep. by 1995 NI 18*

**[**[F17](3A) For the purposes of this Order—

(a) a trailer with an unladen weight exceeding 1,020 kilograms; or

(b) any other vehicle with an unladen weight exceeding 1,525 kilograms,

shall be taken to be a vehicle with a permissable maximum weight exceeding 3,500 kilograms.**]**

(4) Any reference in this Order to a class of motor vehicle shall include a reference to a subdivision of such a class.

(5) For the purposes of section 42(2) of the Northern Ireland Constitution Act 1973 (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

(6) Provisions of this Order which re-enact provisions of orders or regulations made under any statutory provision shall have no greater effect by virtue of their re-enactment.

**F1** Words in art.2(2) in definition of "applicable Community Rules" inserted (23.4.2009) by Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/91), **reg. 6(2)(a)**

**F2** Art. 2(2): definition of "the Community Drivers' Hours Regulation" inserted (23.4.2009) by Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/91), **reg. 6(2)(b)**

**F3** Art. 2(2): definition of "Community licence" substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(a)**; S.R. 2007/454, **art. 2**, Sch.

**F4** 1991 NI 3

**F5** 1995 NI 18

**F6** 1996 NI 10

**F7** Art. 2(2): definition of "the Order of 2007" inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(b)**; S.R. 2007/302, **art. 2**, Sch.

**F8** 1990 NI 7

**F9** 1981 NI 24

**F10** 1997 NI 2

**F11** Art. 2(2): word in definition of "the Road Traffic Orders" omitted (27.6.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(c)(i)**; S.R. 2007/302, **art. 2**, Sch.

**F12** Art. 2(2): words in definition of "the Road Traffic Orders" inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 1(c)(ii)**; S.R. 2007/302, **art. 2**, Sch.

**F13** Word in art. 2(2) in definition of "the Road Traffic Orders" omitted (23.11.2009) by virtue of Taxis Act (Northern Ireland) 2008 (c. 4), ss. 58(1), 59, **Sch. 2 para. 1(a)**; S.R. 2009/352, **art. 2**, Sch.

**F14** Words in art. 2(2) in definition of "the Road Traffic Orders" added (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), ss. 58(1), 59, **Sch. 2 para. 1(b)**; S.R. 2009/352, **art. 2**, Sch.

**F15** Art. 2(2): definition of "transport undertaking" inserted (30.4.2010) by Passenger and Goods Vehicles (Recording Equipment) (Downloading and Retention of Data) Regulations (Northern Ireland) 2010 (S.R. 2010/23), **reg. 8(2)**

**F16** 1993 NI 15

**F17** SR 1990/224

# PART II

## GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

*Requirement to hold licence*

### Drivers of motor vehicles to have driving licences

**3.**—(1) It is an offence under this Order for a person to drive on a road a motor vehicle of any class **[**[F18]otherwise than in accordance with**]** a licence authorising him to drive a motor vehicle of that class.

(2) It is an offence under this Order for a person to cause or permit another person to drive on a road a motor vehicle of any class **[**[F19]otherwise than in accordance with a licence authorising that other person**]** to drive a motor vehicle of that class.

(3) [F20]. . . . . .

**F18** Words in art. 3(1) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **30(a)**; S.R. 2007/454, **art. 2**, Sch.

**F19** Words in art. 3(2) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **30(b)**; S.R. 2007/454, **art. 2**, Sch.

**F20** Art. 3(3) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

### Exceptions

**4.**—(1) Notwithstanding Article 3, a person may drive or cause or permit another person to drive a vehicle of any class if—

(a) the driver has held—

(i) a licence under this Part to drive vehicles of that or a corresponding class, or

**[**[F21](ia) a Community licence to drive vehicles of that or a corresponding class, or**]**

(ii) a Great Britain licence to drive vehicles of that or a corresponding class, or

(iii) a British external licence or British forces licence to drive vehicles of that or a corresponding class, or

(iv) an exchangeable licence to drive vehicles of that or a corresponding class, and

(b) either—

(i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Department, or

**[**[F22](ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of Article 15(5) or (6) otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under Article 15(8B), and**]**

(c) any conditions which by virtue of Article 13(3) or 14(2) apply to the driving under the authority of the licence of vehicles of that class are complied with.

(2) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of paragraph (1)(b)(i) if—

(a) the requirements of sub-paragraphs (a), (b) so far as it relates to initial evidence and (c) of paragraph (1) of Article 13 have been satisfied;

(b) the applicant—

(i) is not subject to a current disqualification which is relevant to the licence he applies for, and

(ii) is not prevented from obtaining it by Article 5**[**[F23] of this Order or**[**[F24] Article 6 of, or paragraph 6 or 9**]** of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998**]**; and

(c) the declaration made in pursuance of Article 9(1) indicates that he is not suffering from a relevant disability.

(3) A disqualification is relevant to a licence for which a person makes an application if—

(a) in the case of an application made by virtue of any provision of paragraph (1)(a), the disqualification subsists under or by virtue of any provision of**[**[F25] the Road Traffic Orders**][**[F26] or Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003**][**[F27] or of the Offenders Order**]** and relates to vehicles of the class to which his application relates;

**[**[F21](aa) in the case of an application made by virtue of paragraph (1)(a)(ia), the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;**]**

(b) in the case of an application made by virtue of paragraph (1)(a)(ii), the disqualification subsists under or by virtue of any provision of the law of Great Britain and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

(c) in the case of an application made by virtue of paragraph (1)(a)(iii), the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and

(d) in the case of an application made by virtue of paragraph (1)(a)(iv), the disqualification subsists under or by virtue of any provision of the law of the[F21]. . . country or territory

under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;

but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.

(4) The benefit of paragraph (1) does not extend—

(a) beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (1)(b) or (as the case may be) in pursuance of Article 15(8)**[**[F22] or (8A)**]** in consequence of the revocation or surrender so mentioned, or

(b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date on which the application is received by the Department or (as the case may be) the revocation or surrender mentioned in paragraph (1)(b), or

(c) in a case where a licence is refused under Article 9(3) beyond the day on which the applicant receives notice of the refusal.

(5) The Department may by regulations provide that paragraph (1) shall also apply (where the requirements of that paragraph are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.

(6) Regulations made by virtue of paragraph (5) shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.

(7) Regulations may provide that a person who becomes resident in Northern Ireland shall, during the prescribed period after he becomes so resident, be treated for the purposes of Article 3 as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—

(a) he satisfies the prescribed conditions, and

(b) he is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom.

(8) Regulations made by virtue of paragraph (7) may provide for the application of any statutory provision relating to licences, counterparts of licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.

(9) Notwithstanding Article 3—

(a) a person who is not the holder of a licence may act as steersman of a motor vehicle which is controlled by a pedestrian and not constructed or adapted for use, or used, for the carriage of a driver or passenger**[**[F21] who—**]**

**[**[F21](i) is licensed in that behalf in accordance with the requirement of this Part and Part V, or

(ii) is authorised by virtue of Article 15A(1) to drive in Northern Ireland such a motor vehicle, and**]**

(b) a person may cause or permit another person who is not the holder of a licence so to act.

(10) In this Part—

"British external licence" means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;

"British forces licence" means a licence granted in the Federal Republic of Germany by the British authorities to members of the British forces or of the civilian components of those forces or their dependants; and

"relevant external law" means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part.

**F21** SR 1996/426
**F22** SR 2002/374
**F23** 1998 NI 7
**F24** 2003 NI 16
**F25** 1995 NI 18
**F26** Words in art. 4(3)(a) inserted (28.1.2010) by Crime (International Co-operation) Act 2003 (c. 32), ss. 91(1), 94(1), Sch. 5 para. 6; S.I. 2008/3009, **art. 2**
**F27** 1996 NI 10

*Tests*

### Tests of competence to drive

**5.**—(1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he **[**[F28F29]... satisfies the Department**][**[F30] (or, in the case of a test of competence passed under paragraph (a)(i) after a prescribed day, the Department is satisfied in such manner as may be prescribed)**]**

**[**[F31](a) that he has passed–

(i) the test of competence to drive prescribed by virtue of paragraph (3) not earlier than the appointed day, or

(ii) a Great Britain test of competence to drive which corresponds to such a test at some time during the period of 2 years ending with the date the application is made but not earlier than the appointed day, or

(iii) a test of competence which under paragraph (7) is a sufficient test at some time during the period of 2 years ending with the date the application is made but not earlier than the appointed day;

or that, if it is available to him, he satisfies the alternative requirement of Article 6; or**]**

(b) that at some time not earlier than the appointed day he has held—

(i) a full licence authorising the driving of vehicles of that class, or

(ii) a full Great Britain licence authorising the driving of vehicles of a class corresponding to the class;

or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(c) that at some time during the period of 2 years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class[F28]. . . for the purpose of obtaining a British forces licence; or

(d) that at some time not earlier than the appointed day he has held a full British external licence or a full British forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(e) that at some time during the period of 2 years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law[F28]. . . of Gibraltar[F28]. . . ; or

**[**[F28](ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at any time he has held such a Community licence; or**]**

**[**[F28](f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.**]**

This paragraph is subject to the provisions of this Part as to provisional licences and to the provisions of any regulations made by virtue of Article 19C(1)(g).

[F32](1A) . . . . . .

(2) For the purposes of paragraph (1)—

**[**[F28](a) a licence which has been revoked under Article 15(5) or under any corresponding provision of—

(i) the law of Great Britain,

(ii) the relevant external law, or

(iii) the law of an EEA State other than the United Kingdom,

as a licence granted in error shall be disregarded for the purposes of sub-paragraph (b), (d) or (ea) (as the case may be) or that paragraph;**]**

*Sub-para. (b) rep. by SR 1996/426*

(c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of sub-paragraph (d) of that paragraph unless the Department, by order, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.

**[**[F33](2A) Except as provided under paragraph (5A), no person submitting himself for a test of competence to drive a motor**[**[F34] bicycle**]** shall be permitted to take the test unless he furnishes the prescribed certificate of completion by him of an approved training course for motor cyclists either with his application for an appointment for a test or to the person who is to conduct the test.**]**

(3) Regulations may make provision with respect to—

(a) the nature of tests of competence to drive for the purposes of this Article**[**[F35] and Article 41 of the Offenders Order (disqualification)**]**,**[**[F36] and the administrative arrangements for submitting for such tests,**]**

(b) the qualifications, selection and appointment of persons by whom they may be conducted **[**[F37] conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment**]** and the revocation of an appointment,

**[**[F38](ba) the duty of a person submitting himself for a test to produce, and in prescribed circumstances surrender, any licence previously granted to him,**]**

(c) evidence of the results of such tests,

and generally with respect to such tests.

(4) In particular, regulations may, without prejudice to the generality of paragraph (3), provide—

(a) for requiring a person submitting himself for a test to provide **[**[F39]a safe and suitable vehicle**]** for the purposes of the test **[**[F40]and for requiring that, if the vehicle is a vehicle of a prescribed description, it has been certified in the prescribed manner after a prescribed inspection as satisfying such requirements as may be prescribed,**]**

**[**[F28](aa) for requiring a person submitting himself for a test to have been **[**[F41]normally and lawfully resident in Northern Ireland or the United Kingdom (within the meaning of Article 13A)**]** for such period ending on the date of his appointment for the test as may be prescribed,**]**

**[**[F42](b) or the charging (whether on the making of an appointment for a test or otherwise) of reasonable fees for or in connection with the test and any inspection of a vehicle required by regulations under paragraph (a) in relation to the test,**]**

(c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself for another test by the same or any other person before the expiration of a period specified in the regulations, except under an order made by a court under the power conferred by Article 7.

(5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—

(a) any provision that could be made for a test not consisting of separate parts, [F43]. . .

(b) [F43]. . . . . .

**[**[F44](5ZA) Regulations under paragraph (3)(b) may in particular provide–

(a) for the supply by the Department to persons by whom tests of competence to drive, or parts of such tests, may be conducted of forms for certificates evidencing the results of such tests or parts of such tests, and

(b) for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Department by the regulations.**]**

**[**[F45](5A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by paragraph (2A); and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.**]**

(6) Regulations may prescribe cases in which persons are exempt from the requirements imposed by paragraph (3); and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.

(7) For the purposes of paragraph (1)(a)(iii) or Article 6(2)(b)(iii), a test of competence shall be sufficient for the granting of a licence authorising the driving of—

(a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive,

(b) vehicles of all classes which are designated by regulations as a group for the purposes of paragraph (1)(a) if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, and

(c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this sub-paragraph as competent also to drive vehicles of a class included in that other group.

(8) If vehicles of any classes are designated by regulations as a group for the purposes of paragraph (1)(b), a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of paragraph (1)(b)(i) or Article 6(4)(a) to authorise the driving of—

(a) vehicles of all classes included in the group**[**[F28] (except where regulations otherwise provide),**]** and

(b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

The reference in this paragraph to a licence does not include a licence which has been revoked in pursuance of Article 15(5).

(9) For the purposes of this Article and Article 4(1), an exchangeable licence issued in respect of a[F28]. . . country or territory shall not be treated as authorising a person to drive a vehicle of any class if—

(a) the licence is not for the time being valid for that purpose, or

(b) it was issued in respect of that class for a purpose corresponding to that mentioned in Article 13(2).

(10) A test of competence falling within sub-paragraphs (a)(ii), (c) or (e) of paragraph (1) shall be sufficient for the granting of a licence authorising the driving of—

(a) vehicles of all classes designated by regulations as a group for the purposes of paragraph (1)(a), if**[**[F28] (except where regulations otherwise provide)**]** at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, or of any class corresponding to a class included in the group, and

(b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in sub-paragraph (a) is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

(11) A full Great Britain licence, a full British external licence, a full British forces licence**[**[F28], a Community licence**]** or an exchangeable licence shall be treated for the purposes of sub-paragraph (b)(ii), (d)**[**[F28],(ea)**]** or (f) (as the case may be) of paragraph (1) as authorising the driving of—

(a) **[**[F28](except where regulations otherwise provide)**]** vehicles of all classes designated by regulations as a group for the purposes of paragraph (1)(b), if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and

(b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in subparagraph (a) is treated as competent also to drive vehicles of a class included in that other group.

*Para. (12) rep. by SR 1996/426*

**F28** SR 1996/426

**F29** Words in art. 5(1) omitted (14.7.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 62(a)**; S.I. 2014/1820, art. 2(g)

**F30** Words in art. 5(1) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **31**; S.R. 2007/454, **art. 2**, Sch.

**F31** Art. 5(1)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **32**; S.R. 2007/454, **art. 2**, Sch.

**F32** Art. 5(1A) omitted (14.7.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 62(b)**; S.I. 2014/1820, art. 2(g)

**F33** Art. 5(2A) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), **7(2)(a)** (as amended by S.R. 1996/426, reg. 4, Sch. 2 para. 3(2)); S.R. 2011/19, **art. 2**

**F34** SR 1996/426
**F35** 1996 NI 10
**F36** Words in art. 5(3)(a) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(1)(a)**; S.R. 2007/454, **art. 2**, Sch.
**F37** Words in art. 5(3)(b) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(1)(b)**; S.R. 2007/454, **art. 2**, Sch.
**F38** Art. 5(3)(ba) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(1)(c)**; S.R. 2007/454, **art. 2**, Sch.
**F39** Words in art. 5(4)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(2)(a)**; S.R. 2007/454, **art. 2**, Sch.
**F40** Words in art. 5(4)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(2)(b)**; S.R. 2007/454, **art. 2**, Sch.
**F41** Words in art. 5(4)(aa) substituted (14.7.2014) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 9 para. 62(c)**; S.I. 2014/1820, art. 2(g)
**F42** Art. 5(4)(b) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(2)(c)**; S.R. 2007/454, **art. 2**, Sch.
**F43** Art. 5(5)(b) and preceding word repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 44(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
**F44** Art. 5(5ZA) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(4)**; S.R. 2007/454, **art. 2**, Sch.
**F45** Art. 5(5A) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), **7(2)(b)**; S.R. 2011/19, **art. 2**

**Modifications etc. (not altering text)**
**C3** Art. 5(2A) excluded by Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (S.R. 1996/542), reg. 47H(3)(5) (as inserted (21.2.2011) by Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/21), **reg. 2(9)**)

### The alternative requirements to those in Article 5

**6.**—(1) The alternative requirements referred to in Article 5(1) are the following.

(2) The requirement which is alternative to that specified in Article 5(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of paragraph (3)—

(a) is available to that person if the application is made within the period of 10 years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of 10 years ending with the date the application is made he has passed—

(i) the test of competence to drive prescribed by virtue of Article 5(3) or a test of competence to drive which corresponds to such a test, or

(ii) a Great Britain test of competence to drive which corresponds to any test falling within (i), or

(iii) a test of competence which under Article 5(7) is a sufficient test or a test of competence to drive which corresponds to such a test.

(3) The requirement which is alternative to that specified in Article 5(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this paragraph—

(a) is available to that person if the application is made within the period of 5 years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of 5 years ending with the date the application is made he has passed—

(i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or

(ii) a corresponding Great Britain test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.

(4) The requirement which is alternative to that specified in Article 5(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of paragraph (5) is that at sometime before the appointed day but not earlier than 1st January 1976 he has held—

(a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or

(b) a full Great Britain licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.

(5) The requirement which is alternative to that specified in Article 5(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this paragraph is that at some time before the appointed day but not earlier than the beginning of the period of 5 years ending on that date he has held—

(a) a full heavy goods vehicle or a public service vehicle driver's licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or

(b) a full Great Britain licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Great Britain licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.

(6) The requirement which is alternative to that specified in Article 5(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—

(a) is available to that person if the application is made within the period of 10 years beginning with the appointed day, and

(b) is that at some time before the appointed day and during the period of 10 years ending with the date the application is made he has held a full British external licence or a full British forces licence to drive vehicles of that or a corresponding class.

(7) In this Article "heavy goods vehicle" has the same meaning as it had for the purposes of Article 79 before its repeal by Article 4 of the Road Traffic (Amendment) (Northern Ireland) Order 1991.

**Review of conduct of test**

**7.**—(1) On the application of a person who has submitted himself for a test of competence to drive, a court of summary jurisdiction [F46]... may determine whether the test was properly conducted in accordance with regulations.

(2) The court may, if it appears that the test was not so conducted—

(a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of Article 5(4)(c), and

(b) order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(3) If regulations make provision for a test of competence to drive to consist of separate parts, this Article applies in relation to each part as well as in relation to the whole of the test.

**F46** Words in art. 7(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 83(1), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### Repayment of test fees

**8. [**[F47]The whole or any part of a fee**]** paid in pursuance of regulations made by virtue of Article 5(4) on application for an appointment for a test may be repaid in the following cases and not otherwise—

(a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Department;

(b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this sub-paragraph by regulations;

(c) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or

(d) if an order for the repayment of the fee is made by the court under Article 7 pursuant to a finding that the test was not properly conducted in accordance with the regulations.

**F47** Words in art. 8 substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(5)**; S.R. 2007/454, **art. 2**, Sch.

PROSPECTIVE

### [[F48]Approved test assistants

**8A.**—(1) The Department may make regulations permitting any person wishing to be accompanied at a relevant test by another person (a "test assistant") to be so accompanied if–

(a) he submits himself for the relevant test in any circumstances in which the Department considers it appropriate that he should be entitled to be so accompanied; and

(b) the test assistant is approved in accordance with regulations made under this Article to accompany people at relevant tests in such circumstances in order to assist them in undergoing the relevant tests.

(2) The circumstances in which the Department considers it appropriate that a person should be entitled to be accompanied by a test assistant at a relevant test may include, for example, circumstances in which he is likely to have difficulty in hearing, understanding or responding to instructions or questions in the course of the relevant test without assistance.

(3) The regulations may make provision in relation to the approval of test assistants and may, in particular, include provision–

(a) in relation to the making of applications for approval;

(b) for the payment in respect of applications for approval, or in connection with approvals, of fees of a prescribed amount;

(c) in relation to the period for which an approval is to have effect and withdrawing approval;

(d) authorising the imposition of conditions on an approval;

(e) for an appeal to lie to a court of summary jurisdiction acting for the petty sessions district in which the person resides against a refusal of an application for approval, the imposition of conditions on an approval or the withdrawal of approval;

(f) prescribing circumstances in which an approved test assistant may not act as such;

(g) as to the evidencing by persons of their status as approved test assistants;

(h) authorising the Department to make available (with or without charge) information about approved test assistants.

(4) In this Article "relevant tests" means–

(a) tests of competence to drive a motor vehicle prescribed by virtue of Article 5(3) of this Order or Article 41(5) of the Offenders Order;

(b) examinations of ability and fitness (or continued ability and fitness) to give driving instruction for which provision is made by virtue of Article 62 of the Order of 2007;

(c) emergency control assessments under Article 65 of the Order of 2007.**]**

**F48** Art. 8A inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **45**

*Physical fitness*

**Requirements as to physical fitness of drivers**

**9.**—(1) An application for the grant of a licence must include a declaration by the applicant, in such form as the Department may require, stating whether he is suffering or has at anytime (or, if a period is prescribed for the purposes of this paragraph, has during that period) suffered from any relevant disability or any prospective disability.

(2) In this Part—

"disability" includes disease**[**[F49] and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency**]**,

"relevant disability" in relation to any person means—

(a) any prescribed disability, and

(b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and

"prospective disability" in relation to any person means any other disability which—

(a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but

(b) by virtue of the intermittent or progressive nature of the disability, or otherwise, may become a relevant disability in course of time.

(3) If it appears from the applicant's declaration, or if on inquiry the Department is satisfied from other information, that the applicant is suffering from a relevant disability, the Department must, subject to the following provisions of this Article, refuse to grant a licence.

(4) The Department must not by virtue of paragraph (3) refuse to grant a licence—

(a) on account of any relevant disability which is prescribed for the purposes of this sub-paragraph, if the applicant has at any time passed a relevant test and it does not appear to the Department that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Department at that time,

(b) on account of any relevant disability which is prescribed for the purposes of this sub-paragraph, if the applicant satisfies such conditions as may be prescribed with a view to

authorising the grant of a licence to a person in whose case the disability is appropriately controlled,

(c) on account of any relevant disability which is prescribed for the purposes of this sub-paragraph, if the application is for a provisional licence.

(5) Where as a result of a test of competence to drive or of information obtained under the relevant powers the Department is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disability such that there is likely to be a danger to the public—

**[**[F50](a) if he drives any vehicle,

(b) if he drives a vehicle other than a vehicle of a particular class, or

(c) if he drives a vehicle except in accordance with particular conditions,**]**

**[**[F50]the Department must serve notice in writing to that effect on that person and must include in the notice a description of the disability.**]**

(6) Where a notice is served in pursuance of paragraph (5)(a), then—

(a) if the disability is not prescribed under paragraph (2), it shall be deemed to be so prescribed in relation to the person**[**[F49] on whom the notice is served**]**, and

(b) if the disability is prescribed for the purposes of paragraph (4)(c) it shall be deemed not to be so prescribed in relation to him.

**[**[F50](7) Where a notice is served in pursuance of paragraph (5)(b), the Department may—

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice or

(b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence limited to vehicles of that class,

and, if the Department so directs in the notice, his entitlement to drive other classes of vehicle by virtue of Article 14(2) shall be limited as specified in the notice.

(7A) Where notice is served in pursuance of paragraph (5)(c), the Department may—

(a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or

(b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Department so directs in the notice, any entitlement which the person has to drive vehicles by virtue of Article 14(2) shall be subject to conditions as specified in the notice.

(7B) A person complies with this paragraph if—

(a) he surrenders the existing licence and its counterpart, and

(b) where the Department so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

(8) If it considers it appropriate to do so, the Department may, after serving a notice under any of the sub-paragraphs of paragraph (5), serve a further notice under that sub-paragraph or a notice under another of those sub-paragraphs; and on its serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.**]**

(9) In paragraph (5) the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence prescribed for the

purposes of Article 5 or so much of such a test as is required to be taken in pursuance of Article 11(5)(c) and to information obtained in pursuance of Article 11(5)(a) or (b).

(10) A person whose licence is revoked by virtue of paragraph (8) must deliver the licence and its counterpart to the Department forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.

**[**[F49](10A) In paragraph (9) the references to Article 11 include references to that Article as applied by Article 15D**[**[F51] or 19H**].]**

(11) In this Article "relevant test", in relation to an application for a licence, means any such test of competence as is mentioned in Article 5 or a test as to fitness or ability in pursuance of Article 6 of this Order as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

(12) Without prejudice to paragraph (11), for the purposes of paragraph (4)(a)—

(a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—

(i) under a provision of the law of Great Britain or a relevant external law corresponding to paragraphs (3) and (4) or (6) of Article 5, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or

(ii) is sufficient for the granting of a British forces licence authorising the driving of vehicles of those classes, and

(b) in the case of an applicant who is treated as having passed a relevant test by virtue of sub-paragraph (a), disclosure of a disability to his licensing authority shall be treated as disclosure to the Department.

**[**[F52](13) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if the declaration included in accordance with paragraph (1) in the application on which the licence was granted was one which he knew to be false.**]**

**F49** SR 1996/426
**F50** SR 2002/374
**F51** 2003 NI 16
**F52** Art. 9(13) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **33(1)**; S.R. 2007/454, **art. 2**, Sch.

**Revocation of licence because of disability or prospective disability**

**10.**—(1) If the Department is at any time satisfied on inquiry—

(a) that a licence holder is suffering from a relevant disability, and

(b) that the Department would be required by virtue of Article 9(3)[F53]. . . to refuse an application for the licence made by him at that time,

the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) If the Department is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Department may—

(a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and

(b) on receipt of the licence so revoked and its counterpart and of an application made for the purposes of this paragraph, grant to the licence holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).

**[**[F54](2A) The Department may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before granting a licence to him on application made for the purposes of paragraph (2)**[**[F55] or paragraph (6)**].]**

(3) A person whose licence is revoked under paragraph (1) or (2) must deliver up the licence and its counterpart to the Department forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence under this Order.

**[**[F56](4) Where a person whose licence is revoked under paragraph (1) or (2)—

(a) is not in possession of his licence and its counterpart in consequence of the fact that he has surrendered them to a constable or an authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order, but

(b) delivers them to the Department immediately on their return.

he is not in breach of the duty under paragraph (3).**]**

**[**[F55](5) Where the Department—

(a) is at any time sent by the licensing authority in Great Britain a licence under section 109B of the Road Traffic Act 1988, and

(b) by virtue of the reasons given by that authority for sending the licence is at that time satisfied as mentioned in paragraph (1)(a) and (b) or that the licence holder is suffering from a prospective disability,

the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(6) Where the reasons given by the licensing authority in Great Britain for sending the licence relate to a prospective disability of the holder, the Department may, on an application made for the purposes of this paragraph, grant to the holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).**]**

**F53** SR 1996/426
**F54** SR 2002/374
**F55** 2003 NI 16
**F56** 1996 NI 10

### Provision of information, etc., relating to disabilities

**11.**—(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

(a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Department, or

(b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

the licence holder must forthwith notify the Department in writing of the nature and extent of his disability.

(2) The licence holder is not required to notify the Department under paragraph (1) if—

(a) the disability is one from which he has not previously suffered, and

(b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of 3 months beginning with the date on which he first becomes aware that he suffers from it.

(3) A person who fails without reasonable excuse to notify the Department as required by paragraph (1) shall be guilty of an offence under this Order.

**[**[F57](3A) Proceedings for an offence under paragraph (3) are subject to Article 7 of the Offenders Order.**]**

**[**[F58](3B) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if at any earlier time while the licence was in force he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.**]**

(4) If—

(a) the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence; or

(b) the Department has reasonable grounds for believing that a person who is an applicant for, or the holder of a licence may be suffering from a relevant or prospective disability;

paragraph (5) applies for the purpose of enabling the Department to satisfy itself whether or not that person may be suffering from that or any other relevant or prospective disability.

(5) The Department may by notice in writing served on the applicant or holder—

(a) require him to provide the Department, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in paragraph (6), or

(b) require him, as soon as practicable, to arrange to submit himself for examination—

(i) by such registered medical practitioner or practitioners as may be nominated by the Department, or

(ii) with respect to a disability of a prescribed description, by such other person as may be so nominated,

for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability, or

(c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for such a test of competence to drive as the Department directs in the notice—

(i) of all or any of the classes to which the application relates, or

(ii) which he is authorised to drive (otherwise than by virtue of Article 14(2)) by the licence which he holds,

as the case may be.

(6) The authorisation referred to in paragraph (5)(a)—

(a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and

(b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Department any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.

(7) If the Department considers it appropriate to do so in the case of any applicant or licence holder, the Department—

(a) may include in a single notice under paragraph (5) requirements under more than one sub-paragraph of that paragraph, and

(b) may at any time after the service of a notice under that paragraph serve a further notice or notices under that paragraph.

(8) If any person on whom a notice is served under paragraph (5)—

(a) fails without reasonable excuse to comply with a requirement contained in the notice, or

(b) fails any test of competence which he is required to take as mentioned in sub-paragraph (c) of that paragraph,

the Department may exercise its powers under Articles 9 and 10 as if it were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any sub-paragraph of Article 9(4) or, if the Department so determines, as if it were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.

(9) Except where the requirement is made in the circumstances prescribed for the purposes of paragraph (4), it shall be for the Department (and not for any other person) to defray any fees or other reasonable expenses of a registered medical practitioner in connection with—

(a) the provision of information in pursuance of an authorisation required to be provided under paragraph (5)(a), or

(b) any examination which a person is required to undergo as mentioned in paragraph (5)(b).

**F57** 1996 NI 10

**F58** Art. 11(3B) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **33(2)**; S.R. 2007/454, **art. 2**, Sch.

### [F59Driving after refusal or revocation of licence

**11A.**—(1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if–

(a) at any earlier time the Department–

(i) has in accordance with Article 9(3) refused to grant such a licence,

(ii) has under Article 10(1) or (2) revoked such a licence, or

(iii) has served a notice on that person in pursuance of Article 15C(1) or (2) or 19G requiring him to deliver to the Department a Community or Great Britain licence authorising him to drive a motor vehicle of that or a corresponding class, and

(b) since that earlier time he has not been granted–

(i) a licence under this Part, or

(ii) a Community licence,

authorising him to drive a motor vehicle of that or a corresponding class.

(2) Article 4 shall apply in relation to paragraph (1) of this Article as it applies in relation to Article 3.**]**

**F59** Art. 11A inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **33(3)**; S.R. 2007/454, **art. 2**, Sch.

### Notification of refusal of insurance on grounds of health

**12.**—(1) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VIII on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Department of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

**[**[F60](2) "Authorised insurer" means an insurer who is a member of the Motor Insurers Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

(3) "Insurer" means—

(a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out relevant contracts of insurance; or

(b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out relevant contracts of insurance.

(4) A contract is a relevant contract of insurance if the risk insured against relates to—

(a) the insured sustaining accidental injury or death as a result of travelling as a passenger;

(b) land vehicles;

(c) goods in transit; or

(d) motor vehicle liability.

(5) This Article must be read with—

(a) section 22 of the Financial Services and Markets Act 2000;

(b) any order for the time being in force under that section; and

(c) Schedule 2 to that Act.**]**

**F60** SI 2001/3649

*Granting of licences, their form and duration*

### Grant of licences

**13.**—(1) Subject to**[**[F61]the following provisions of this Article**]** and Article 9 and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, the special provisions of Articles 70 to 79, the Department must grant a licence to a person who **[**[F62]meets the relevant residence requirement (see Article 13A) and**]** —

(a) makes an application for it in such manner and containing such particulars as the Department may specify, and pays the fee (if any) which is prescribed,

(b) provides the Department with such evidence or further evidence in support of the application as the Department may require,

**[**[F63](c) surrenders to the Department—

(i) any previous licence and its counterpart granted to him at some time during the period of 10 years ending on the date of receipt of the application by the Department,

**[** any Great Britain licence held by him together with [F65]... its counterpart (if any) [F64](ia) issued to him under this Part,**]**

(ii) any Community licence and its counterpart (if any) issued to him, and

(iii) any British external licence or British Forces licence or exchangeable licence held by him,

or provides the Department with an explanation for not surrendering them which the Department considers adequate, and**]**

**[**[F66](d) is not —

(i) in accordance with Article 4(3) subject to a current disqualification which is relevant to the licence he applies for; or

(ii) subject to a current disqualification under the law of an EEA State (other than the United Kingdom) which relates to vehicles of the class, or of a class corresponding to the class, to which the application relates and was imposed while the person was the holder of a licence granted under the law of that State; and

(e) is not prevented from obtaining the licence by the provisions of Article 5 of this Order or Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998.**]**

**[**[F67](1A) The Department may under paragraph (1)(a) and (b) in particular require an applicant to provide a photograph which is a current likeness of him.**]**

**[**[F64](1AA) Where a licence under this Part is granted to a person who surrenders under paragraph (ia) of paragraph (1)(c) his Great Britain licence together with the **[**[F68]counterpart**]** mentioned in paragraph (ia) to the Department—

(a) that person ceases to be authorised by virtue of Article 19E to drive in Northern Ireland a motor vehicle of any class, and

(b) the Department must send the Great Britain licence [F69]... to the licensing authority in Great Britain together with particulars of the class of motor vehicles to which the licence granted under this Part relates.**]**

(2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in Article 5 shall apply to such a licence.

(3) A provisional licence—

(a) shall be granted subject to prescribed conditions;

(b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed;

(c) may, in the case of a person appearing to the Department to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence.

[F70](d) . . . . . .

**[**[F71](e) except as provided under paragraph (3B), shall not authorise a person, before he has passed a test of competence to drive, to drive on a road a motor**[**[F72] bicycle**][**[F73] or moped**]** except where he has successfully completed an approved training course for motor cyclists or is

undergoing training on such a course and is driving the motor**[**[F74] bicycle**][**[F75] or moped**]** on the road as part of the training.**]**

**[**[F76](3A) Regulations may make provision as respects the training in the driving of **[**[F77] motor bicycles and mopeds **]** of persons wishing to obtain licences authorising the driving of such **[**[F77] motor bicycles and mopeds **]** by means of courses of training provided in accordance with the regulations; and the regulations may in particular make provision with respect to—

(a) the nature of the courses of training;

(b) the approval by the Department of the persons providing the courses and the withdrawal of its approval;

(c) the maximum amount of any charges payable by persons undergoing the training;

(d) certificates evidencing the successful completion by persons of a course of training and the supply by the Department of the forms which are to be used for such certificates; and

(e) the making, in connection with the supply of forms of certificates, of reasonable charges for the discharge of the functions of the Department under the regulations.

(3B) Regulations may prescribe cases in which persons holding a provisional licence are exempt from the restriction imposed by paragraph (3)(e) on their driving under the licence; and the regulations may—

(a) limit the exemption to persons in prescribed circumstances;

(b) limit the exemption to a prescribed period or in respect of driving in a prescribed area;

(c) attach conditions to the exemption; and

(d) regulate applications for, and the issue and form of, certificates evidencing the holder's exemption from the restriction.**]**

(4) Regulations may authorise or require the Department to refuse a provisional licence authorising the driving of a motor**[**[F63] bicycle**][**[F67] or moped**]** of a prescribed class if the applicant had held such a provisional licence and the licence applied for would come into force within the prescribed period—

(a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor**[**[F63] bicycle**][**[F67] or moped**]**, or

(b) beginning at such other time as may be prescribed.

[F78](5) . . . . . .

[F79](5A) . . . . . .

(6) [F80]. . . . . .

**F61** Words in art. 13(1) substituted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(3); S.R. 2011/19, **art. 2**

**F62** Words in art. 13(1) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 46(3)**, 75(3); S.I. 2014/1820, art. 2(d)

**F63** SR 1996/426

**F64** 2003 NI 16

**F65** Words in art. 13(1)(c)(ia) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(a)(i)**

**F66** Art. 13(1)(d)(e) substituted for art. 13(1)(d) (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(2)(a)**

**F67** SR 2002/374

**F68** Word in art. 13(1AA) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(a)(ii)(aa)**

**F69** Words in art. 13(1AA)(b) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(a)(ii)(bb)**

**F70** Art. 13(3)(d) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(2)(b)**

**F71** Art. 13(3)(e) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(4) (as amended by S.I. 1995/2994 (N.I. 18), Sch. 4 and S.R. 1996/426, reg. 4, Sch. 2 para. 3(3)); S.R. 2011/19, **art. 2**

**F72** SR 1996/426

**F73** SR 2002/374

**F74** SR 1996/426

**F75** SR 2002/374

**F76** Art. 13(3A)(3B) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(5); S.R. 2011/19, **art. 2**

**F77** Words in art. 13(3A) substituted (20.1.2003) by S.R. 2002/374, regs. 1, 3, **Sch. para. 4(4)**

**F78** Art. 13(5) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(2)(b)**

**F79** Art. 13(5A) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(2)(b)**

**F80** Art. 13(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

## [F81 Residence requirement

**13A.**—(1) For the purposes of an application under Article 13, a person meets the relevant residence requirement if, on the date the application is made—

(a) in the case of an application that is made by virtue of Article 5(1)(ea) (application by holder of Community licence), the applicant is lawfully resident in the United Kingdom and—

(i) is also normally resident in the United Kingdom, or

(ii) has been attending a course of study in the United Kingdom during the period of six months ending on that date;

(b) in the case of an application that is made by virtue of Article 5(1)(f) (application by holder of exchangeable licence), the applicant is normally and lawfully resident in Northern Ireland but has not been so resident for more than the prescribed period;

(c) in the case of an application that is made by virtue of Article 13(2) (application for provisional licence), the applicant is lawfully resident in Northern Ireland and the Department is satisfied that the applicant will remain so for not less than 185 days; and

[F82(d) in any other case, the applicant is lawfully resident in the United Kingdom and—

(i) is also normally resident in Northern Ireland, or

(ii) has been attending a course of study in Northern Ireland during the period of 6 months ending on that date.]

(2) For the purposes of paragraph (1) a person is not lawfully resident in Northern Ireland or the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.]

**F81** Art. 13A inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 46(4)**, 75(3); S.I. 2014/1820, art. 2(d)

**F82** Art. 13A(1)(d) substituted (23.2.2015) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/6), regs. 1(1), **2(2)**

### Form of licence

**14.**—**[**[F83](1) A licence shall be in the form of a photocard of a description specified by the Department or such other form as it may specify and—

(a) the licence shall state whether, apart from paragraph (2), it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,

(b) the licence shall specify (in such manner as the Department may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 17 and any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 9(7A), and

(c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the Department may determine) the conditions subject to which it is granted.**]**

(2) Subject to paragraphs (3) to (5), a person who holds a licence which authorises its holder to drive motor vehicles of certain classes only (not being—

(a) a provisional licence, or

(b) any other prescribed description of licence);

may drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

**[**[F84](3) A licence shall not by virtue of paragraph (2) authorise a person to drive—

(a) a vehicle of a class for the driving of which he could not, by reason of Article 17, lawfully hold a licence; or

(b) unless he has passed a test of competence to drive a motor bicycle or moped on a road in circumstances in which, by virtue of Article 13(3)(e), a provisional licence would not authorise him to drive it before he had passed that test.**]**

(4) In such cases or as respects such classes of vehicles as the Department may prescribe, the provisions of paragraphs (2) and (3) shall not apply or shall apply subject to such limitations as it may prescribe.

(5) Paragraph (2) does not authorise a person on whom a notice under Article 9(5)(b) has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.

(6) [F85] . . . . . .

**F83** SR 2002/374
**F84** Art. 14(3) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(3)**
**F85** Art. 14(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

### Duration of licences

**15.**—(1) In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it shall, unless revoked or surrendered and subject to paragraph (3), remain in force—

(a) for a period of 10 years;

(b) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer; or

(c) if the Department so determines in the case of a licence granted to a person appearing to be suffering from a relevant or prospective disability for a period of not more than 3 years and not less than one year as the Department may determine;

and any such period shall begin with the date on which the licence is expressed to come into force.

(2) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

(a) except in a case falling within any of the following sub-paragraphs, for a period of **[**[F86]5 years**]** or for a period ending on the **[**[F87]sixty-sixth**]** anniversary of the applicant's date of birth, whichever is the shorter,

[F88](b) . . . . . .

(c) except in a case falling within sub-paragraph (e), where the applicant's age at that date will exceed 65 years, for a period of one year,

(d) except in a case falling within sub-paragraph (c) or (e), if the Department so determines in the case of a licence to be granted to a person appearing to it to be suffering from a relevant or prospective disability, for such period of not more than 3 years and not less than one year as the Department may determine, and

(e) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this sub-paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

[F89](3) . . . . . .

(4) To the extent that a provisional licence authorises the driving of a motor**[**[F90] bicycle**]****[**[F91] or moped**]** of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

(a) for such period as may be prescribed, or

(b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—

(i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor**[**[F90] bicycle**]****[**[F91] or moped**]**, or

(ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

(5) Where it appears to the Department—

(a) that a licence granted by it to any person was granted in error or with an error or omission in the particulars specified in the licence, or

(b) that the counterpart of a licence granted by it to any person is required to be endorsed in pursuance of any statutory provision or was issued with an error or omission in the particulars specified in the counterpart or required to be endorsed on it, or

(c) that the particulars specified in a licence granted by the Department to any person or in its counterpart do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,

the Department may serve notice in writing on that person revoking the licence and requiring him to surrender the licence and its counterpart forthwith to the Department and it shall be the duty of that person to comply with the requirement.

**[**[F92](5ZA) Where it appears to the Department that a licence holder is not lawfully resident in the United Kingdom, the Department may serve notice in writing on that person revoking the licence and requiring the person to surrender the licence and its counterpart forthwith to the Department, and it is the duty of that person to comply with the requirement.

(5ZB) For the purposes of paragraph (5ZA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.**]**

**[**[F93](5A) Where—

(a) the Department is sent under section 97(1AA) of the Road Traffic Act 1988 (c. 52) a licence granted under this Part to a person to drive a motor vehicle of any class, and

(b) the Department is satisfied that a Great Britain licence to drive a motor vehicle of that or a corresponding class has been granted to that person,

the Department must serve notice in writing on that person revoking the licence granted under this Part.**]**

(6) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence and its counterpart to the Department[F91]. . . .

(7) A person who without reasonable excuse fails to comply with the duty under paragraph (5) **[**[F94], (5ZA)**]** or (6) is guilty of an offence under this Order.

**[**[F95](7A) Where a person who has a duty under this Article to surrender his licence and its counterpart is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order he does not fail to comply with that duty if he surrenders the licence and its counterpart to the Department immediately on their return.**]**

**[**[F91](8) On the surrender of a licence and its counterpart by a person in pursuance of paragraph (5) or (6), the Department must (subject to the following provisions of this Article) grant a new licence to that person and any licence granted under this paragraph shall be granted free of charge.

(8A) Where the surrendered licence was revoked—

(a) because it was granted in error or in consequence of an error or omission appearing to the Department to be attributable to the fault of the licence holder; or

(b) in consequence of a current disqualification,

paragraph (8) shall not apply but the Department may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.

**[**
[F96](8AA) The Department may not grant a new licence to a person under paragraph (8) or (8A) unless, on the date on which the licence is granted, the person is lawfully resident in the United Kingdom and—

(a) is also normally resident in Northern Ireland, or

(b) has been attending a course of study in Northern Ireland during the period of 6 months ending on that date.

(8AB) For the purposes of paragraph (8AA) a person is not lawfully resident in the United Kingdom if the person requires leave to enter or remain in the United Kingdom but does not have it.**]**

(8B) The Department may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before granting a new licence to him under paragraph (8) or (8A).

(9) A replacement licence granted pursuant to paragraph (8) or (8A) shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, where the period for which the surrendered licence was granted was based on an error with respect to the licence holder's date of birth such that (if that error had not been made) that licence would have been expressed to expire on a different date, the replacement licence shall expire on that different date.**]**

**F86** Words in art. 15(2)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(4)(a)(i)** (with reg. 4)
**F87** Word in art. 15(2)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(4)(a)(i)**
**F88** Art. 15(2)(b) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(4)(a)(ii)**
**F89** Art. 15(3) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(4)(b)**
**F90** SR 1996/426
**F91** SR 2002/374
**F92** Art. 15(5ZA)(5ZB) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(3)(a)**, 75(3); S.I. 2014/1820, art. 2(e)
**F93** 2003 NI 16
**F94** Word in art. 15(7) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(3)(b)**, 75(3); S.I. 2014/1820, art. 2(e)
**F95** 1996 NI 10
**F96** Art. 15(8AA)-(8AB) inserted (23.2.2015) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/6), regs. 1(1), **2(3)**

*Community Licence Holders*

### Authorisation to drive in Northern Ireland

**15A.**—(1) A Community licence holder may drive, and a person may cause or permit a Community licence holder to drive, in Northern Ireland, a motor vehicle of any class, which—

(a) he is authorised by his Community licence to drive, and

(b) he is not disqualified for holding or obtaining a licence under this Part to drive,

notwithstanding that he is not the holder of a licence under this Part.

(2) Paragraphs (3) and (4) apply to a Community licence holder who is normally resident in Northern Ireland.

(3) In a case where the Community licence holder is authorised by his Community licence to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such classes of motor vehicle from—

(a) the date on which he attains the age of 70 years, or

(b) the expiry of the period of 3 years beginning with the relevant date,

whichever is the later.

(4) In a case where the Community licence holder is authorised by his Community licence to drive any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle,

he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such class of vehicle from—

**[**[F97](a) except in a case falling within sub-paragraph **[**[F98](c)**]** —

(i) the date on which he attains the age of **[**[F99]66 years**]** , or

(ii) the expiry of the period of 5 years beginning with the relevant date, whichever is the **[**[F100]earlier**]** ,**]**

[F101](b) . . . . . .

(c) where his age at the relevant date exceeds 65 years, the expiry of one year beginning with that date.

(5) A Community licence holder—

(a) to whom a counterpart of his Community licence is issued under Article 15B, and

(b) who is authorised by virtue of paragraph (1) to drive in Northern Ireland motor vehicles of certain classes only,

may drive, in Northern Ireland, motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those classes.

(6) Paragraphs (3) and (4) of Article 14 shall apply in relation to paragraph (5) as they apply in relation to paragraph (2) of that Article.

(7) For the purposes of this Part and Part V a Community licence shall not be treated as authorising a person to drive a vehicle of any class if it is not for the time being valid for that purpose in the EEA State in respect of which it was issued.

(8) In this Article "relevant date", in relation to a Community licence holder who is normally resident in Northern Ireland, means—

(a) in the case where he first became so resident on or before 1st January 1997, that date, and

(b) in any other case, the date on which he first became so resident.

**F97** SR 2002/374

**F98** Word in art. 15A(4)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(5)(a)(i)**

**F99** Words in art. 15A(4)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(5)(a)(ii)**

**F100** Word in art. 15A(4)(a) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(5)(a)(ii)**

**F101** Art. 15A(4)(b) omitted (19.1.2013) by virtue of The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(5)(b)**

### Information about resident Community licence holders

**15B.**—(1) A Community licence holder who—

(a) is normally resident in Northern Ireland, and

(b) is authorised by his Community licence to drive medium-sized or large goods vehicles or passenger-carrying vehicles of any class,

shall, on or before the expiry of the period of twelve months beginning with the relevant date, deliver his Community licence to the Department and provide it with the information specified in, or required under, paragraph (4).

(2) Paragraph (1) shall not apply to a Community licence holder from whom the Department has received a qualifying application (within the meaning of Article 4(2)) for the grant of a licence under this Part.

(3) The Department may issued to any Community licence holder who—

(a) is normally resident in Northern Ireland, and

(b) has delivered his Community licence to the Department, and provided it with the information specified in, or required under, paragraph (4), (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Community licence as a "counterpart") in such form and containing such information as the Department may determine but designed for the endorsement of particulars relating to the Community licence.

(4) The information referred to in paragraphs (1) and (3) is—

(a) the name and address in Northern Ireland of the Community licence holder;

(b) his date of birth;

(c) the classes of vehicle which he is authorised by his Community licence to drive;

(d) the period of validity of the Community licence in the EEA State in respect of which it was issued;

(e) whether the licence was granted in exchange for a licence issued by a state other than an EEA State; and

(f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.

(5) The Department—

(a) may endorse a Community licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine with any part of the information specified in, or required under, paragraph (4) or with information providing a means of ascertaining that information or any part of it, and

(b) must return the Community licence to the holder.

(6) Where it appears to the Department that a counterpart of a Community licence—

(a) is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the information contained in it or in the particulars required to be endorsed on it, or

(b) does not comply with any requirement imposed since it was issued by any provision made by, or having effect under, any enactment,

the Department may serve notice in writing on the Community licence holder requiring him to surrender the counterpart immediately to the Department and it shall be the duty of the Community licence holder to comply with any such requirement.

(7) Where the name or address of a Community licence holder as specified in the counterpart of his Community licence issued to him under this Article ceases to be correct, the Community licence holder must surrender the counterpart and, in the case of a change of name, deliver his Community licence, immediately to the Department and provide it with particulars of the alterations falling to be made in the name or address.

(8) On the surrender of a counterpart of a Community licence by any person in pursuance of paragraph (6) or (7), the Department must issue to that person a new counterpart of the Community licence.

(9) On the delivery of a Community licence by any person in pursuance of paragraph (7), the Department may endorse the Community licence with the correct name and must return the Community licence to that person.

(10) Where a Community licence holder has not complied with paragraph (1), the Department may serve notice in writing on the holder requiring him to deliver his Community licence to the Department and to provide it with the information specified in, or required under, paragraph (4) within such period (not being less than 28 days from the date of service of the notice) as is specified in the notice.

(11) A person who drives a motor vehicle on a road is guilty of an offence if he fails without reasonable excuse—

(a) to comply with a requirement contained in a notice served on him in pursuance of paragraph (10), or

(b) to compy with a requirement imposed under paragraph (6) or (7).

(12) Where a Community licence holder who is required under paragraph (6) or (7) to surrender the counterpart of his Community licence or to deliver his Community licence is not in possession of it in consequence of the fact that he has surrendered it to a constable on receiving a fixed penalty notice given to him under Article 199, he does not fail to comply with that requirement if he surrenders the counterpart or delivers the Community licence immediately on its return.

(13) Proceedings for an offence by virtue of paragraph (11)(a) shall not be instituted except by the Department or by a constable.

(14) In this Article "relevant date" has the meaning given by Article 15A(8).

**Revocation of authorisation conferred by Community licence because of disability or prospective disability**

**15C.**—(1) If the Department is at any time satisfied on inquiry—

(a) that a Community licence holder who is normally resident in Northern Ireland at the time is suffering from a relevant disability, and

(b) that the Department would be required by virtue of Article 9(3) to refuse an application made by him at that time for a licence authorising him to drive a vehicle of the class in respect of which his Community licence was issued or a class corresponding to that class,

the Department may serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Department.

(2) If the Department is at any time satisfied on inquiry that a Community licence holder who is normally resident in Northern Ireland at that time is suffering from a prospective disability, the Department may—

(a) serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Department, and

(b) on receipt of the Community licence and its counterpart (if any) grant to the Community licence holder, free of charge, a licence for a period determined by the Department under Article 15(1)(c).

(3) Where, in relation to a Community licence holder who is normally resident in Northern Ireland, the Department is at any time under a duty to serve notice on him in pursuance of Article 9(5), the Department may include in that notice a requirement that the Community licence holder deliver the Community licence and its counterpart (if any) immediately to the Department.

(4) A person who—

(a) is required under any of paragraphs (1) to (3) to deliver his Community licence and its counterpart (if any) to the Department, but

(b) without reasonable excuse, fails to do so,

is guilty of an offence.

(5) Where a Community licence holder to whom a counterpart of his Community licence is issued under Article 15B—

(a) is required under any of paragraphs (1) to (3) to deliver his Community licence and its counterpart (if any) to the Department, and

(b) is not in possession of them in consequence of the fact that he has surrendered them to a constable on receiving a fixed penalty notice given to him under Article 199,

he does not fail to comply with any such requirement if he delivers the Community licence and its counterpart to the Department immediately on their return.

(6) Where a Community licence holder is served with a notice in pursuance of any paragraphs (1) to (3), he shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.

**Information relating to disabilities etc.**

**15D.** Article 11 shall apply to a Community licence holder who is normally resident in Northern Ireland as if—

(a) in paragraph (1), for the words from the beginning to aware there were substituted "If a Community licence holder who is authorised by virtue Article 15A(1) to drive in Northern Ireland a motor vehicle of any class, is aware immediately before the relevant date (as defined by Article 15A(8)), or becomes aware on or after that date",

(b) for paragraph **[**[F102](3B)**]** there were substituted—

**[**[F102]"(3B)**]** A person who is authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class and who drives on a road a motor vehicle of that class is guilty of an offence if at any earlier time while he was so authorised he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so."

(c) in paragraph (4), the words "an applicant for, or", in each place where they occur, were omitted,

(d) in paragraph (5), the words "applicant or", and the words from the beginning of sub-paragraph (c) to "provisional licence" were omitted,

(e) in paragraph (6)(b), the words "applicant or" in each place where they occur, were omitted,

(f) in paragraph (7), the words "applicant or", where they occur, were omitted, and

(g) in paragraph (8)—

(i) for "10" there were substituted "15C", and

(ii) the words "applicant or", in each place where they occur, were omitted.

**F102** Word in art. 15D(b) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), **Sch. 7 para. 2**; S.R. 2007/454, **art. 2**, Sch.

**Return of Community licences delivered to Department**

**15E.**—(1) This Article applies where a Community licence is delivered to the Department in pursuance of Article 15C or 73A.

(2) Subject to paragraph (3), the Department must, on or after the expiry of the relevant period, forward the Community licence to the licensing authority in the EEA state in respect of which it was issued and explain to them its reasons for so doing.

(3) Where the Department is satisfied that the Community licence holder has ceased to be normally resident in Northern Ireland before the expiry of the relevant period, the Department must return the Community licence to the holder.

(4) In this Article "relevant period" means—

(a) in a case where the Community licence holder appeals under Article 16 or 76 against the requirement to surrender his Community licence, the period ending on the date on which the appeal is finally determined or abandoned, and

(b) in any other case, the period of seven months beginning with the date on which the Department received the Community licence.

*Appeals*

**Appeals relating to licences**

**16.**—(1) A person who is aggrieved by the Department's—

(a) refusal to grant or revocation of a licence in pursuance of Article 9 or 10,

(b) determination under Article 15(1)(c) to grant a licence for three years or less, or

(c) revocation of a licence in pursuance of Article 15(5) **[**[F103], (5ZA)**]**[F104] or (5A)**]**,

or by a notice served on him in pursuance of Article 9(5)**[**[F105] 15C or 19G**]** may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction [F106]....

(2) On any such appeal the court may make such order as it thinks fit and the order shall be binding on the Department.

(3) It is hereby declared that, without prejudice to Article 7, in any proceedings under this Article the court is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

**[**[F107](4) In any proceedings under this Article about the revocation of a licence in pursuance of Article 15(5ZA) (revocation on grounds of immigration status), the court is not entitled to entertain any question as to whether—

(a) the appellant should be, or should have been, granted leave to enter or remain in the United Kingdom, or

(b) the appellant has, after the date that the Department served notice under Article 15(5ZA), been granted leave to enter or remain in the United Kingdom.**]**

**F103** Word in art. 16(1)(c) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(4)(a)**, 75(3); S.I. 2014/1820, art. 2(e)

**F104** 2003 NI 16

**F105** 2003 NI 16

**F106** Words in art. 16(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 83(2), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**F107** Art. 16(4) inserted (14.7.2014) by Immigration Act 2014 (c. 22), **ss. 47(4)(b)**, 75(3); S.I. 2014/1820, art. 2(e)

*Disqualification (otherwise than on conviction)*

**Disqualification of persons under age**

**17.**—[F108](1) A person shall be disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation to it in the second column of that Table.

**[[F109]TABLE]**

| **[[F109]Class of motor vehicle]** | **[[F109]Age (in years)]** |
|---|---|
| [[F109]1. Invalid carriage] | [[F109]16] |
| [[F109]2. Moped] | [[F109]16] |
| [[F109]3. Motor bicycle] | [[F109]17] |
| [[F109]4. Agricultural or forestry tractor] | [[F109]17] |
| [[F109]5. Small vehicle] | [[F109]17] |
| [[F109]6. Medium-sized goods vehicle] | [[F109]18] |
| [[F109]7. Other motor vehicle] | [[F109]21] |

(2) The Department may by regulations provide that paragraph (1) shall have effect as if for the classes of vehicles and the ages specified in the Table thereto there was substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(3) Subject to paragraph (4), the regulations may—

(a) apply to persons of a class specified in or under the regulations;

(b) apply in circumstances so specified;

(c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions;

(d) contain such transitional and supplemental provisions (including provisions amending Article 19D or 78) as the Department considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations under paragraph (2) are to apply where an approved training scheme for drivers is in force, it shall be sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In paragraph (4)—

"approved" means approved for the time being by the Department for the purpose of the regulations;

"training scheme for drivers" means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this Article (but apart from any such scheme) is 21 years.

(6) No approved training scheme for drivers shall be amended without the approval of the Department.

[[F110](7) "Medium-sized goods vehicle" specified in the Table includes a tractor and trailer combination.]

**F108** mod. by SR 1994/365
**F109** SR 1996/426
**F110** Art. 17(7) added (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(6)**

### Disqualification to prevent duplication of licences

**18.** A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

**[**[F111](2) A person is also disqualified for holding or obtaining a licence authorising him to drive a motor vehicle of any class so long as he is authorised by virtue of Article 19E(1) to drive a motor vehicle of that or a corresponding class.**]**

**F111** 2003 NI 16

*[*[F112]*Disqualification if disqualified in Great Britain, etc.*

**F112** 2003 NI 16

### Disqualification while disqualified in Great Britain, Isle of Man, Channel Islands or Gibraltar

**18A.**—(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Northern Ireland.

(2) For the purposes of this Article a person is subject to a relevant disqualification imposed outside Northern Ireland if, in respect of any offence—

(a) a court in Great Britain disqualifies him for holding or obtaining a Great Britain licence,

(b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or

(c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.

(3) A certificate signed by the Department which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Northern Ireland shall be evidence of the matter so stated.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.**]**

*Restrictions affecting certain vehicles and drivers*

### Speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences

**19.**—**[**[F113](1)**]** **[**[F114]Subject to paragraphs (2) and (3),**]** any person who drives on a road, at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed by regulations made by the Department subject to affirmative resolution—

(a) a motor vehicle on which a distinguishing mark is required to be displayed to indicate that it is being driven by the holder of a provisional licence, or

(b) a motor vehicle displaying such a distinguishing mark, whether or not that distinguishing mark is required to be displayed,

shall be guilty of an offence under this Order.

**[**[F113](2) Paragraph (1) does not apply to a person who drives on a motorway a motor vehicle of such a class as may be prescribed by regulations.**]**

**[**[F115](3) Paragraph (1) does not apply to a person who drives a category A2 motorcycle or a category A motorcycle while under the supervision of an approved motorcycle instructor or while taking a test of competence prescribed by virtue of Article 5(3).

(4) In paragraph (3) "approved motorcycle instructor", "category A2 motorcycle" and "category A motorcycle" have the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996.**]**

**F113** 1998 NI 7

**F114** Words in art. 19(1) substituted (19.1.2013 immediately after the coming into operation of S.R. 2012/170) by The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2012 (S.R. 2012/451), regs. 1(1), **2(2)(a)**

**F115** Art. 19(3)(4) inserted (19.1.2013 immediately after the coming into operation of S.R. 2012/170) by The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2012 (S.R. 2012/451), regs. 1(1), **2(2)(b)**

### **[**[F116]**Restrictions on newly qualified drivers**

**19A.**—(1) This Article applies to any person who becomes a qualified driver of a motor vehicle of such a class as may be prescribed by passing a test of competence prescribed by virtue of Article 5(3).

(2) After passing that test a person to whom this Article applies shall, for a period of 12 months or such lesser period as may be prescribed ( the period of restriction), be subject to the specified restrictions.

(3) The specified restrictions shall apply to such a person while he is driving on a road a motor vehicle of such a class as may be prescribed, in respect of which he was not, immediately before he passed that test, entitled to hold or obtain a full licence.

(4) In determining the expiration of the period of restriction, any time during which a person is disqualified for holding or obtaining a licence, or holds a provisional licence only, shall be disregarded.

(5) The specified restrictions are—

(a) a requirement that a distinguishing mark of such a nature as may be prescribed shall be displayed in such manner as may be prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the specified restrictions when driving that vehicle;

(b) **[**[F117]subject to paragraph (5A),**]** a prohibition on driving on any road at a speed exceeding 45 miles per hour, or such other speed as may be prescribed, any motor vehicle on which the distinguishing mark referred to in sub-paragraph (a) is required to be displayed.

**[**

[F118](5A) The restriction specified in paragraph (5)(b) does not apply to a person who after 18th January 2013 has passed a test of competence prescribed by virtue of Article 5(3) in the driving of a category A2 motorcycle or category A motorcycle.

(5B) In paragraph (5A) "category A2 motorcycle" and "category A motorcycle" have the same meaning as in the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996.**]**

(6) Any person who contravenes any of the specified restrictions shall be guilty of an offence under this Order.

(7) Where the Department grants or returns a licence to any person who, while driving a motor vehicle of any class specified in the licence, will for any period during the currency of the licence be subject to the specified restrictions, the Department shall enter on or affix to the counterpart of the licence a notice or other indication to show—

(a) the period of restriction;

(b) the class of vehicles affected by the specified restrictions; and

(c) that the holder is subject for that period to the specified restrictions while driving vehicles of that class.

(8) This Article does not apply—

(a) to a person who is required to pass a test of competence by virtue of—

(i) an order under Article 41 of the Offenders Order, or

(ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998;

(b) to such extent and in such circumstances as may be prescribed, to a person holding a licence by reason of a test passed by him at a time when he held a licence or permit which, by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952, entitled him to drive motor vehicles in Northern Ireland; or

(c) to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or in such circumstances as may be prescribed.

(9) In this Article—

(a) "period of restriction" has the meaning given in paragraph (2);

(b) "the specified restrictions" means the restrictions specified in paragraph (5).

**F116** 1998 NI 7

**F117** Words in art. 19A(5)(b) inserted (19.1.2013 immediately after the coming into operation of S.R. 2012/170) by The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2012 (S.R. 2012/451), regs. 1(1), **2(3)(a)**

**F118** Art. 19A(5A)(5B) inserted (19.1.2013 immediately after the coming into operation of S.R. 2012/170) by The Motor Vehicles (Driving Licences) (Amendment No. 3) Regulations (Northern Ireland) 2012 (S.R. 2012/451), regs. 1(1), **2(3)(b)**

### Speed limit on certain vehicles displaying distinguishing mark referred to in Article 19A(3)(a)

**19B.** Any person who drives on a road at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed under Article 19A, a motor vehicle displaying such a distinguishing mark as is referred to in**[**[F119] paragraph (5)(a)**]** of that Article shall, where he is not subject to the**[**[F119] specified**]** restrictions within the meaning of that Article while driving that vehicle, be guilty of an offence under this Order.**]**

**F116** 1998 NI 7
**F119** 1998 NI 7

*Miscellaneous*

**Regulations**

**19C.—[**[F120](1) The Department may make regulations for any purpose for which regulations may be made under the provisions of this Part and the relevant provisions of the Offenders Order and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.**]**

**[**[F120](1A)**]** **[**[F120]In particular, but without prejudice to the generality of paragraph (1), the regulations may make provision with respect to —**]**

**[**[F121](a) licences under this Part**[**[F122] Great Britain licences,**]**, Community licences and counterparts of such licences,

(b) making any particulars with respect to any persons—

(i) who are disqualified,

(ii) whose licences are suspended, or

(iii) whose counterparts of licences under this Part**[**[F122], of Great Britain licences**]** or of Community licences (as the case may be) are endorsed,

available for use by the Royal Ulster Constabulary,**]**

(c) preventing a person holding more than one licence,

(d) facilitating identification of holders of licences,

(e) providing for the issue, on payment of such fee**[**[F123], and compliance with such requirements,**]** as may be prescribed, of[F123]. . . licences and counterparts of licences in the place of licences or counterparts of licences lost or defaced,

**[**[F121](ea) providing for the issue**[**[F124] on payment of such fee as may be prescribed**]** of new counterparts**[**[F122] of Great Britain licences or**]** of Community licences in the place of counterparts**[**[F122] of Great Britain licences or (as the case may be)**]** of Community licences that are lost or defaced,**]**

**[**[F125](eb) providing for the issue, on payment of such fee, and compliance with such conditions, as may be prescribed, of confirmation in writing of a person's entitlement to drive,**]**

(f) the correspondence[F120]. . . of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted),

(g) the effect of a change in the classification of motor vehicles[F120]. . . on licences then in force or issued or on the right to or the subsequent granting of licences**[**[F121] or on**[**[F122] Great Britain licences or**]** Community licences then in force**]**, and

(h) enabling a person—

(i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of sub-paragraph (g), and

(ii) who satisfies such conditions as may be prescribed,

to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him.

(2) The regulations may—

(a) provide for exemptions from any provision of the regulations, and

(b) contain such incidental and supplemental provisions as the Department considers expedient for the purposes of the regulations,

and nothing in the other provisions of this Part shall be construed as prejudicing the generality of the preceding provisions of this paragraph or section 17 of the Interpretation Act (Northern Ireland) 1954.

(3) [F126]. . . . . .

**[**[F120](4) In this Article "the relevant provision of the Offenders Order" means the following provisions of that Order: Articles 6, 11, 12, 26 to 28, 29, 33, 35 to 38**[**[F127] 40 to 53 and 92ZA**]** .**]**

**F120** 1996 NI 10
**F121** SR 1996/426
**F122** 2003 NI 16
**F123** SR 2002/374
**F124** SR 1997/241
**F125** Art. 19C(1A)(eb) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **34**; S.R. 2007/454, **art. 2**, Sch.
**F126** Art. 19C(3) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 79(3)(a), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
**F127** 2003 NI 16

### Interpretation

**19D.**—(1) In this Part—

**[**[F128]"agricultural or forestry tractor" means a motor vehicle which—

(a) has two or more axles,

(b) is constructed for use as a tractor for work off the road in connection with agriculture or forestry, and

(c) is primarily used as such,**]**

"the appointed day" means the day appointed under Article 1(2) of the Road Traffic (Amendment) (Northern Ireland) Order 1991 for the coming into operation of Articles 3 to 6 of that Order;

"articulated goods vehicle" means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and "articulated goods vehicle combination" means an articulated goods vehicle with a trailer so attached;

"British external licence" and "British forces licence" have the meanings given by Article 4(10);

"Community licence" means a document issued in respect of**[**[F128] an EEA State**]** other than the United Kingdom by an authority of that or**[**[F128] another EEA State**]** (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

(a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than**[**[F128] an EEA State**]**, or

(b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968;**[**[F128] or**]**

(c) **[**[F128]a document issued for a purpose corresponding to that mentioned in Article 13(2)**]**

**[**[F128]"counterpart"

(a) in relation to a licence under this Part, means a document in such form as the Department may determine, issued with the licence, containing such information as it determines and designed for the endorsement of particulars relating to the licence,[F129]. . .

(aa) **[**[F130]in relation to a Great Britain licence, has the meaning given in Article 19F [F131]..., and**]**

(b) in relation to a Community licence, has the meaning given by Article 15B,**]**

"disability" has the meaning given by Article 9(2);

"disqualified" means disqualified for holding or obtaining a licence (or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates);

**[**[F132]"EEA agreement" means the agreement on the European Economic Area signed at Oporto on 2nd May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17th March 1993, as modified or supplemented from time to time;

"EEA state", in relation to any time, means—

(a) a state which at that time is a member State; or

(b) any other state which at that time is a party to the EEA agreement.**]**

**[**[F133]"EEA State exchangeable licence" means a licence–

(a) issued in respect of an EEA State other then the United Kingdom by an authority of that or another EEA State; and

(b) issued in exchange for a British external licence or a document which was an exchangeable licence;**]**

**[**[F128]**[**[F134]"exchangeable licence" means an EEA State exchangeable licence or a document authorising a person to drive a motor vehicle (not being a document mentioned in sub-paragraph (b) of the definition of "Community licence")–

(a) issued in respect of Gibraltar by an authority of Gibraltar,

(b) issued in respect of a country or territory which is designated without restriction by an order under paragraph (2)(a) by an authority of that country or territory, or

(c) issued in respect of a country or territory which is designated by a restricted order under paragraph (2)(b) by an authority of that country or territory, being a document which is a licence of a description specified in that order,

and a licence of a description so specified as to which provision is made as mentioned in paragraph (2B) is only an exchangeable licence to the extent that it authorises its holder to drive vehicles of a class specified in the order;**]]**

"full licence" means a licence other than a provisional licence;

"Great Britain driving licence" or "Great Britain licence" means a licence to drive a motor vehicle granted under the law of Great Britain [F135]...;

**[**[F128]"large goods licence" has the meaning given by Article 78;**]**

"licence" (except where the context otherwise requires) means a licence to drive a motor vehicle granted under this Part[F128]. . . ;

"maximum gross weight", in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

"maximum train weight", in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;

**[**[F128]"medium-sized goods vehicle" means a motor vehicle—

(a) which is constructed or adapted to carry or to haul goods,

(b) which is not adapted to carry more than nine persons inclusive of the driver, and

(c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms;

**[**[F136]"moped" does not include light quadricycle within the meaning in Article **[**[F137]4**]** of the motorcycle type approval **[**[F138]Regulation**]** but otherwise has the same meaning as in Directive 2006/126/EC of the European Parliament and of the Council of 20th December 2006 on driving licences;**]**

"motor bicycle" means a motor vehicle which—

(a) has two wheels, and

(b) has a maximum design speed exceeding**[**[F139] 45 kilometres per hour**][**[F140]or**]** , if powered by an internal combustion engine, has a cylinder capacity exceeding 50 cubic centimetres,

and includes a combination of such a motor vehicle and a side-car;**]**

**[**[F141]"motorcycle type approval **[**[F142]Regulation**]** " has the same meaning as in Article 31A**]**

**[**[F143]"motorway" means a road to which Part III of Roads (Northern Ireland) Order 1993 applies;**]**

"passenger-carrying vehicle" has the meaning given by Article 78;

"permissible maximum weight", in relation to a goods vehicle (of whatever description), means—

(a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,

(b) in the case of an articulated goods vehicle—

  (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,

  (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,

  (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,

  (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,

(c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

"prospective disability" has the meaning given by Article 9(2);

"provisional licence" means a licence granted by virtue of Article 13(2);

"regulations" means regulations made under Article 19C;

"relevant disability" has the meaning given by Article 9(2);

"relevant external law" has the meaning given by Article 4(10);

"relevant maximum weight", in relation to a motor vehicle or trailer, means—

(a) in the case of a vehicle which is required by regulations under**[**[F144] Article 55 of the Order of 1995**]** to have a maximum gross weight for the vehicle marked on a plate attached to the vehicle, the maximum gross weight marked on such a plate,

(b) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under**[**[F144] Article 55 of the Order of 1995**]** if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,

(c) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the vehicle, that is to say such weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Department for the class of vehicle into which that vehicle falls;

"relevant maximum train weight", in relation to an articulated goods vehicle combination, means—

(a) in the case of an articulated goods vehicle which is required by regulations under**[**[F144] Article 55 of the Order of 1995**]** to have a maximum train weight for the combination marked on a plate attached to the vehicle, the maximum train weight marked on the motor vehicle,

(b) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under**[**[F144] Article 55 of the Order of 1995**]** if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,

(c) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the combination, that is to say such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Department of the class of articulated goods vehicle combination into which that combination falls;

"semi-trailer", in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

**[**[F128]"small vehicle", means a motor vehicle (other than an invalid carriage, moped or motor bicycle) which—

(a) is not constructed or adapted to carry more then nine persons inclusive of the driver, and

(b) has a maximum gross weight not exceeding 3.5 tonnes,

and includes a combination of such a motor vehicle and a trailer;**]**

*Definitions rep. by SR 1996/426*

"test of competence to drive" means such a test conducted under Article 5.

**[**[F145](1A) In this Part "approved training course for motor cyclists" and, in relation to such a course, "prescribed certificate of completion" mean respectively any course of training approved under, and certificate of completion prescribed in, regulations under Article 13(3A).**]**

**[**[F146](1B) For the purposes of this Part a person is normally resident in Northern Ireland if—

(a) the person lives in Northern Ireland for at least 185 days in each calendar year because of—

(i) personal and occupational ties, or

(ii) close personal ties, or

(b) the person has personal ties in Northern Ireland and occupational ties in another place in the EEA and consequently lives in turn in Northern Ireland and that other place.

(1C) For the purposes of this Part a person is normally resident in the United Kingdom if—

(a) the person lives in the United Kingdom for at least 185 days in each calendar year because of—

(i) personal and occupational ties, or

(ii) close personal ties, or

(b) the person has personal ties in the United Kingdom and occupational ties in another place in the EEA and consequently lives in turn in the United Kingdom and that other place.

(1D) In order to be normally resident in Northern Ireland or the United Kingdom by virtue of paragraph (1B)(b) or (1C)(b) a person must return there regularly, except when the person is living in another place in the EEA in order to carry out a task of a definite duration.

(1E) For the purposes of paragraphs (1B) and (1C) attendance at a university or school is not a personal or occupational tie.**]**

**[**[F147](2) The Department may by order designate a country or territory which neither is nor forms part of an EEA State for the purposes of the definition of "exchangeable licences" in paragraph (1)–

(a) as respects all licences authorising the driving of motor vehicles granted under the law of that country or territory, where the Department is satisfied that satisfactory provision is made by that law for the granting of licences to drive motor vehicles;

(b) as respects only licences authorising the driving of motor vehicles granted under the law of that country or territory of a description specified in the order, where the Department is satisfied that satisfactory provision is made by that law for the granting of licences of that description.

(2A) An order under paragraph (2)(b) may specify a description of licence by reference to any feature of the licences concerned (including in particular the circumstances in which they are granted, any conditions to which they are subject or the classes of vehicle which they authorise the holders to drive).".

(2B) An order under paragraph (2)(b) may provide that a licence of a specified description shall only be an exchangeable licence in so far as it authorises its holder to drive vehicles of a class specified in the order.**]**

(3) In the application of this Part to licences granted before 1st January 1991—

(a) any reference to a licence and its counterpart shall be construed as a reference to a licence only, and

(b) any reference to the counterpart of a licence shall be construed as a reference to the licence itself.

**F128** SR 1996/426

**F129** 2003 NI 16

**F130** 2003 NI 16

**F131** Words in art. 19D(1) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(b)(i)**

**F132** Words in art. 19D(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(a)**

**F133** Art. 19D(1): definition of "EEA State exchangeable licence" inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **35(a)**; S.R. 2007/454, **art. 2**, Sch.
**F134** Art. 19D(1): definition of "exchangeable licence" substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **35(b)**; S.R. 2007/454, **art. 2**, Sch.
**F135** Words in art. 19D(1) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(b)(ii)**
**F136** Words in art. 19D(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(b)**
**F137** Word in art. 19D(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(2)(a)(i)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F138** Word in art. 19D(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(2)(a)(ii)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F139** SR 2002/374
**F140** Word in art. 19D(1) substituted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(c)**
**F141** Words in art. 19D(1) inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(7)(d)**
**F142** Word in art. 19D(1) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(2)(b)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F143** 1998 NI 7
**F144** 1995 NI 18
**F145** Art. 19D(1A) inserted (21.2.2011) by Road Traffic (Amendment) (Northern Ireland) Order 1991 (S.I. 1991/197 (N.I. 3)), arts. 1(2), 7(8); S.R. 2011/19, **art. 2**
**F146** Arts. 19D(1B)-(1E) inserted (23.2.2015) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2015 (S.R. 2015/6), regs. 1(1), **2(4)**
**F147** Art. 19D(2)-(2B) substituted (15.11.2007) for art. 19D(2) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **35(c)**; S.R. 2007/454, **art. 2**, Sch.

### Provisions as to Great Britain drivers' licences

**19E.**—(1) The holder of a Great Britain driving licence may drive, and a person may cause or permit the holder of such a licence to drive, in Northern Ireland**[**[F148] in accordance with that licence,**]**, a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part or the special provisions set out in Articles 70 to 79, notwithstanding that he is not the holder of a licence under this Part.

(2) Any driver holding a Great Britain driving licence shall be under the like obligation to produce such a licence **[**[F149]as if it**]** had been a licence granted under this Part [F150]...;**[**[F151] and the provisions—

(a) of this Order,[F152]. . .

*Sub-para. (b) rep. by 2003 NI 16*

as to the production of licences [F153]... granted under this Part shall apply accordingly.**]**

*Paras. (3)-(5) rep. by 2003 NI 16*

**F148** 2003 NI 16
**F149** Words in art. 19E(2) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(c)(i)**
**F150** Words in art. 19E(2) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(c)(ii)**
**F151** 1996 NI 10
**F152** 2003 NI 16

**F153** Words in art. 19E(2) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(c)(iii)**

### [F154Counterparts issued to Great Britain licence holders

**19F.**—(1) The Department may issue to any Great Britain licence holder who—

(a) has delivered his Great Britain licence to the Department, and

(b) has provided the Department with the information specified in, or required under, paragraph (3) (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Great Britain licence as a counterpart).

(2) The counterpart must—

(a) be in such form, and

(b) contain such information,

designed for the endorsement of particulars relating to the Great Britain licence as the Department may determine.

(3) The information referred to in paragraph (1) is—

(a) the name and address (whether in Northern Ireland or Great Britain) of the Great Britain licence holder;

(b) his date of birth;

(c) the classes of vehicle which he is authorised by his Great Britain licence to drive;

(d) the period of validity of the licence;

(e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and

(f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.

(4) The Department—

(a) may endorse a Great Britain licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine—

(i) with any part of the information specified in, or required under, paragraph (3); or

(ii) with information providing a means of ascertaining that information or any part of it; and

(b) must return the Great Britain licence to the holder.

(5) Paragraphs (6) to (9), (11) (with the omission of sub-paragraph (a)) and (12) of Article 15B apply for the purposes of this Article as if the references to a Community licence were references to a Great Britain licence.

**F154** 2003 NI 16

### Revocation of authorisation conferred by Great Britain licence because of disability or prospective disability

**19G.**—(1) If the Department is at any time satisfied on inquiry—

(a) that a Great Britain licence holder is suffering from a relevant disability, and

(b) that the Department would be required by virtue of Article 9(3) to refuse an application made by the holder at that time for a licence authorising him to drive a vehicle of the class in respect of which his Great Britain licence was issued or a class corresponding to that class,

the Department may serve notice in writing requiring the licence holder to deliver immediately to the Department his Great Britain licence together [F155]... its counterpart (if any) issued to him under this Part [F155]....

(2) If the Department is satisfied on inquiry that a Great Britain licence holder is suffering from a prospective disability, the Department may—

(a) serve notice in writing on the Great Britain licence holder requiring him to deliver immediately to the Department his Great Britain licence together with **[**[F156]its counterpart (if any) issued to him under this Part**]** , and

(b) on receipt of the Great Britain licence and **[**[F157]its counterpart (if any)**]** and of an application made for the purposes of this paragraph, grant to the Great Britain licence holder, free of charge, a licence for a period determined by the Department under Article 15(1)(c).

(3) The Department may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth, and

(b) a photograph which is a current likeness of him,

before granting a licence to him on an application for the purposes of paragraph (2).

(4) A person who—

(a) is required under, or by virtue of, this Article to deliver to the Department his Great Britain licence and the **[**[F158]counterpart (if any)**]** , but

(b) without reasonable excuse, fails to do so,

shall be guilty of an offence under this Order.

(5) Where a Great Britain licence holder to whom a counterpart is issued under Article 19F—

(a) is required under, or by virtue of, this Article to deliver his Great Britain licence and that counterpart to the Department, and

(b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order,

he does not fail to comply with any such requirement if he delivers them to the Department immediately on their return.

(6) Where a Great Britain licence holder is served with a notice in pursuance of this Article, he shall cease to be authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(7) Where a Great Britain licence is delivered to the Department in pursuance of this Article, the Department must—

(a) send the licence [F159]... to the licensing authority in Great Britain, and

(b) explain to them its reasons for so doing.

**F154** 2003 NI 16

**F155** Words in art. 19G(1) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(d)(i)**

**F156** Words in art. 19G(2)(a) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(d)(ii)**

**F157** Words in art. 19G(2)(b) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(d)(iii)**

**F158** Words in art. 19G(4)(a) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(d)(iv)**

**F159** Words in art. 19G(7)(a) omitted (8.6.2015) by virtue of The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(d)(v)**

**Information relating to disabilities, etc.**

**19H.** Article 11 shall apply to a Great Britain licence holder who is normally resident in Northern Ireland as if—

(a) in paragraph (1), for the words from the beginning to aware there were substituted " If a Great Britain licence holder who is authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date ",

(b) after that paragraph there were inserted—

"(1A) For the purposes of paragraph (1) relevant date means—

(a) in the case where the licence holder first became normally resident in Northern Ireland on or before the date on which Article 6 of the Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003 comes into operation, that date; and

(b) in any other case, the date on which he first became so resident."

(c) **[**[F160]for paragraph (3B) there were substituted**]**—

"(3B) A person who—

(a) is authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class, and

(b) drives on a road a motor vehicle of that class,

is guilty of an offence if at any earlier time while he was so authorised he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.",

(d) in paragraph (4), the words an applicant for, or (in both places) were omitted,

(e) in paragraph (5), the words applicant or and the words from the beginning of sub-paragraph (c) to provisional licence were omitted,

(f) in paragraph (6)(b), the words applicant or (in both places) were omitted,

(g) in paragraph (7), the words applicant or were omitted, and

(h) in subsection (8)—

(i) for 10 there were substituted " 19G ", and

(ii) the words applicant or (in both places) were omitted.**]**

**F154** 2003 NI 16

**F160** Words in art. 19H(c) substituted (15.11.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), **Sch. 7 para. 3**; S.R. 2007/454, **art. 2**, Sch.

### [[F161]Access to driver licensing information

**19I.**—(1) The Department may make any information held by it for the purposes of this Part available to–

(a) constables,

(b) police support staff,

(c) members of a police force in Great Britain,

(d) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,

(d) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area,

(e) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police,

(f) members of the staff of the Serious Organised Crime Agency,

(g) such other persons as may be prescribed.

(2) In respect of any information made available under paragraph (1) the Department may by regulations–

(a) determine the purposes for which persons may be given access to the information,

(b) determine the circumstances in which any of the information to which those persons have been given access may be further disclosed by them.

(3) In this Article–

"information" means information held in any form;

"a police force in Great Britain" has the same meaning as in section 73(4) of the Police (Northern Ireland) Act 1998 (c. 32).**]**

**F161** Art. 19I inserted (6.2.2012) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **36 (with art. 84)** ; S.R. 2011/433, **art. 2**

## PART III

*Articles 20-26 rep. by 1997 NI 2*

*Article 26A rep. by 1995 NI 18*

*Article 27 rep. by 1997 NI 2*

## PART IV

## GENERAL PROVISIONS AS TO REGULATION OF MOTOR VEHICLES

*Articles 28-31 rep. by 1995 NI 18*

### *[[F162]Approval of design, construction, etc., of motor vehicles*

**31A.**—(1) Without prejudice to**[**[F163] Article 55 of the Order of 1995**]**, the Department may by regulations prescribe requirements ( type approval requirements) with respect to the design,

construction, equipment and marking of motor vehicles, being requirements which are applicable before, whether or not they are applicable after, the motor vehicles are used on a road.

(2) Where the Department is satisfied, on an application made to it by the manufacturer of a motor vehicle to which regulations under paragraph (1) apply and after examination of the motor vehicle,—

(a) that the motor vehicle complies with the relevant type approval requirements; and

(b) that adequate arrangements have been made to secure that other motor vehicles purporting to conform with that motor vehicle in the relevant aspects of design, construction, equipment and marking will so conform in all respects or with such variations as may be permitted,

the Department may approve that motor vehicle as a type vehicle and, if so, shall issue a certificate (a type approval certificate) stating that the motor vehicle complies with the relevant type approval requirements and specifying the permitted variations from the type vehicle for motor vehicles so conforming in all respects and for motor vehicles so conforming with any such variations.

(3) A manufacturer of a type vehicle in respect of which a type approval certificate is in force may issue, in respect of each motor vehicle manufactured by him which conforms with the type vehicle in such of the relevant aspects of design, construction, equipment and marking as are mentioned in the type approval certificate, a certificate (a certificate of conformity) stating that it does so conform.

(4) Where the Department is satisfied, on an application made to it by any person in respect of a motor vehicle to which regulations under paragraph (1) apply and after examination of the motor vehicle, that it complies with the relevant type approval requirements, the Department may issue a certificate (a Department's approval certificate) stating that the motor vehicle complies with those requirements.

(5) Where a Department's approval certificate is given as respects a motor vehicle and the Department is satisfied on an application made to it by the manufacturer of the motor vehicle or, in the case of an imported motor vehicle, the importer of the motor vehicle, and after the consideration of such evidence as the Department thinks necessary that any other motor vehicle manufactured by that manufacturer or, as the case may be, imported by that importer, conforms with the first-mentioned motor vehicle as respects the relevant aspects of design, construction, equipment and marking, the Department may issue a Department's approval certificate in respect of that other motor vehicle without examining it.

(6) Where the Department determines on an application under this Article not to issue a type approval certificate or a Department's approval certificate, the Department shall give the applicant a written notification of the determination, stating the grounds on which it is based.

(7) In this Article and**[**[F164] Articles **[**[F165]31B to 31E**]]**

**[**[F164]"certificate of conformity" (except in the expression EC certificate of conformity) means a certificate issued under paragraph (3);**]**

"conform" means conform in all respects or with any permitted variation;

**[**[F164]"EC certificate of conformity" means any certificate of conformity issued by a manufacturer—

(a) under regulation 4 of the Motor Vehicles (EC Type Approval) Regulations 1992, or

(b) **[**[F166]in the case of a vehicle to which the motorcycle type approval Regulation applies, a certificate of conformity issued by a manufacturer under Article 38 of that Regulation;**]**

which is expressed to be a certificate for a complete or completed vehicle;

"light passenger vehicle" means any motor vehicle which—

(a) has at least 4 wheels,

(b) is equipped with an internal combustion engine,

(c) is constructed or adapted for use for the carriage of passengers and is not a goods vehicle,

(d) has no more than 8 seats in addition to the driver's seat, and

(e) has a maximum design speed exceeding 25 kilometres per hour,

but does not include a quadricycle within the meaning of Article **[**[F167]4**]** of the motorcycle type approval **[**[F168]Regulation**]** or a vehicle produced by **[**[F169]the Northern Ireland Fire and Rescue Service Board for the purposes of its functions under the Fire and Rescue Services (Northern Ireland) Order 2006.**]**

"the light passenger vehicle type approval Directive" means Council Directive 70/156/EEC of 6th February 1970 on the approximation of the laws of the member States relating to the type approval of motor vehicles and their trailers as amended by Council Directive 87/403/EEC of 25th June 1987 and Council Directive 92/53/EEC of 18th June 1992;

[F170]. . . . . .**]**

"motor vehicle" includes a vehicle part;

**[**[F171]"the motorcycle type approval Regulation" means Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15th January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles as it may be amended from time to time;**]**

"relevant aspects of design, construction, equipment and marking" means those aspects of design, construction, equipment and marking which are subject to the type approval requirements;

"type vehicle" means a motor vehicle approved by the Department under paragraph (2).

**F162** 1985 NI 6
**F163** 1995 NI 18
**F164** SR 1993/246
**F165** Words in art. 31A(7) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(3)(a)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F166** Words in art. 31A(7) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(3)(b)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F167** Word in art. 31A(7) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(3)(c)(i)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F168** Word in art. 31A(7) substituted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(3)(c)(ii)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F169** Art. 31A(7): words in the definition of "light passenger vehicle" substituted (1.7.2006) by Fire and Rescue Services (Northern Ireland) Order 2006 (S.I. 2006/1254 (N.I. 9)), arts. 1(3), 63(1), **Sch. 3 para. 14** (with arts. 49, 62); S.R. 2006/257, **art. 2(b)(d)**
**F170** Words in art. 31A(7) omitted (20.5.2018) by virtue of The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(3)(d)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F171** Words in art. 31A(7) inserted (20.5.2018) by The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(3)(e)** (with reg. 1(c), Sch. 1 paras. 16, 17)

### *Supplementary provisions relating to type approval and other certificates*

**31B.**—(1) A type approval certificate may be issued under Article 31A(2) subject to conditions with respect to—

(a) the inspection by any person authorised for the purposes of this paragraph by the Department of motor vehicles purporting to conform with the type vehicle in the relevant

aspects of design, construction, equipment and marking and the entry of premises where they are manufactured; and

(b) the notification by the manufacturer of differences of design, construction, equipment or marking (other than permitted variations) between any such motor vehicles and the type vehicle which might affect the type approval requirements.

(2) A type approval certificate may be issued under Article 31A(2) for a type vehicle where the Department is satisfied that one or more, but not all, of the relevant type approval requirements are complied with in the case of that vehicle, and—

(a) a further type approval certificate may be issued by virtue of this paragraph on the application of any person who manufactures any part of the vehicle or by whom the vehicle is finally assembled, and references in Article 31A and this Article to a manufacturer shall be construed accordingly;

(b) any certificate of conformity issued in consequence of any type approval certificate issued by virtue of this paragraph shall relate only to the requirement or requirements to which that type approval certificate relates;

(c) where a certificate of conformity issued in respect of a motor vehicle relates to one or more, but not all, of the relevant type approval requirements, the Department may issue in respect of that vehicle a Department's approval certificate relating to one or more of the other relevant type approval requirements.

(3) The Department may by notice in writing given to the manufacturer or owner of a motor vehicle for which a Department's approval certificate is issued direct that any specified alteration in any of the relevant aspects of design, construction, equipment or marking to which the direction relates shall be notified to the Department.

(4) Without prejudice to Article 31D, the Department may by regulations require that a Department's approval certificate issued for any motor vehicle shall specify any additional alteration to that vehicle required by any direction under paragraph (3) to be notified to the Department.

(5) If it appears to the Department that there has been a breach of a condition subject to which a type approval certificate has been granted or if the Department ceases to be satisfied as to any other matter relevant to a type approval certificate, the Department may cancel or suspend the certificate and where it does so, the Department shall give a written notification of that fact to the holder of the certificate stating the grounds for the cancellation or suspension; but the cancellation or suspension shall not affect the validity of any certificate of conformity previously issued in consequence of the type approval certificate.

**F162** 1985 NI 6

### *Appeals*

**31C.**—(1) A person aggrieved by—

(a) a determination made by the Department under Article 31A or 31B with respect to a type approval certificate, a certificate of conformity or a Department's approval certificate;

(b) a determination made on an examination in pursuance of regulations under Article 31D(2)(a);

may within the prescribed time and in the prescribed manner appeal to the Department.

(2) On an appeal under paragraph (1) (a) the Department may—

(a) hold an inquiry; and

(b) appoint an assessor for the purpose of assisting the Department with the appeal or the inquiry.

**F162** 1985 NI 6

### *Regulations*

**31D.**—(1) The Department may make regulations for the purposes of Articles 31A to 31C.

(2) Regulations under paragraph (1) may include provisions—

(a) for the examination of any motor vehicle in respect of which a Department's approval certificate is in force in the event of an alteration being made to the motor vehicle which is notifiable by virtue of a direction under Article 31B(3);

(b) authorising the cancellation, suspension or amendment of a certificate of conformity or a Department's approval certificate on an examination in pursuance of regulations under sub-paragraph (a);

(c) requiring the payment of fees or other charges in connection with the provision by the Department of services or facilities or the issue by it of certificates and other documents;

(d) for the authorisation of persons to carry out examinations of motor vehicles in connection with the issue of type approval certificates, and for the imposition of conditions to be complied with by persons so authorised;

(e) as to the form of, and particulars to be contained in, certificates of conformity and for the supply by the Department of forms for such certificates;

(f) for the issue of duplicates of certificates of conformity and Department's approval certificates which have been lost or defaced and for the payment of a fee for their issue;

(g) requiring persons empowered by Article 31A to issue certificates of conformity to keep records of such certificates issued by them and of the motor vehicles in respect of which such certificates are issued, and authorising the inspection of such records by such persons and in such circumstances as may be prescribed.

(3) Regulations under paragraph (1) may provide that where application is made for a licence under**[**[F172] the Vehicle Excise and Registration Act 1994**]** for a motor vehicle to which regulations made under Article 31E(1) apply, the licence shall not be granted unless—

(a) on the first application after the day appointed by regulations made under Article 31E(1) for a licence for the motor vehicle there is produced such evidence as may be prescribed that there is or are one or more certificates in force under either Article 31A or any corresponding enactment having effect in Great Britain from which it appears that the motor vehicle complies with all the relevant type approval requirements prescribed by those regulations;

(b) there is made such a declaration as may be prescribed that the motor vehicle is not intended to be used during the period for which the licence is to be in force except as exempted by regulations under Article 31E(4) (a); or

(c) there is produced in respect of the motor vehicle a certificate of temporary exemption issued by virtue of Article 31E(4) (b) which exempts the motor vehicle from the provisions of Article 31E(1) for a period which includes the date on which the licence is to come into force.

**[**
[F173](3A) The requirement set out in sub-paragraph (a) of paragraph (3) shall be taken to be satisfied if there is produced evidence that an EC certificate of conformity has effect with respect to the vehicle.**]**

(4) The Department may make regulations—

(a) applying, with such adaptations and modifications as the Department thinks fit, all or any of the provisions of Articles 31A to 31C and of regulations under paragraph (1), so far

as relating to type approval certificates and certificates of conformity, to motor vehicles manufactured in a country outside the United Kingdom;

(b) providing that a certificate issued under any such provision as so applied shall be treated for the purposes of any other provisions of this Part prescribed by the regulations as a type approval certificate or as a certificate of conformity;

(c) providing for the cancellation or suspension (subject to any savings prescribed by the regulations) of any certificate treated as described in sub-paragraph (b).

**F162** 1985 NI 6
**F172** 1994 c.22
**F173** SR 1993/246

### *Offences, etc., relating to type approval*

**31E.**—(1) If any person at any time on or after the day appointed by regulations made by the Department uses or causes or permits to be used on a road a motor vehicle in relation to which type approval requirements prescribed by those regulations apply or a motor vehicle to which is fitted a vehicle part in relation to which type approval requirements prescribed by those regulations apply, and it does not appear from one or more certificates then in force under Article 31A or under any corresponding enactment having effect in Great Britain that the motor vehicle or vehicle part complies with those requirements, he shall be guilty of an offence under this Order.

**[**
[F174](1A) For the purposes of paragraph (1) a vehicle shall be taken to comply with all relevent type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.**]**

(2) Any person who uses or causes or permits to be used on a road a motor vehicle when an alteration has been made to the motor vehicle or its equipment which is required by directions under Article 31B to be, but has not been, notified to the Department shall be guilty of an offence under this Order.

(3) A person shall not be convicted of an offence under paragraph (2) if he proves that the alteration was not specified in the relevant Department's approval certificate under Article 31B(4).

(4) The Department may by regulations—

(a) exempt from paragraphs (1) and (2) the use of motor vehicles for prescribed purposes; and

(b) make provision for the issue in respect of a motor vehicle or vehicle part in prescribed circumstances of a certificate of temporary exemption exempting that motor vehicle or vehicle part from paragraph (1) for such period as may be specified in the certificate.

(5) If any person at any time on or after the day appointed by regulations under paragraph (1) sells, supplies or offers to sell or supply or exposes for sale a motor vehicle or vehicle part in relation to which those regulations apply, and it does not appear from one or more certificates then in force under Article 31A or under any corresponding enactment having effect in Great Britain that the motor vehicle or vehicle part complies with the relevant type approval requirements prescribed by those regulations, he shall be guilty of an offence under this Order.

**[**
[F174](5A) For the purposes of paragraph (5) a vehicle shall be taken to comply with all relevent type approval requirements if an EC certificate of conformity has effect with respect to the vehicle.**]**

(6) A person shall not be convicted of an offence under paragraph (5) if he proves—

(a) that the motor vehicle or vehicle part was sold, supplied, offered or exposed for sale, as the case may be, for export outside the United Kingdom; or

(b) that he had reasonable cause to believe—

(i) in the case of a motor vehicle, that the motor vehicle would not be used on a road in the United Kingdom or would not be so used until it had been certified as complying with the relevant type approval requirements; or

(ii) in the case of a vehicle part, that the vehicle part would not be fitted to a motor vehicle used on a road in the United Kingdom or would not be so fitted until it had been certified as complying with relevant type approval requirements, or

(iii) that the motor vehicle or vehicle part would be used only as exempted by regulations under paragraph (4)(a) or (b).

(7) Nothing in this Article shall affect the validity of any contract or any rights arising under a contract.

**F162** 1985 NI 6
**F174** SR 1993/246

**[F175Failure to hold EC certificate of conformity for unregistered light passenger vehicle[F176 or motor cycle]**

**F177 31F.** . . . . . .

**F162** 1985 NI 6
**F175** SR 1993/246
**F176** SI 1999/2920
**F177** Arts. 31F, 31G omitted (20.5.2018) by virtue of The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(4)** (with reg. 1(c), Sch. 1 paras. 16, 17)

**Light passenger vehicles[F178 or vehicle to which the motorcycle type approval Directive applies] not to be sold without EC certificate of conformity**

**F177 31G.** . . . . . .

**F162** 1985 NI 6
**F175** SR 1993/246
**F177** Arts. 31F, 31G omitted (20.5.2018) by virtue of The Motorcycles (Type-Approval) Regulations 2018 (S.I. 2018/235), reg. 1(b), **Sch. 2 para. 2(4)** (with reg. 1(c), Sch. 1 paras. 16, 17)
**F178** SI 1999/2920

*Articles 32-49 rep. by 1995 NI 18*

*Articles 50-52 rep. by 1997 NI 2* ***]]***

# PART V

## REGULATION OF GOODS VEHICLES AND PUBLIC SERVICE VEHICLES, TOGETHER WITH THE DRIVERS OF SUCH VEHICLES, AND CONTROL OF LARGE PRIVATE PASSENGER VEHICLES

### Certification and regulation of goods vehicles

*Articles 53-55 rep. by 1995 NI 18*

### Limitation of continuous hours of duty of drivers of goods vehicles

**56** [F179]**.**—(1) No person shall drive, or cause or permit any person employed by him or subject to his order to drive, a goods vehicle—

(a) for any continuous period longer than the number of hours prescribed for a continuous period of driving; or

(b) for continuous periods in any period of 24 hours amounting in the aggregate to more than the number of hours prescribed for such continuous periods of driving; or

(c) so that the driver has not at least the prescribed period for rest in any period of 24 hours calculated from the commencement of any period of driving; or

(d) for continuous periods in any period of 7 days amounting in the aggregate to more than the number of hours prescribed for such continuous periods of driving; or

(e) so that the driver has not at least the prescribed period of rest in any period of 7 days.

(2) For the purposes of this Article and of any regulations made under Article 58—

(a) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment;

(b) any time spent by a driver on other work in connection with a vehicle or the load carried by the vehicle, shall be reckoned as time spent in driving;

(c) any time spent in driving or resting outside Northern Ireland may be taken into account in calculating any period prescribed under paragraph (1).

(3) Any person who drives, or who causes or permits any person employed by him or subject to his orders to drive, a goods vehicle contrary to the domestic drivers' hours code shall be guilty of an offence under this Order.

(4) This Article shall not apply to motor vehicles used for fire brigade or ambulance purposes and a person shall not be liable to be convicted of an offence under this Article, if he proves that the contravention was due to unavoidable delay in the completion of the journey to which the offence alleged relates by reason of circumstances which he could not reasonably have foreseen.

(5) The Department may by regulations—

(a) exempt from the provisions of this Article goods vehicles of such a class or description as may be specified in the regulations;

(b) provide that this Article shall apply to motor vehicles of such a class or description as may be so specified (not being goods vehicles) as it applies to goods vehicles;

(c) provide that this Article shall apply to goods vehicles of any class or description with such modifications as may be so specified;

(d) require drivers and employers of drivers to keep or to cause to be kept in such manner as may be so specified records with respect to such matters relevant to the provisions of this Article as may be so specified;

(e) require to be installed in vehicles of such classes or descriptions and in such manner and place as may be so specified, equipment of such type and manner as may be so specified, for recording information as to the use of the vehicle and impose duties on the owners and drivers of the vehicle with respect to the use and operation of the equipment;

(f) provide for the inspection of any records required to be kept or equipment to be installed under sub-paragraphs ( *d*) and ( *e*) respectively.

(6) In this Order “the domestic drivers' hours code” means the provisions of paragraphs (1) and (2) (including those provisions as applied by Article 63), any provision made by regulations under

Article 83 by way of substitution for or adaptation of those provisions, and the provisions of any regulations made under paragraph (5) or made under Article 58 for purposes of those paragraphs.

**F179** mod. by SR 1981/199

*Article 57 rep. by 1995 NI 18*

### Regulations for purposes of Articles 53 to 57

**58** [F180]**.**—(1) The Department may make regulations for the purpose of prescribing anything which is to be prescribed in**[**[F181] Article 56**]** and otherwise for giving effect to those Articles[F181]. . . .

(2) Regulations made under paragraph (1) for the purposes of Article 56 may prescribe periods of driving of different duration for different classes of vehicles and for vehicles of the same class operating under different conditions and any such regulations may be expressed to apply for the purposes of Article 63 as they apply for the purposes of Article 56.

**F180** mod. by SR 1981/199
**F181** 1995 NI 18

Licensing and regulation of public service vehicles

### Public service vehicle not to ply for hire, etc., unless driver, etc., licensed

[F182]**59.**—(1) No public service vehicle shall stand or ply for hire or carry passengers for hire unless the driver,**[**[F183] holds a passenger-carrying vehicle driver's licence, as defined in Article 70(2) or, as the case may be, a taxi driver's licence within the meaning of Article 79A**]**.

(2) If a public service vehicle stands or plies for hire or carries passengers for hire contrary to this Article the owner of the vehicle shall be guilty of an offence under this Order unless he proves that the driver[F183]. . . acted without his privity or consent.

**F182** mod. by SR 1981/199
**F183** 1991 NI 3

**Modifications etc. (not altering text)**
**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Public service vehicle not to ply for hire, etc., unless vehicle licensed

[F184]**60.**—(1) A public service vehicle shall not stand or ply for hire or carry passengers for hire unless there is in force with respect to the vehicle a licence granted under Article 61 (in this Order referred to as a public service vehicle licence).

(2) If a public service vehicle is used in standing or plying for hire or is used to carry passengers for hire in contravention of this Article, the owner of the vehicle and the driver[F185]. . . of the vehicle shall be guilty of an offence under this Order but the driver,[F185]. . . shall not be guilty of an offence under this Article if he proves that he did not know that there was not in force in relation to the vehicle a licence granted under Article 61.

(3) Any public service vehicle which is used in standing or plying for hire or which is used to carry passengers for hire without having such distinguishing mark or plate as may from time to time be prescribed shall be deemed to be an unlicensed public service vehicle.

**F184** mod. by SR 1981/199
**F185** 1991 NI 3

**Modifications etc. (not altering text)**
**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Grant of public service vehicle licences

[F186]**61.**—(1) Licences in respect of public service vehicles of such different classes as may be prescribed may be—

(a) granted by the Department in such form and upon payment of such fee (which shall be uniform in respect of every vehicle of a particular class);

(b) granted on such conditions and subject to revocation or suspension in such events;

(c) generally dealt with in such manner,

as may be prescribed, or as the Department may determine.

(2) A public service vehicle licence granted by the Department under paragraph (1) shall, unless sooner revoked or suspended, continue in force for one year.

(3) **[**[F187]Subject to paragraph (3A),**]** a public service vehicle licence shall not be granted under paragraph (1) unless the applicant for the licence—

(a) satisfies the Department that on the date when the licence will come into operation there will be in force, in relation to the user on a road of the vehicle for which the licence is sought, such a policy of insurance or such a security in respect of third-party liabilities as complies with the requirements of Part VIII;

(b) shows to the reasonable satisfaction of the Department that he will be in a position to satisfy all lawful claims which may be made against him in respect of damage to property caused by the user of the vehicle on a road.

**[**[F187](3A) Paragraph (3) shall not apply to a public service vehicle owned by a company mentioned in Article 90(2)(aa).**]**

(4) Any condition on which a public service vehicle licence is to be granted may be either—

(a) prescribed; or

(b) inserted in or endorsed on the licence in respect of the vehicle,

and a condition so inserted in or endorsed on a licence shall have the like effect as if it were prescribed.

(5) The different classes of vehicles in respect of which licences are granted under this Article shall be distinguished in such manner as may be prescribed.

**F186** mod. by SR 1981/199
**F187** 1984 NI 15

**Modifications etc. (not altering text)**

**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Public service vehicles not to carry more than the prescribed number of persons.

[F188]**62.**—(1) A public service vehicle shall not carry a greater number of persons than that prescribed for the vehicle.

(2) If a greater number of persons than that prescribed for the vehicle is carried in a public service vehicle the owner of the vehicle and the**[**[F189] driver**]** of the vehicle shall be guilty of an offence under this Order.

(3) Where a person is convicted of an offence under this Article, the court shall cause particulars of the conviction to be endorsed upon the licence granted under Article 61 in respect of the vehicle[F190]. . . .

(4) The owner[F190]. . . of a public service vehicle who is charged with an offence under this Article shall, when required to do so, produce to the court before which he is charged the licence granted in respect of the vehicle under Article 61[F190]. . . and if he fails to do so shall be guilty of an offence under this Order.

*Para. (5) rep. by 1991 NI 3*

**F188** mod. by SR 1981/199
**F189** 1991 NI 3
**F190** 1996 NI 10

**Modifications etc. (not altering text)**

**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Limitation of continuous hours of duty of drivers of public service vehicles

[F191]**63.** Article 56 shall apply to the driving of public service vehicles as it applies to the driving of goods vehicles and paragraph (2)( *b*) of that Article shall in its application to public service vehicles have effect as if that sub-paragraph included a reference to any time spent by a driver on a public service vehicle in any capacity other than that of a passenger.

**F191** mod. by SR 1981/199

**Modifications etc. (not altering text)**

**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Power to stop and examine public service vehicles

[F192]**64.**—(1) An authorised officer may stop and examine any public service vehicle which is plying for hire or carrying passengers for hire.

(2) If the authorised officer is satisfied that the vehicle does not comply with regulations made under Article 66 for ensuring the safety of passengers in public service vehicles and that danger to the passengers in the vehicle is likely to occur, he may require—

(a) the passengers to leave the vehicle; and

(b) suitable arrangements to be made by the owner of the vehicle for the immediate conveyance of the passengers to the places to which they are entitled to travel on the vehicle.

(3) If the owner of a public service vehicle fails to make suitable arrangements for the immediate conveyance of passengers upon being required so to do by an authorised officer under paragraph (2) ( *b*) he shall be guilty of an offence under this Order.

(4) In this Article "authorised officer" means a member of the Royal Ulster Constabulary, or an officer of the Department who is authorised by the Department for the purposes of this Article.

**F192** mod. by SR 1981/199

**Modifications etc. (not altering text)**

**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Power to make bye-laws regulating public service vehicles within any area

[F193]**65.**—(1) Subject to paragraph (2), the Department may make bye-laws regulating public service vehicles (in this Article referred to as vehicles) used in standing or plying for hire, or used to carry passengers for hire, within any area.

(2) The purposes for which bye-laws may be made under paragraph (1) are—

(a) preventing vehicles from standing or plying for hire on, or preventing vehicles from using except in accordance with the bye-laws, specified streets or portions of streets or in any specified district in the area;

(b) preventing, either generally or during particular hours, vehicles carrying passengers from any depot or stand in any street or district in the area;

(c) prescribing which premises vested in or controlled by the Department and which portions of streets in the area may be used as stands or starting places for vehicles;

(d) prescribing the number of vehicles which may stand at each stand or parking place and fixing the charges to be made and the time during which vehicles may remain there;

(e) regulating the times and intervals at, and the order in, which vehicles may enter or leave such stands or starting places, or commence their journeys from any particular point or on any particular route;

(f) enforcing order at and on such stands, starting places, points and routes;

(g) reserving particular stands or starting places for the use of vehicles or of vehicles plying on particular routes, and excluding from those stands or starting places all other vehicles (whether within the meaning of this Article or not) and generally regulating access to and the use of those stands or parking places;

(h) prescribing the routes to be followed, either generally or during particular hours, by vehicles from one specified point to another within the area;

(i) excluding, either generally or during particular hours, from specified streets or portions of streets in the area all vehicles except those which are proceeding in one particular direction;

(j) prescribing the points within the area other than such stands or starting places at which, and the time during which, vehicles may stop for the purpose of taking up or setting down passengers, and preventing vehicles from stopping for such purposes at any points, or for longer than the time so prescribed;

(k) prescribing the distance, not exceeding 10 miles beyond the boundaries of the area, for which drivers of vehicles shall be obliged to carry passengers for hire;

(l) fixing the maximum rates or fares to be charged for or on vehicles for passengers and luggage within the area and a distance of 10 miles beyond the boundaries of the area, together with the minimum rates or fares to be charged therefor within the area, and for preventing the driver or conductor of a vehicle from demanding more, or accepting less, than the maximum or minimum fare so fixed.

(3) The provisions of Part VI of the Local Government Act (Northern Ireland) 1972 shall apply to bye-laws made under this Article and to bye-laws made under any local Act by the Department for the regulation of vehicles or any class or description of vehicles (by whatever name called); and in relation to such bye-laws made under a local Act the Department shall be substituted for any other confirming or approving authority specified in the local Act.

**F193** mod. by SR 1981/199

**Modifications etc. (not altering text)**

**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

### Regulations for purposes of Articles 59 to 65[F194]. . .

[F195]**66.**—(1) The Department may make regulations for all or any of the following purposes, which regulations may apply to public service vehicles generally or to public service vehicles of a particular class,—

(a) prescribing [F196]. . . the fees to be paid on application for, and on the issue of, licences under Articles 61[F194]. . . ;

(b) regulating the manner in which the distinguishing mark or plate, referred to in Article 60(3), is to be shown on any such vehicle;

(c) regulating the number of persons who may be carried in any such vehicle, the space to be allotted to each such person, and the manner in which such number and space are to be indicated upon the vehicle;

(d) regulating the manner in which such vehicles are to be furnished or fitted;

(e) ensuring that such vehicles are fit for public hire;

(f) ensuring the safety of persons carried in such vehicles;

(g) providing for the inspection of such vehicles for the purpose of ensuring that they are fit for public hire and that persons may safely be carried in them;

(h) providing for the cessation of the use of any such vehicle which at any time fails to comply with the regulations;

(i) prescribing the classes of vehicles upon which a conductor must be carried in addition to the driver;

(j) requiring the wearing of badges by licensed drivers and conductors;

(k) regulating the conduct of passengers and of persons employed in connection with such vehicles;

(l) securing the due publication of the rates and fares to be paid by passengers in such vehicles or for the hire of such vehicles;

(m) securing the safe custody and delivery to its owner of any property accidentally left in such vehicles and fixing the charges to be paid in respect of safe-keeping and delivery and empowering prescribed persons to cause such property to be sold, or given to the finder, in the event of its not being claimed within a prescribed time;

(n) providing for the performance by constables of such duties as may be assigned to them under Article 64;

(o) prescribing anything which is required to be prescribed by Articles 59 to 65 and generally for giving effect to those Articles;

(p) requiring documents of any prescribed description relevant to the administration or enforcement of any directly applicable Community provision regulating the provision of international passenger-carrying road transport services to be kept and produced on demand for the inspection of a prescribed person;

(q) prescribing persons to act as authorised inspection officers for purposes of any such Community provision;

(r) without prejudice to any of the above sub-paragraphs, prescribing anything which is authorised to be prescribed under this paragraph by virtue of Article 10(1) of the Transport (Northern Ireland) Order 1977 .

(2) The Department may by regulations exempt from all or any of the provisions of Articles 59 to 65[F194]. . . or of any regulations made under paragraph (1) public service vehicles or any class or description of public service vehicles registered elsewhere than in Northern Ireland or brought temporarily into Northern Ireland or the drivers of such vehicles or modify or adapt such provisions in relation to such vehicles or drivers.

(3) Where any such directly applicable Community provision as is referred to in paragraph (1)(*p*) requires the keeping or production of any document, any person who contravenes that requirement shall be guilty of an offence under this Order.

**F194** 1991 NI 3
**F195** mod. by SR 1981/199
**F196** Words in art. 66(1)(a) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 79(3)(b), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

**Modifications etc. (not altering text)**
**C4** Arts. 59-66 excluded (23.11.2009 for specified purposes, 31.5.2016 in so far as not already in operation) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(1)**, 59; S.R. 2009/352, art. 2, Sch.; S.R. 2015/389, art. 2(3), Sch. Pt. 3

## [[F197]Car-sharing arrangements

**66A.**—(1) A motor vehicle carrying passengers for payment in circumstances in which the conditions set out in paragraph (2) are fulfilled shall not by regarded as a public service vehicle **[**[F198]or taxi (within the meaning of the Taxis Act (Northern Ireland) 2008)**]** .

(2) The conditions referred to in paragraph (1) are—

(a) that the vehicle is not adapted to carry more than 8 passengers in addition to the driver;

(b) that the payment or aggregate of the payments made in respect of the journey by the vehicle does not exceed the amount of the running costs of the vehicle for the journey; and

(c) that the arrangements for payment by the passenger or passengers so carried were made before the journey began,

and for the purposes of sub-paragraph (b) the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.

(3) In this Article "payment" includes consideration of any kind, whether monetary or not.**]**

**F197** 1981 NI 24
**F198** Words in art. 66A(1) inserted (31.5.2016) by Taxis Act (Northern Ireland) 2008 (c. 4), s. 59, **Sch. 2 para. 2**; S.R. 2015/389, art. 2(3), Sch. Pt. 3

*Articles 67-69 rep. by 1995 NI 18*

*Articles 70-79 rep. by 1991 NI 3*

*[F199 Special provisions relating to licensing of drivers of large goods vehicles and passenger-carrying vehicles*

**F199** 1991 NI 3

### Licensing of drivers of large goods vehicles and passenger-carrying vehicles

**70** F200**.**—(1) Licences under Part II to drive motor vehicles of classes which include large goods vehicles or passenger-carrying vehicles or large goods vehicles or passenger-carrying vehicles of any class shall be granted by the Department in accordance with the special provisions, that is to say the provisions of this Article and Articles 71 to 79, and shall, in so far as they authorise the driving of large goods vehicles or passenger-carrying vehicles, be otherwise subject to the special provisions in addition to Part II.

(2) In the special provisions—

**[**F201"Community licence" has the same meaning as in Part II;

"LGV Community licence" means a Community licence in so far as it authorises a person to drive large goods vehicles of any class;**]**

**[**F201"PCV Community licence" means a Community licence in so far as it authorises a person to drive passenger-carrying vehicles of any class;**]**

"large goods vehicle driver's licence" means a licence under Part II in so far as it authorises a person to drive large goods vehicles of any class; and

"passenger-carrying vehicle driver's licence" means a licence under Part II in so far as it authorises a person to drive passenger-carrying vehicles of any class.

**F200** mod. by SR 1994/365
**F201** SR 1996/426

### Grant of licences: fitness as regards conduct

**71** F202**.**—(1) The Department shall not grant to an applicant a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence unless it is satisfied, having regard to the applicant's conduct, that he is a fit person to hold the licence applied for.

(2) For the purposes of paragraph (1), the Department may require the applicant for the licence to furnish such information as it may require and may, by notice to the applicant, require him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to his application as the Department may put to him.

(3) If the applicant fails without reasonable excuse to furnish information to or attend or answer questions properly put to him when required to do so under paragraph (2), the Department may decline to proceed further with the application and refuse to grant the licence.

**F202** mod. by SR 1994/365

### Conditions of certain licences

**72** [F203]**.**—(1) **[**[F204]The following licences, that is to say—

(a) a large goods vehicle or passenger-carrying vehicle driver's licence issued as a provisional licence,

(b) a full large goods vehicle or passenger-carrying vehicle driver's licence granted to a person under the age of 21, and

(c) an LGV Community licence held by a person under the age of 21 who is normally resident in Northern Ireland,**]**

shall be subject to the prescribed conditions, and if the holder of the licence fails, without reasonable excuse, to comply with any of the conditions he is guilty of an offence under this Order.

(2) It is an offence for a person knowingly to cause or permit another person who is under the age of 21 to drive a large goods vehicle of any class or a passenger-carrying vehicle of any class in contravention of the prescribed conditions to which that other person's licence is subject.

**F203** mod. by SR 1994/365
**F204** SR 1996/426

### Revocation or suspension of licences

**73** [F205]**.**—(1) A large goods vehicle or passenger-carrying vehicle driver's licence—

(a) must be revoked if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;

(b) must be revoked or suspended if his conduct is such as to make him unfit to hold such a licence;

and where the licence is suspended under sub-paragraph (b) it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct of the holder of a licence falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), proceedings shall be taken or continued under sub-paragraph (a) and not under sub-paragraph (b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

(3) Without prejudice to section 17 of the Interpretation Act (Northern Ireland) 1954, regulations made for the purposes of**[**[F206] this Article or Article 74**][**[F207] or any of Articles 73A, 74 or 74A**]**

(a) may make different provision for large goods vehicles and for passenger-carrying vehicles and for different descriptions of persons; and

(b) shall provide for the determination of the cases in which,

**[** F207 (i) under Article 74, a person whose licence has been revoked, or

(ii) under Article 74A, a person on whom a notice is served in pursuance of Article 73A(1)(a),**]**

is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

**[** F207 (4) The Department shall determine any question arising—

(a) under paragraph (1)(b) as to whether a person is or is not, by reason of his conduct, fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, or

(b) under Article 73A(1)(b) as to whether the holder of an LGV Community licence or PCV Community licence is or is not, by reason of his conduct, fit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger-carrying vehicle (as the case may be).**]**

(5) Where, under**[**F207 paragraph (4)(a)**]**, the Department determines that the holder of the licence is not fit to hold a large goods vehicle or passenger-carrying vehicle driver's licence, as the case may be, it shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under Article 74(2)(a) (and, if so, for what period) or under Article 74(2)(b).

**[** F207 (5A) Where, under paragraph (4)(b), the Department determines that a Community licence holder is not fit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger#carrying vehicle (as the case may be), it shall also determine whether the Community licence holder—

(a) should be disqualified under Article 74A(2)(a) (and, if so, for what period) or under Article 74A(2)(b), or

(b) should be granted, free of charge, a large goods vehicle or passenger#carrying vehicle driver's licence (and, if so, from what date it shall take effect).**]**

(6) For the purposes of paragraphs (4) and (5) the Department may require the holder of the licence to furnish such information as it may require and may, by notice to the holder, require him to attend the Department at the time and place specified by the Department to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as may be put to him.

(7) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put to him when required to do so under **[**F208 paragraph (6)**]**,

**[** F207 (a) in a case where the licence in question is an LGV Community licence or a PCV Community licence, the holder shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods or passenger#carrying vehicle (as the case may be) from such date as is specified in a notice served on the holder by the Department; and

(b) in any other case, the Department may revoke the licence or suspend it for such period as the Department thinks fit.**]**

(8) Where the Department determines to revoke or suspend a person's licence under paragraph (1), it shall notify the holder of the licence of its determination.

**F205** mod. by SR 1994/365
**F206** 1996 NI 10

**F207** SR 1996/426

**F208** Words in art. 73(7) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 4**; S.R. 2007/454, **art. 2**, Sch.

### [F209Community licence holders: cessation of authorisation, etc.

**73A.**—(1) Where, in relation to a holder of an LGV Community licence or PCV Community licence who is normally resident in Northern Ireland—

(a) there exist immediately before the relevant date, or there come into existence on or after that date, such circumstances relating to his conduct as may be prescribed; or

(b) his conduct is such as to make him unfit to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger#carrying vehicle (as the case may be),

the Department must serve notice on the holder requiring him to deliver the Community licence and its counterpart (if any) immediately to the Department and it shall by the duty of the holder to comply with that requirement.

(2) Where a notice is served in pursuance of paragraph (1)(a) or (b) on the holder of an LGV Community licence or a PCV Community licence, he shall cease to by authorised by virtue of Article 15A(1) to drive in Northern Ireland a large goods vehicle or passenger#carrying vehicle (as the case may be) from such date as is specified in the notice, not being earlier than the date of service of the notice.

(3) Where it appears to the Department that the conduct of a Community licence holder falls within both sub-paragraph (a) and sub-paragraph (b) of paragraph (1), the Department must serve notice on the holder in pursuance of the former sub-paragraph only.

(4) Any Community licence holder who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence.

(5) In this Article "relevant date", in relation to a Community licence holder who is normally resident in Northern Ireland, has the same meaning as in Article 15A(8).

**F209** SR 1996/426

### Disqualification on revocation of licence

**74** F210**.**—(1) Where in pursuance of sub-paragraph (a) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it must, in accordance with the regulations made**[**F211 in pursuance of Article 73(3)**]**, order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where in pursuance of sub-paragraph (b) of Article 73(1) the Department revokes a person's large goods vehicle or passenger-carrying vehicle driver's licence, it may—

(a) order the holder to be disqualified indefinitely or for such period as it thinks fit, or

(b) except where the licence is a provisional licence, if it appears to the Department that, owing to the conduct of the holder of the licence, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test.

**[**

[F211](2A) Regulations may make provision for the application of paragraphs (1) and (2), in such circumstances and with such modifications as may be prescribed, where a person's large goods vehicle or passenger-carrying vehicle driver's licence is treated as revoked by virtue of Article 42(1) of the Offenders Order (effect of disqualification by order of a court).**]**

(3) If, while the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of sub-paragraph (a) of Article 73(1) cease to exist in his case, the Department must, on an application made to it for the purpose, remove the disqualification.

(4) Where the holder of a large goods vehicle or passenger-carrying vehicle driver's licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(5) Where the holder of a full licence is disqualified under paragraph (2)(b), the Department must not afterwards grant him a full licence to drive a large goods vehicle or passenger-carrying vehicle of any class unless satisfied that he has since the disqualification passed the prescribed test of competence to drive vehicles of that class, and until he passes that test any full licence obtained by him shall be of no effect.

(6) So long as the disqualification under paragraph (1) or (2)(a) of the holder of a large goods vehicle or passenger-carrying vehicle driver's licence continues in force, a large goods vehicle or passenger-carrying vehicle driver's licence must not be granted to him and any such licence obtained by him shall be of no effect.

(7) In this Article "disqualified"

(a) in a case of revocation on the ground of the conduct of the holder of the licence as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger-carrying vehicles of the prescribed classes; and

(b) in a case of revocation of a passenger-carrying vehicle driver's licence on the ground of the conduct of the holder otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.

**F209** SR 1996/426
**F210** mod. by SR 1994/365
**F211** 1996 NI 10

**Community licences: disqualification etc.**

**74A.**—(1) Where a notice is served on a Community licence holder in pursuance of Article 73A(1)(a), the Department must, in accordance with the regulations made in pursuance of Article 73(3), order that person to be disqualified indefinitely or for the period determined in accordance with the regulations.

(2) Where a notice is served on a Community licence holder in pursuance of Article 73A(1)(b), the Department may—

(a) order that person to be disqualified indefinitely or for such period as the Department thinks fit,

(b) if it appears to the Department that, owing to the conduct of the Community licence holder, it is expedient to require him to comply with the prescribed conditions applicable to provisional licences under Part II until he passes the prescribed test of competence to drive large goods vehicles or passenger-carrying vehicles of any class, order him to be disqualified for holding or obtaining a full licence until he passes such a test, or

(c) on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a large goods vehicle or passenger-carrying vehicle driver's licence which shall take effect from such date as the Department may determine.

**[**
F212(3) Where in pursuance of paragraph (1) or (2), the Department orders a Community licence holder to be disqualified the Department must, on receipt of the Community licence and its counterpart (if any), grant to the Community licence holder, free of charge, a licence authorising the driving of the classes of vehicle which are unaffected by the disqualification.

(3A) The Department may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth; and

(b) a photograph which is a current likeness of him,

before granting a licence to him under paragraph (3).**]**

(4) If, while the holder of an LGV Community licence or a PCV Community licence is disqualified under paragraph (1), the circumstances prescribed for the purposes of Article 73A(1)(a) cease to exist in his case, the Department must, on an application made to it for the purpose remove the disqualification.

(5) Where the holder of an LGV Community licence or a PCV Community licence is disqualified under paragraph (2)(a), the Department may, in such circumstances as may be prescribed, remove the disqualification.

(6) In this Article "disqualified"

(a) in a case where notice is served in pursuance of Article 73A(1) on a Community licence holder on the ground of his conduct as a driver, means disqualified for holding or obtaining a licence under Part II to drive large goods vehicles of the prescribed classes and passenger#carrying vehicles of the prescribed classes; and

(b) in a case where notice is served in pursuance of Article 73A(1) on a holder of a PCV Community licence on the ground of his conduct otherwise than as a driver, means disqualified for holding or obtaining a licence under Part II to drive passenger-carrying vehicles of the prescribed classes.

**F209** SR 1996/426
**F212** SR 2002/374

**Revoked or suspended licences: surrender, return and endorsement**

**75** F213**.**—(1) Where, in pursuance of Article 73, the Department revokes or suspends a licence, it must serve notice on the holder of the licence requiring him to deliver the licence and its counterpart forthwith to the Department, and it shall be the duty of the holder of the licence to comply with the requirement.

(2) Any holder of a licence who fails without reasonable excuse to comply with his duty under paragraph (1) is guilty of an offence under this Order.

(3) On the delivery of a revoked licence and its counterpart by a person to the Department in pursuance of paragraph (1) the Department must issue to him, on payment of such fee (if any) as may be prescribed, a licence authorising the driving of the classes of vehicles which are unaffected by the revocation F214. . . .

**[**
F215(3A) The Department may require a person to provide—

(a) evidence of his name, address, sex and date and place of birth; and

(b) a photograph which is a current likeness of him,

before granting a licence to him under paragraph (3).**]**

(4) On the delivery of a suspended licence and its counterpart to the Department, the Department must endorse the counterpart of the licence with particulars of the suspension and return the licence and its counterpart to the holder.

**F209** SR 1996/426
**F213** mod. by SR 1994/365
**F214** Words in art. 75(3) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
**F215** SR 2002/374

### Appeals to court of summary jurisdiction

**76** [F216]**.**—(1) A person who, being the holder of, or an applicant for, a large goods vehicle or passenger-carrying vehicle driver's licence**[**[F217] or the holder of an LGV Community licence or a PCV Community licence**]**, is aggrieved by the Department's—

(a) refusal or failure to grant such a licence in pursuance of Article 71,

(b) suspension or revocation of such a licence in pursuance of Article 73, or

(c) ordering of disqualification under Article 74(2)**[**[F217] or 74A(2)**]**,

**[**[F217]or by a notice served on him in pursuance of Article 73(8) or 73A(1)**]** may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction [F218]....

(2) On any appeal under**[**[F217] paragraph (1) (except under sub-paragraph (c) of that paragraph)**]** the Department shall be respondent.

(3) On any appeal under paragraph (1) the court may make such order as it thinks fit and the order shall be binding on the Department.

**F209** SR 1996/426
**F216** mod. by SR 1994/365
**F217** SR 1996/426
**F218** Words in art. 76(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 83(3), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

### Regulations

**77** [F219]**.**—(1) Without prejudice to Article 218, the Department may make regulations generally for carrying the special provisions into effect.

(2) Regulations under this Article may in particular require applicants for tests of competence under Part II to drive large goods vehicles or passenger-carrying vehicles or for large goods vehicle or passenger-carrying vehicle driver's licences (whether full or provisional) to have such qualifications, experience and knowledge as may be prescribed and, in particular, where they are to be authorised to drive large goods vehicles or passenger-carrying vehicles of any class at an age below the normal minimum age for driving vehicles of that class, to fulfil such requirements with respect to participation in an approved training scheme for drivers as may be prescribed.

(3) In paragraph (2)—

"approved training scheme for drivers" means a training scheme for drivers (as defined in Article 17(5)) approved for the time being by the Department for the purposes of regulations under that Article; and

"normal minimum age for driving", in relation to the driving of vehicles of any class, means the age which is in force under Article 17 (but apart from any approved training scheme for drivers) in relation to that class of vehicle.

(4) Regulations under this Article may provide that a person who contravenes or fails to comply with any specified provision of the regulations is guilty of an offence under this Order.

(5) The Department may by regulations provide that this Part shall not apply to large goods vehicles or passenger-carrying vehicles of such classes as may be prescribed either generally or in such circumstances as may be prescribed.

**F209** SR 1996/426
**F219** mod. by SR 1994/365

### Interpretation

**78** [F220]**.** In **[**[F221]this Article, Articles 70 to 77 and Article 180A**]**—

**[**[F222]"conduct" means—

(a) in relation to an applicant for or the holder of a large goods vehicle driver's licence or the holder of an LGV Community licence, his conduct as a driver of a motor vehicle, and

(b) in relation to an applicant for or the holder of a passenger-carrying vehicle driver's licence or the holder of a PCV Community licence, his conduct both as a driver of a motor vehicle and in any other respect relevant to his holding a passenger-carrying vehicle driver's licence or (as the case may be) his authorisation by virtue of Article 15A(1) to drive in Northern Ireland a passenger-carrying vehicle of any class,

including, in either case, such conduct in Great Britain;**]**

"counterpart" in relation to a licence to drive under Part II**[**[F222] or a Community licence**]** has the same meaning as in that Part;

"full licence" means a large goods vehicle or passenger-carrying vehicle driver's licence other than a provisional licence;

**[**[F222]"large goods vehicle" means a motor vehicle (not being a medium-sized goods vehicle within the meaning of Part II) **[**[F223]which is designed and constructed for the carriage of no more than 8 passengers in addition to the driver and**]** which is constructed or adapted to carry or to haul goods and the permissable maximum weight of which exceeds 7.5 tonnes;**]**

"passenger-carrying vehicle" means—

(a) a large passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers which is constructed or adapted to carry more than 16 passengers, or

(b) a small passenger-carrying vehicle, that is to say, a vehicle used for carrying passengers for hire or reward which is constructed or adapted to carry more than 8 but not more than 16 passengers**[**[F222] and includes a combination of such a motor vehicle and a trailer**]**;

"notice" means notice in writing and notify shall be construed accordingly;

"provisional licence" means a licence granted by virtue of Article 13(2);

"the special provisions" has the meaning given in Article 70;

**[**[F222]and "permissible maximum weight" has the same meaning as in Part II.**]**

**F209** SR 1996/426
**F220** mod. by SR 1994/365
**F221** Words in art. 78 substituted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(1), **Sch. 7 para. 5**; S.R. 2007/302, **art. 2**, Sch.
**F222** SR 1996/426
**F223** Words in art. 78 inserted (19.1.2013) by The Motor Vehicles (Driving Licences) (Amendment) Regulations (Northern Ireland) 2012 (S.R. 2012/170), regs. 1(1), **2(8)**

### Provisions as to Great Britain licences

**79** [F224]**.**—(1) In this Article "Great Britain driving licence" has the same meaning as in Part II.

(2) The Department may exercise as respects Northern Ireland the like power of revoking or suspending any Great Britain driving licence and of making an order under Article 74(2) as is conferred on it in relation to a large goods vehicle or passenger-carrying vehicle driver's licence by Articles 73(1)(b) and 74(2), and the provisions of Articles 73(1) and (4) to (8), 74 and (with the exception of paragraph (2)) 75 shall have effect accordingly.

(3) Where a revoked Great Britain driving licence **[**[F225]is**]** surrendered to the Department in pursuance of Article 75, the Department shall send **[**[F226]it**]** to the Secretary of State together with particulars of the revocation.

(4) A holder of a Great Britain driving licence who is aggrieved by the revocation or suspension of the licence or the ordering of disqualification by virtue of paragraph (2) shall have the like right of appeal as is conferred by Article 76 except that an appeal brought by virtue of this paragraph shall, if the appellant is not resident in Northern Ireland, lie to such court of summary jurisdiction as may be prescribed by magistrates' courts rules.**]**

**F209** SR 1996/426
**F224** mod. by SR 1994/365
**F225** Word in art. 79(3) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(e)(i)**
**F226** Word in art. 79(3) substituted (8.6.2015) by The Road Safety Act 2006 (Consequential Amendments) Order 2015 (S.I. 2015/583), art. 1(1), **Sch. 2 para. 8(e)(ii)**

*Taxi drivers' licences*

### Licensing of drivers of taxis

[F227]**79A.** . . . . . .

**F227** Art. 79A repealed (31.10.2014) by Taxis Act (Northern Ireland) 2008 (c. 4), s. 59, **Sch. 3**; S.R. 2014/238, art. 2(2), Sch. 1 Pt. 2

Repayment of fees

### Repayment of fees

**80** [F228]**.** The Department may [F229]. . . prescribe the circumstances in which any fee paid in pursuance of regulations made under**[**[F230] Article 66**]**, or under any earlier enactment having like effect, may be repaid.**]**

**F228** mod. by SR 1981/199
**F229** Words in art. 80 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 79(3)(d), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
**F230** 1995 NI 18

# PART VI

## PROVISIONS RELATING TO APPLICABLE COMMUNITY RULES

### Offences against applicable Community rules

**81.—[**[F231](1) Where, in the case of a driver of a motor vehicle, there is a contravention of any requirement of the applicable Community rules as to periods of driving, or distance driven, or periods on or off duty, then the offender, the offender's employer and any other person to whose orders the offender was subject shall be guilty of an offence under this Order.**]**

**[**[F232](1A) A person shall not be liable to be convicted under paragraph (1) if being charged as the offender's employer, or a person to whose orders the offender was subject, he proves—

(a) that at the time of the contravention he was complying with Article 10(1) (distance related payments etc.) and Article 10(2) (organisation of drivers' work etc.) of the Community Driver's Hours Regulation); and

(b) that he took all reasonable steps to avoid the contravention.

(1B) A person who—

(a) is subject to the requirement imposed by Article 10(4) of the Community Drivers' Hours Regulation (undertakings etc. to ensure that contractually agreed transport time schedules respect that Regulation); and

(b) fails to take all reasonable steps to comply with that requirement,

shall be guilty of an offence under this Order.**]**

**[**[F233](1C) If a driver who is subject to the orders of more than one transport undertaking fails, without reasonable excuse, to provide each of them with sufficient information to enable them to avoid a contravention of Chapter 2 of the Community Drivers' Hours Regulation, he shall be guilty of an offence under this Order.**]**

(2) Any person who contravenes any requirement as to books, records or documents of the applicable Community rules shall be guilty of an offence under this Order.

(3) Any person who makes or causes to be made any entry in a book, record or document kept for the purposes of the applicable Community rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry shall be guilty of an offence under this Order.

**F231** Art. 81(1) substituted (23.4.2009) by Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/91), **reg. 6(3)(a)**
**F232** Art. 81(1A)(1B) inserted (23.4.2009) by Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations (Northern Ireland) 2009 (S.R. 2009/91), **reg. 6(3)(b)**
**F233** Art. 81(1C) inserted (30.4.2010) by Passenger and Goods Vehicles (Recording Equipment) (Downloading and Retention of Data) Regulations (Northern Ireland) 2010 (S.R. 2010/23), **reg. 8(3)**

### Powers of inspection

**82.**—(1) An inspector of vehicles or a constable may, on production if so required of his authority, require any person to produce, and permit him to inspect and copy any book, record or document—

(a) which that person is required by the applicable Community rules to carry or have in his possession for the purpose of making in it any entry required by those rules or which is required under those rules to be carried on any vehicle of which that person is the driver;

(b) which that person is required by the applicable Community rules to preserve;

(c) which the inspector of vehicles or the constable, as the case may be, may reasonably require to inspect for the purpose of ascertaining whether the requirements of the applicable Community rules have been complied with.

(2) For the purpose of exercising his powers under paragraph (1) in respect of a document carried on, or by the driver of, a vehicle an inspector of vehicles or a constable, as the case may be, may detain the vehicle during such time as is required for the exercise of that power.

(3) Any person who—

(a) fails to comply with any requirement under paragraph (1); or

(b) obstructs an inspector of vehicles in the exercise of his powers under paragraph (2),

shall be guilty of an offence under this Order.

### Regulations for purposes of the applicable Community rules or other relevant Community provisions

**83.**—(1) The Department may by regulations—

(a) make provisions supplementary and incidental to the requirements of the applicable Community rules as to books, records and documents; and

(b) make such provision by way of substitution for or adaptation of the provisions of Articles 56, 63, 81 and 82 and regulations made under those Articles, or supplemental or incidental to those provisions, as the Department considers necessary or expedient to take account of the operation of any relevant Community provision.

(2) Regulations under paragraph (1) may in particular—

(a) substitute different requirements for the requirements of the domestic drivers' hours code or add to, make exceptions from or otherwise modify any of the requirements of that code;

(b) apply to journeys and work to which no relevant Community provision applies;

(c) include provision as to the circumstances in which a period of driving or duty to which a relevant Community provision or the domestic drivers' code applies is to be included or excluded in reckoning any period for purposes of the domestic drivers' hours code or any relevant Community provision respectively; and

(d) contain such transitional, supplementary or consequential provisions as the Department considers necessary or expedient.

## PART VII

## FOREIGN VEHICLES

### Power in certain cases to prohibit driving of foreign vehicles

**84.**—(1) The provisions of this Article shall have effect with respect to any foreign goods vehicle or foreign public service vehicle where an authorised officer exercises, in relation to the vehicle or

its driver, any functions under a statutory provision specified in the first column of Schedule 1**[**[F234] or any functions of the authorised inspecting officer under a Community instrument specified in the first column of that Schedule.**]**.

(2) If in any such case as is mentioned in paragraph (1)—

(a) the driver obstructs the authorised officer in the exercise of his functions under the statutory provision in question, or refuses, neglects or otherwise fails to comply with any requirement made by the authorised officer under that provision; or

(b) it appears to the authorised officer that, in relation to the vehicle or its driver, there has been a contravention of any of the statutory provisions specified in the first column of Schedule 2, or that there will be such a contravention if the vehicle is driven on a road,

the authorised officer may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without any limitation of time.

(3) Where an authorised officer prohibits the driving of a vehicle under this Article, he may also direct the driver to remove the vehicle (and, if it is a motor vehicle drawing a trailer, also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(4) Where a prohibition is imposed under paragraph (2) the authorised officer shall forthwith give notice in writing of the prohibition to the driver of the vehicle, specifying the circumstances (as mentioned in sub-paragraph ( *a*) or ( *b*) of that paragraph) in consequence of which the prohibition is imposed, and stating—

(a) whether the prohibition is on all driving of the vehicle or only on driving it for a specified purpose (and, if the latter, specifying the purpose), and

(b) whether it is imposed only for a specified period (and, if so, specifying the period) or without limitation of time;

and any direction under paragraph (3) may be given either in that notice or in a separate notice in writing given to the driver of the vehicle.

**F234** SR 2003/515

### Provisions supplementary to Article 84

**85.**—(1) A prohibition under Article 84 shall come into force as soon as notice of it has been given in accordance with paragraph (4) of that Article, and shall continue in force until it is removed under the following provisions of this Article (or, in the case of a prohibition imposed only for a specified period, shall continue in force until either it is removed under this Article or that period expires, whichever first occurs).

(2) A prohibition under paragraph (2) of Article 84 may be removed by any authorised officer if he is satisfied that appropriate action has been taken to remove or remedy the circumstances (as mentioned in sub-paragraph ( *a*) or ( *b*) of that paragraph) in consequence of which the prohibition was imposed; and on doing so the authorised officer shall forthwith give notice in writing of the removal of the prohibition to the driver of the vehicle.

(3) In the exercise of his functions under Article 84 or this Article an authorised officer, other than a constable, shall act in accordance with any general directions given by the Department.

### Enforcement provisions

**86.**—(1) Any person who—

(a) drives a vehicle on a road in contravention of a prohibition imposed under Article 84;

(b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition; or

(c) refuses, neglects or otherwise fails to comply within a reasonable time with a direction given under paragraph (3) of that Article,

shall be guilty of an offence under this Order.
*Para. (2) rep. by 1989 NI 12*

(3) Where a constable in uniform has reasonable cause to suspect the driver of a vehicle of having committed an offence under paragraph (1), the constable may detain the vehicle, and for that purpose may give a direction, specifying an appropriate person and directing the vehicle to be removed by that person to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(4) Where under paragraph (3) a constable—

(a) detains a motor vehicle drawing a trailer; or

(b) detains a trailer drawn by a motor vehicle;

then, for the purpose of securing the removal of the trailer, he may also (in a case falling within sub-paragraph ( *a*)) detain the trailer or (in a case falling within sub-paragraph ( *b*)) detain the motor vehicle; and a direction under paragraph (3) may require both the motor vehicle and the trailer to be removed to the place specified in the direction.

(5) A vehicle which, in accordance with a direction given under paragraph (3), is removed to a place specified in the direction shall be detained in that place, or in any other place to which it is removed in accordance with a further direction given under that paragraph, until a constable (or, if that place is in the occupation of the Department, the Department) authorises the vehicle to be released on being satisfied—

(a) that the prohibition (if any) imposed in respect of the vehicle under Article 84 has been removed, or that no such prohibition was imposed;

(b) that appropriate arrangements have been made for removing or remedying the circumstances in consequence of which any such prohibition was imposed;

(c) that the vehicle will be taken forthwith to a place from which it will be taken out of Northern Ireland; or

(d) in the case of a vehicle detained under paragraph (4) that (in the case of a motor vehicle) the purpose for which it was detained has been fulfilled or (in the case of a trailer) it is no longer necessary to detain it for the purpose of safeguarding the trailer or its load.

(6) Any person who—

(a) drives a vehicle in accordance with a direction given under this Article; or

(b) is in charge of a place at which a vehicle is detained under paragraph (5),

shall not be liable for any damage to, or loss in respect of, the vehicle or its load unless it is shown that he did not take reasonable care of the vehicle while driving it or, as the case may be, did not, while the vehicle was detained in that place, take reasonable care of the vehicle or (if the vehicle was detained there with its load) did not take reasonable care of its load.

(7) In this Article "appropriate person"

(a) in relation to a direction to remove a motor vehicle, other than a motor vehicle drawing a trailer, means a person licensed to drive vehicles of the class to which the vehicle belongs, and

(b) in relation to a direction to remove a trailer, or to remove a motor vehicle drawing a trailer, means a person licensed to drive vehicles of a class which, when the direction is complied with, will include the motor vehicle drawing the trailer in accordance with that direction.

### Production of certain documents

**87.**—(1) Paragraph (2) shall have effect in relation to a vehicle where it appears to an authorised officer that the vehicle—

(a) is a foreign goods vehicle, or

(b) is a foreign public service vehicle,

which has been brought into Northern Ireland and is being used, or which has been brought into Northern Ireland for the purposes of being used, in such circumstances as, by virtue of regulations for the time being in force under section 45 of the Transport Act (Northern Ireland) 1967 **[**[F235]or section 57 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010,**]** , to require a document of a description specified in the regulations to be carried on it.

(2) In the circumstances mentioned in paragraph (1) an authorised officer, on production, if so required, of his authority—

(a) may require the driver of the vehicle to produce a document of the description in question and to permit the authorised officer to inspect and copy it, and

(b) may detain the vehicle for such time as is requisite for the purpose of inspecting and copying the document,

and, if the driver refuses or fails to comply with any such requirement (including any case where he does so by reason that no such document is carried on the vehicle), the authorised officer may prohibit the driving of the vehicle on a road, either absolutely or for a specified purpose, and either for a specified period or without limitation of time.

(3) In paragraphs (3) and (4) of Article 84 and in Articles 85 and 86 any reference to a prohibition imposed under Article 84 shall be construed as including a reference to a prohibition imposed under this Article; and, in relation to a prohibition imposed under this Article, so much of Article 84(4) or of Article 85(2) as relates to the circumstances in consequence of which the prohibition was imposed shall be read subject to the appropriate modifications.

**F235** Words in art. 87(1) inserted (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 3 para. 10**; S.R. 2012/262, art. 2 (with arts. 4-6)

### Application of[F236 Articles 86 and 87 of the Order of 1995] to foreign vehicles on harbour land

**88.**—(1) The powers conferred by**[**[F236] Article 86(1) of the Order of 1995 (whereby an authorised person**]** is empowered to require the person in charge of a motor vehicle to allow the vehicle or any trailer drawn by the vehicle to be weighed, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles) shall be exercisable in relation to the person in charge of a motor vehicle which is a foreign goods vehicle or a foreign public service vehicle and is for the time being on land to which this Article applies, whether that land is or is not a road, and whether apart from this Article those powers would be so exercisable or not; and any reference in**[**[F236] Article 86 or 87 of the Order of 1995**]** to those powers or to such a requirement shall be construed accordingly.

(2) This Article applies to any land which forms part of a harbour or which is adjacent to a harbour and is occupied wholly or partly for the purposes of harbour operations.

(3) In this Article "harbour" and "harbour operations" have the meanings assigned to them by section 38(1) of the Harbours Act (Northern Ireland) 1970 .

**F236** 1995 NI 18

### Interpretation and transitional provisions

**89.**—(1) In this Part—

"authorised officer" means—

(a) **[**[F237]an examiner appointed under Article 74 of the Order of 1995,**]**

*Sub-para. (b) rep. by 1995 NI 18*

(c) an officer of the Department who is authorised by the Department for the purposes of Article 64,

(d) an authorised inspection officer for the purposes of any relevant Community provision,

(e) a constable, and

(f) **[**[F237]in relation to functions under Articles 86 and 87 of the Order of 1995, an authorised person within the meaning of Article 86 of that Order;**]**

"driver"

(a) in relation to a motor vehicle, includes any person who is in charge of the vehicle, and, if a separate person acts as steersman, includes that person as well as any other person in charge of the vehicle or engaged in the driving of it, and

(b) in relation to a trailer, means any person who (in accordance with paragraph ( *a*) of this definition) is the driver of the motor vehicle by which the trailer is drawn;

"foreign goods vehicle" means a goods vehicle—

(a) which has been brought temporarily into Northern Ireland and does not remain in Northern Ireland for more than 3 months,

(b) which is engaged in carrying goods by road on a journey some part of which has taken place, or will take place, outside the United Kingdom,

(c) which is not used at any time during the said journey for the carriage of goods loaded at one place in the United Kingdom and delivered at another place in the United Kingdom;

"foreign public service vehicle" means a public service vehicle which has been brought into Northern Ireland and is not registered in the United Kingdom.

(2) In this Part any reference to driving a vehicle shall, in relation to a trailer, be construed as a reference to driving the motor vehicle by which the trailer is drawn.

(3) In this Part any reference to a motor vehicle drawing a trailer, or to a motor vehicle by which a trailer is drawn, shall be construed as a reference to a motor vehicle to which a trailer is attached for the purpose of being drawn by it; and where, for the purpose of being drawn by a motor vehicle, two or more trailers (one of which is attached to the motor vehicle) are attached to each other, the motor vehicle shall for the purposes of this Part be treated as drawing each of those trailers.

(4) For the purposes of this Part a motor vehicle which does not for the time being have exhibited on it a licence or trade plates issued under**[**[F238] the Vehicle Excise and Registration Act 1994**]** shall be presumed, unless the contrary is proved, not to be registered in the United Kingdom.

(5) Where, in accordance with paragraph (4), a motor vehicle is presumed not to be registered in the United Kingdom, but is subsequently proved to have been so registered, anything which—

(a) has been done in relation to the vehicle, or in relation to a trailer drawn by it, by a person relying in good faith on that presumption and purporting to act by virtue of any provision of**[**[F237] the Road Traffic Orders**]**, and

(b) would have been lawfully done by virtue of that provision if the vehicle had not been registered in the United Kingdom,

shall be treated as having been lawfully done by virtue of that provision.

**F237** 1995 NI 18
**F238** 1994 c.22

# PART VIII

## INSURANCE AGAINST THIRD-PARTY LIABILITIES

### Users of motor vehicles to be insured or secured against third-party risks

**90.**—(1) Subject to the provisions of this Part, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road**[**[F239] or other public place**]** unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part.

(2) This Article shall not apply to a motor vehicle owned by—

(a) the district council of the City of Belfast or the district council of the City of Londonderry or the Belfast Harbour Commissioners; or

**[**[F240](aa) any subsidiary company of the Northern Ireland Transport Holding Company providing road passenger transport services;**]**

(b) a person who has deposited and keeps deposited with the Accountant-General of the Supreme Court of Northern Ireland, for and on behalf of the said Supreme Court, the sum of**[**[F241] £500,000**]** or such other amount as the Department may by order specify,

at any time when the motor vehicle is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.

**[**[F242](2A) This Article shall not apply to—

(a) a motor vehicle owned by a health and **[**[F243]social care**]** body, as defined in Article 7(6) of the Health and Personal Social Services (Northern Ireland) Order 1991; or

(b) an ambulance owned by a **[**[F244]Health and Social Care trust**]** established under that Order,

at a time when the vehicle is being driven by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.**]**

(3) This Part shall not extend to tramcars or trolley vehicles, the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, unless the special Act or order provides that this Part shall so extend.

(4) Any person who contravenes paragraph (1) shall be guilty of an offence under this Order.

**F239** SR 2000/331
**F240** 1984 NI 15
**F241** SR 1994/18
**F242** 1991 NI 1
**F243** Words in art. 90(2A)(a) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(a)** (with Sch. 6 para. 1(2)(3)); S.R. 2009/114, **art. 2**
**F244** Words in art. 90(2A)(b) substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(c)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**

### Defence to charge under Article 90

**91.** A person charged with an offence under Article 90 shall not be convicted if he proves—

(a) that the vehicle did not belong to him and was not in his possession under a contract of hiring or of loan;

(b) that he was using the vehicle in the course of his employment and with the authority of his employer; and

(c) that he neither knew nor had reason to believe that there was not in force in relation to the vehicle such a policy of insurance or security as complied with the requirements of this Part.

PROSPECTIVE

### [[F245]Offence of keeping vehicle which does not meet insurance requirements

**91A.**—(1) If a motor vehicle registered under the Vehicle Excise and Registration Act 1994 does not meet the insurance requirements, the person in whose name the vehicle is registered is guilty of an offence.

(2) For the purposes of this Article a vehicle meets the insurance requirements if–

(a) it is covered by a such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part, and

(b) either of the following conditions is satisfied.

(3) The first condition is that the policy or security, or the certificate of insurance or security which relates to it, identifies the vehicle by its registration mark as a vehicle which is covered by the policy or security.

(4) The second condition is that the vehicle is covered by the policy or security because–

(a) the policy or security covers any vehicle, or any vehicle of a particular description, the owner of which is a person named in the policy or security or in the certificate of insurance or security which relates to it, and

(b) the vehicle is owned by that person.

(5) For the purposes of this Article a vehicle is covered by a policy of insurance or security if the policy of insurance or security is in force in relation to the use of the vehicle.

**F245** Arts. 91A-91D inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **25(1)**

PROSPECTIVE

### Exceptions to Article 91A offence

**91B.**—(1) A person ("the registered keeper") in whose name a vehicle which does not meet the insurance requirements is registered at any particular time ("the relevant time") does not commit an offence under Article 91A at that time if any of the following conditions are satisfied.

(2) The first condition is that at the relevant time the vehicle is owned as described in paragraph (2) or (2A) of Article 90 (whether or not at the relevant time it is being driven as described in that provision).

(3) The second condition is that the registered keeper–

(a) is not at the relevant time the person keeping the vehicle, and

(b) if previously he was the person keeping the vehicle, he has by the relevant time complied with any requirements under paragraph (6)(a) that he is required to have complied with by the relevant or any earlier time.

(4) The third condition is that–

(a) the registered keeper is at the relevant time the person keeping the vehicle,

(b) at the relevant time the vehicle is not used on a road or other public place, and

(c) the registered keeper has by the relevant time complied with any requirements under paragraph (6)(a) that he is required to have complied with by the relevant or any earlier time.

(5) The fourth condition is that–

(a) the vehicle has been stolen before the relevant time,

(b) the vehicle has not been recovered by the relevant time, and

(c) any requirements under paragraph (6)(b) that, in connection with the theft, are required to have been complied with by the relevant or any earlier time have been complied with by the relevant time.

(6) Regulations may make provision–

(a) for the purposes of paragraph (3)(b) and (4)(c), requiring a person in whose name a vehicle is registered to furnish such particulars and make such declarations as may be prescribed, and to do so at such times and in such manner as may be prescribed, and

(b) for the purposes of paragraph (5)(c), as to the persons to whom, the times at which and the manner in which the theft of a vehicle is to be notified.

(7) Regulations may make provision amending this Article for the purpose of providing for further exceptions to Article 91A (or varying or revoking any such further exceptions).

(8) A person accused of an offence under Article 91A is not entitled to the benefit of an exception conferred by or under this Article unless evidence is adduced that is sufficient to raise an issue with respect to that exception; but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.

**F245** Arts. 91A-91D inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **25(1)**

PROSPECTIVE

**Fixed penalty notices**

**91C.**—(1) Where on any occasion the Department has reason to believe that a person has committed an offence under Article 91A, the Department may give the person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Department.

(2) Where a person is given a notice under this Article in respect of an offence under Article 91A–

(a) no proceedings may be instituted for that offence before the end of the period of 21 days following the date of the notice, and

(b) he may not be convicted of that offence if he pays the fixed penalty before the end of that period.

(3) A notice under this Article must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.

(4) A notice under this Article must also state–

(a) the period during which, by virtue of paragraph (2), proceedings will not be taken for the offence,

(b) the amount of the fixed penalty, and

(c) the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty to the person mentioned in paragraph (4)(c) at the address so mentioned.

(6) Where a letter is sent in accordance with paragraph (5) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) Regulations may make provision as to any matter incidental to the operation of this Article, and in particular–

(a) as to the form of a notice under this Article,

(b) as to the information to be provided in such a notice by virtue of this Article, and

(c) as to any further information to be provided in a such notice.

(8) The fixed penalty payable under this Article is, subject to paragraph (9), £100.

(9) Regulations may substitute a different amount for the amount for the time being specified in paragraph (8).

(10) Regulations may make provision for treating a fixed penalty payable under this Article as having been paid if a lesser amount is paid before the end of a prescribed period.

(11) In any proceedings a certificate which–

(a) purports to be signed on behalf of the Department, and

(b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

**F245** Arts. 91A-91D inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **25(1)**

PROSPECTIVE

**Article 91A offence: supplementary**

**91D.**—(1) Schedule 2A makes provision about the immobilisation of vehicles as regards which it appears that an offence under Article 91A is being committed and about their removal and disposal.

(2) A person authorised by the Department for the purposes of this paragraph may on behalf of the Department conduct and appear in any proceedings by or against the Department in any court of summary jurisdiction in connection with the enforcement of an offence under Article 91A or under regulations made under Article 103 by virtue of Schedule 2A.**]**

**F245** Arts. 91A-91D inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **25(1)**

### Requirements in respect of policies

**92.**—(1) In order to comply with the requirements of this Part a policy of insurance must be a policy which —

(a) is issued by a person who is an authorised insurer within the meaning of this Part;

(b) insures such person, persons or classes of persons as may be specified in the policy (in this Article referred to as the insured) and the personal representatives of the insured, during the period (in this Article referred to as the period of cover) specified in that behalf in the policy, in respect of any liability which may be incurred by the insured in respect of the death of or bodily injury to any person**[**[F246] or damage to property**]** caused by or arising out of the use of the motor vehicle on a road**[**[F247] or other public place**]** in Northern Ireland;

**[**[F248](bb) in the case of a vehicle normally based in the territory of another member State, insures the insured in respect of any civil liability which may be incurred by the insured as a result of an event related to the use of the vehicle in Northern Ireland if—

(i) according to the law of that territory, the insured would be required to be insured in respect of a civil liability which would arise under that law as a result of that event if the place where the vehicle was used when the event occurred were in that territory, and

(ii) the cover required by that law would be higher than that required by sub-paragraph (b);**]**

(c) **[**[F248]in the case of a vehicle normally based in Northern Ireland**]** insures the insured in respect of any liability which may be incurred by the insured in respect of the use of the vehicle and of any trailer, whether or not coupled, in the territory other than Northern Ireland and Gibraltar of each of the member states of the Communities according to—

**[**[F248](i) the law on compulsory insurance against civil liability in respect of the use of vehicles, of the State in whose territory the event giving rise to the liability occurred; or

(ii) if it would give higher cover, the law which would be applicable under this Part if the place where the vehicle was used when that event occurred were in Northern Ireland;**]**

(d) is not subject to any condition, restriction or limitation which is prescribed as a condition, restriction or limitation, as the case may be, which shall not be inserted in a policy issued for the purposes of this Part; and

(e) provides that the period of cover is not capable of being terminated before its expiration by effluxion of time by the insurer unless at least one week's notice of intention so to terminate the period of cover has been given by the insurer to the person by whom the policy is effected and to the Department.

**[**[F246](2) The policy shall not be required—

(a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of the insured or in respect of bodily injury or damage to property sustained by such a person arising out of and in the course of his employment;

(b) to provide insurance for more than **[**[F249]£1,200,000 **]** in respect of all such liabilities as may be incurred in respect of damage to property caused by, or arising out of, any one accident involving the vehicle;

(c) to cover liability in respect of damage to the vehicle;

(d) to cover liability in respect of damage to goods carried for hire or reward in or on the vehicle or in or on any trailer (whether or not coupled) drawn by the vehicle;

(e) to cover any liability of a person in respect of damage to property in his custody or under his control; or

(f) to cover any contractual liability.**]**

**[**[F248](2A) In the case of a person—

(a) carried in or upon a vehicle; or

(b) entering or getting on to, or alighting from, a vehicle,

the provisions of paragraph (2)(a) relating to cover for liability in respect of death and bodily injury do not apply unless cover for such liability is in fact provided pursuant to a requirement of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972.**]**

(3) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this Article shall be liable to indemnify the insured and the personal representatives of the insured in respect of any liability which the policy purports to cover in the case of the insured or the personal representatives of the insured.

(4) A policy shall be of no effect for the purposes of this Part unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part referred to as a certificate of insurance) in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and any other matters as may be prescribed.

**[**[F250](4A) A certificate of insurance is to be treated for the purposes of this Part as having been delivered under paragraph (4) to the person by whom the policy is effected if—

(a) it is transmitted electronically by the insurer to the person in accordance with paragraph (4B); or

(b) it is made available by the insurer to the person on a website in accordance with paragraph (4C).

(4B) A certificate of insurance is transmitted electronically by an insurer to a person in accordance with this paragraph if—

(a) on effecting the policy to which the certificate relates, the person agreed to its electronic transmission for the purpose of paragraph (4); and

(b) the certificate is transmitted by the insurer to an electronic address specified by the person for this purpose.

(4C) A certificate of insurance is made available by an insurer to a person on a website in accordance with this paragraph if—

(a) on effecting the policy to which the certificate relates, the person agreed to its being made available on a website for the purposes of paragraph (4);

(b) the insurer makes the certificate available to the person by placing an electronic copy of it on a website; and

(c) the person is notified by the insurer, in a manner agreed by the person, of—

(i) the certificate's presence on the website;

(ii) the address of the website;

(iii) the place on the website where he may access the certificate; and

(iv) how he may access the certificate.

(4D) Where a certificate of insurance made available on a website is treated by virtue of paragraph (4A)(b) as having been delivered by an insurer to a person, the insurer must ensure that the certificate remains continuously accessible to the person on the website until the expiry of the last day on which the policy to which it relates has effect.

(4E) For the purposes of paragraph (4D), a certificate of insurance is to be treated as remaining continuously accessible to a person on a website, despite its being temporarily inaccessible to him on the website, if the insurer has taken all reasonable steps to make it continuously accessible to him on the website (including steps to remedy any temporary inaccessibility).**]**

(5) In this Part the expression “"policy of insurance”” includes a covering note**[**[F246] and the expression “"accident”” includes two or more causally related accidents.**]**

**F246** SR 1989/84
**F247** SR 2000/331
**F248** SR 1993/57
**F249** Sum in art. 92(2)(b) substituted (20.2.2017) by The Motor Vehicles (Compulsory Insurance) Regulations (Northern Ireland) 2017 (S.R. 2017/25), regs. 1(1), **2(2)**
**F250** Art. 92(4A)-(4E) inserted (21.3.2011) by Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(2)**

### Requirements in respect of securities

**93.**—(1) In order to comply with the requirements of this Part a security must—

(a) be given either by an authorised insurer or by some body of persons, approved by the Department, which carries on in the United Kingdom the business of giving securities of a like kind and which has deposited and keeps deposited with the Accountant-General of the Supreme Court of Northern Ireland, for and on behalf of the said Supreme Court, the sum of £15,000, or such other amount as the Department may by order specify, in respect of that business, or has deposited and keeps deposited a sum in respect of that business in accordance with section 146 of the Road Traffic Act 1972 ; and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified in the security (not being conditions prescribed as conditions which shall not be inserted in a security issued for the purposes of this Part), any failure by the owner of the motor vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under Article 92 which may be incurred by him or them,

but, until the appointed day, in the case of liabilities arising out of the use of a motor vehicle on a road**[**[F251] or other public place**]** in Northern Ireland the amount secured need not exceed in the case of an undertaking relating to the use of public service vehicles £25,000 and in any other case £5,000.

(2) A security shall be of no effect for the purposes of this Part unless and until there is issued by the person giving the security to the person to whom it is given a certificate (in this Part referred to as a certificate of security) in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed.

**F251** SR 2000/331

### Certain conditions in policies or securities to be of no effect

**94.**—(1) If, in any policy or security issued or given for the purposes of this Part, there is inserted—

(a) a condition providing that no liability shall arise under the policy or security, or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security; or

(b) any condition, restriction or limitation which is prescribed as a condition, restriction or limitation, as the case may be, which shall not be inserted in such a policy or security,

such condition, restriction or limitation shall, subject to paragraph (2), be of no effect in connection with such liabilities as are required to be covered by a policy under Article 92 or by a security under Article 93.

(2) Nothing in this Article shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third-parties

**[**[F252](3) To the extent that a policy or security issued or given for the purposes of this Part—

(a) restricts, as the case may be, the insurance of the persons insured by the policy or the operation of the security to use of the vehicle for specified purposes (for example, social, domestic and pleasure purposes) of a non-commercial character; or

(b) excludes from, as the case may be, that insurance or the operation of the security—

(i) use of the vehicle for hire or reward;

(ii) business or commercial use of the vehicle; or

(iii) use of the vehicle for specified purposes of a business or commercial character,

then, for the purposes of that policy or security so far as it relates to such liabilities as are required to be covered by a policy under Article 92, the use of a vehicle on a journey in the course of which one or more passengers are carried for payment shall**[**[F253] if the motor vehicle is used under a permit granted under section 10A of the Transport Act (Northern Ireland) 1967 or**]**, if the conditions set out in Article 66A (2) are satisfied and the vehicle is not a motor cycle, be treated as falling within that restriction or not falling within that exclusion, as the case may be.

(4) Paragraph (3) shall have effect however the restrictions or exclusions described in that paragraph are framed or worded.

(5) In paragraph (3) “"payment”” has the same meaning as in Article 66A (3).**]**

**F252** 1981 NI 24
**F253** 1990 NI 7

### Duty to surrender certificate on cancellation of policy or security

**95.**—(1) Where a certificate has been delivered under Article 92(4) **[**[F254], otherwise than as described in Article 92(4A),**]** or issued under Article 93(2) and the policy or security to which it relates is cancelled by mutual consent or by virtue of any provision in the policy or security, the person to whom the certificate was delivered shall, within 7 days from the taking effect of the cancellation, surrender the certificate to the person by whom the policy was issued or the certificate was given.

**[**[F255](1A) Where paragraph (1) applies, the person to whom the certificate of insurance was delivered—

(a) may, instead of surrendering the certificate under paragraph (1), transmit to the insurer, by means of an electronic communication to an electronic address specified by the insurer,

a statement confirming that the policy to which the certificate relates has ceased to have effect; and

(b) if he does so, is to be treated as having surrendered the certificate.

(1B) Paragraph (1C) applies where—

(a) a certificate is treated, by virtue of Article 92(4A), as having been delivered to a person under that Article; and

(b) the policy to which it relates is cancelled by mutual consent or by virtue of any provision in the policy.

(1C) The person must, within 7 days from the taking effect of the cancellation, either—

(a) transmit to the insurer, by means of an electronic communication to an electronic address specified by the insurer, a statement confirming that the policy to which the certificate relates has ceased to have effect; or

(b) deliver to the insurer a legible printed copy of the certificate endorsed with a statement made and signed by him to that effect.

(1D) A person who transmits a statement or delivers a copy of a certificate of insurance in accordance with paragraph (1C) is to be treated as having surrendered the certificate.

(1E) In this Article, "electronic communication" has the meaning given in the Electronic Communications Act (Northern Ireland) 2001.**]**

(2) Any person who without reasonable excuse fails to comply with paragraph (1) **[**[F256]or (1C)**]** shall be guilty of an offence under this Order.

**F254** Words in art. 95(1) inserted (21.3.2011) by Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(3)(a)**

**F255** Art. 95(1A)-(1E) inserted (21.3.2011) by Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(3)(b)**

**F256** Words in art. 95(2) inserted (21.3.2011) by Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(3)(c)**

### Duty of persons against whom claims are made to give information as to insurance

**96.**—(1) A person against whom a claim is made in respect of any such liability as is required to be covered by a policy of insurance under Article 92(1)( *b*) or by a security under Article 93(1)( *b*) shall, on demand by or on behalf of the person making the claim,—

(a) state whether or not, in respect of that liability, he was insured by a policy issued for the purposes of this Part or whether or not he was secured by a security given for those purposes, or would have been so insured or would have had in force such a security if the insurer or, as the case may be, the giver of the security had not avoided or cancelled the policy or security; and

(b) if he was or would have been so insured, or was or would have been so secured, give such particulars with respect to that policy or security as were specified in any certificate of insurance or security delivered in respect of that policy or security, as the case may be, under Article 92(4) or 93(2), or where no such certificate was delivered under the said Article such particulars, that is to say,—

(i) the registration mark or other identifying particulars of the vehicle concerned;

(ii) the number or other identifying particulars of the insurance policy issued in respect of the vehicle;

(iii) the name of the insurer; and

(iv) the period of the insurance cover.

(2) Any person who, without reasonable excuse, contravenes paragraph (1) shall be guilty of an offence under this Order.

**Requirements as to production of certificate of insurance or of security**

**97.**—(1) Without prejudice to the requirements of Article 175 as to duties on the occurrence of an accident, a person driving a motor vehicle on a road shall, on being so required by a member of the Royal Ulster Constabulary, give his name and address and the name and address of the owner of the vehicle and produce his certificate.

(2) The owner of a motor vehicle shall give such information as may be required of him by or on behalf of a superintendent or chief superintendent of the Royal Ulster Constabulary for the purpose of determining whether the vehicle was or was not being driven in contravention of Article 90 on any occasion when the driver of the vehicle was required under this Article to produce his certificate.

(3) Any person who fails to comply with a requirement made of him under paragraph (1) or (2) or who wilfully makes a false statement in reply to such a requirement, shall be guilty of an offence under this Order, but a person shall not be so guilty by reason only of his failure forthwith to produce his certificate on being so required under paragraph (1) if, within**[**[F257] 7 days**]** from the date of the requirement to produce the certificate, he produces it in person at such police station as may have been specified by him at the time when the production of the certificate was required.

(4) In this Article “"produce his certificate”” means produce for examination the relevant certificate of insurance or security or such other evidence as may be prescribed that the vehicle is not or was not being driven in contravention of Article 90.

**F257** 1996 NI 10

**[**[F258]**Regulations prohibiting the grant of excise licences unless evidence of insurance or security**

**97A.** The Department may by regulations provide that where an application is made in Northern Ireland for a licence under the Vehicle Excise and Registration Act 1994 the licence shall not be granted unless the applicant produces such evidence as may be prescribed that either–

(a) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission; or

(b) the vehicle is a vehicle to which Article 90 does not apply at a time when it is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.**]**

**F258** Art. 97A inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **83**; S.R. 2007/302, **art. 2**, Sch.

**[**[F259]**Duty of insurers or persons giving security to satisfy judgment against persons insured or secured against third-party risks**

**98.**—(1) This Article applies where, after—

(a) a certificate of insurance has been delivered under Article 92(4) to the person by whom a policy has been effected, or

(b) a certificate of security has been issued under Article 93(2) to the person to whom a security has been given,

a judgment to which this paragraph applies is obtained.

(2) Paragraph (1) applies to judgments relating to a liability with respect to any matter where liability with respect to that matter is required to be covered by a policy of insurance under Article 92 and either—

(a) it is a liability covered by the terms of the policy or security to which the certificate relates, and the judgment is obtained against any person who is insured by the policy or whose liability is covered by the security, as the case may be; or

(b) it is a liability, other than an excluded liability, which would be so covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons, and the judgment is obtained against any person other than one who is insured by the policy or, as the case may be, whose liability is covered by the security.

(3) In deciding for the purposes of paragraph (2) whether a liability is or would by covered by the terms of a policy or security, so much of the policy or security as purports to restrict, as the case may be, the insurance of the persons insured by the policy or the operation of the security by reference to the holding by the driver of the vehicle of a licence authorising him to drive it shall be treated as of no effect.

(4) In sub-paragraph (2)(b), “"excluded liability”” means a liability in respect of the death of, bodily injury to, or damage to the property of any person who, at the time of the use which gave rise to the liability, was allowing himself to be carried in or upon the vehicle and knew or had reason to believe that the vehicle had been stolen or unlawfully taken, not being a person who—

(a) did not know and had no reason to believe that the vehicle had been stolen or unlawfully taken until after the commencement of his journey; and

(b) could not reasonably have been expected to have alighted from the vehicle.

In this paragraph the reference to a person being carried in or upon a vehicle includes a reference to a person entering or getting on to, or alighting from, the vehicle.

(5) Notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy or security, he shall, subject to the provisions of this Article, pay to the persons entitled to the benefit of the judgment—

(a) as regards liability in respect of death or bodily injury, any sum payable under the judgment in respect of the liability, together with any sum which is payable in respect of interest on that sum;

(b) as regards liability in respect of damage to property, any sum required to be paid under paragraph (6); and

(c) any amount payable in respect of costs.

(6) This paragraph requires—

(a) where the total of any amounts paid, payable or likely to be payable under the policy or security in respect of damage to property caused by, or arising out of, the accident in question does not exceed **[**[F260]£1,200,000**]**, the payment of any sum payable under the judgment in respect of the liability, together with any sum which is payable in respect of interest on that sum;

(b) where that total exceeds **[**[F260]£1,200,000**]**, the payment of either—

(i) such proportion of any sum payable under the judgment in respect of the liability as **[**[F260]£1,200,000 **]** bears to that total, together with the same proportion of any sum which is payable in respect of interest on that sum; or

(ii) the difference between the total of any amounts already paid under the policy or security in respect of such damage and **[**[F260]£1,200,000 **]** together with such proportion of any sum which is payable in respect of interest on any sum payable under the judgment in respect of the liability as the difference bears to that sum,

whichever is less, unless not less than **[**[F260]£1,200,000 **]** has already been paid under the policy or security in respect of such damage (in which case nothing is payable).

(7) Where as insurer becomes liable under this Article to pay an amount in respect of a liability of a person who is insured by a policy or whose liability is covered by a security, he shall be entitled to recover from that person—

(a) that amount, in a case where he became liable to pay it by virtue only of paragraph(3); or

(b) in a case where that amount exceeds the amount for which he would, apart from the provisions of this Article, be liable under the policy or security in respect of that liability, the excess.

(8) Where an insurer becomes liable under this Article to pay an amount in respect of a liability of a person who is not insured by a policy or whose liability is not covered by a security, he shall be entitled to recover the amount from that person or from any person who—

(a) is insured by the policy, or whose liability is covered by the security, by the terms of which the liability would be covered if the policy insured all persons or, as the case may be, the security covered the liability of all persons; and

(b) caused or permitted the use of the vehicle which gave rise to the liability.

(9) In this Article and Article 98A—

“"insurer”” includes a person giving a security;

“"liability covered by the terms of the policy or security”” means a liability which is covered by the policy or security or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy or security; and

“"material”” means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take risk and, if so, at what premium and on what conidtions.

**F259** SR 1989/84

**F260** Sum in art. 98(6) substituted (20.2.2017) by The Motor Vehicles (Compulsory Insurance) Regulations (Northern Ireland) 2017 (S.R. 2017/25), regs. 1(1), **2(3)**

### Exceptions to Article 98

**98A.**—(1) No sum shall be payable by an insurer under Article 98—

(a) in respect of any judgment unless, before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings;

(b) in respect of any judgment so long as enforcement of the judgment is stayed pending an appeal; or

(c) in connection with any liability if, before the happening of the event which was the cause of the death or bodily injury or damage to property giving rise to the liability, the policy or security was cancelled by mutual consent or by virtue of any provision contained in it, and also either before or after the happening of that event but before the expiration of the period of 14 days from the taking effect of the cancellation of the policy or security—

(i) the certificate was surrendered to the insurer **[**[F261](in the case of a certificate delivered otherwise than as described in Article 92(4A))**]**; or

(ii) the insurer has commenced proceedings under this Order in respect of the failure to surrender the certificate.

(2) Subject to paragraph (3), no sum shall be payable by an insurer under Article 98 if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration—

(a) that, apart from any provision contained in the policy or security, he is entitled to avoid **[**[F262]the policy under either of the relevant insurance enactments, or the security**]** on the ground that it was obtained—

(i) by the non-disclosure of a material fact; or

(ii) by a representation of fact which was false in some material particular; or

(b) if he has avoided the policy **[**[F263]under either of the relevant insurance enactments, or the security**]** on that ground, that he was entitled so to do apart from any provision contained in **[**[F264]the policy or security**]**.

(3) An insurer who has obtained such a declaration as is mentioned in paragraph (2) in an action shall not by reason of that become entitled to the benefit of that paragraph as respects any judgment obtained in proceedings commenced before the commencement of that action unless before, or within 7 days after, the commencement of that action he has given notice of it to the person who is the plaintiff in those proceedings specifying **[**[F265]the relevant insurance enactment or, in the case of a security,**]** the non-disclosure or false representation on which he proposes to rely.

(4) A person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party to it.

**[**
[F266](5) In this Article, "relevant insurance enactment" means the Consumer Insurance (Disclosure and Representations) Act 2012 or Part 2 of the Insurance Act 2015.**]]**

**F259** SR 1989/84
**F261** Words in art. 98A(1)(c)(i) inserted (21.3.2011) by Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(4)**
**F262** Words in art. 98A(2)(a) substituted (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(5)(a)(i)**, 23(2) (with s. 22(1))
**F263** Words in art. 98A(2)(b) substituted (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(5)(a)(ii)**, 23(2) (with s. 22(1))
**F264** Words in art. 98A(2)(b) substituted (6.4.2013) by Consumer Insurance (Disclosure and Representations) Act 2012 (c. 6), ss. 11(4)(b), 12(2) (with s. 12(4)(5)); S.I. 2013/450, art. 2
**F265** Words in art. 98A(3) inserted (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(5)(b)**, 23(2) (with s. 22(1))
**F266** Art. 98A(5) added (12.8.2016) by Insurance Act 2015 (c. 4), **ss. 21(5)(c)**, 23(2) (with s. 22(1))

*Art. 99 rep. by 2001 c. 3 (NI)*

**Bankruptcy, etc., of insured persons not to affect certain claims by third-parties**

**100.** When a certificate of insurance has been delivered under Article 92(4), to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any **[**[F267]event which results in that person being a relevant person for the purposes of the Third Parties (Rights against Insurers) Act 2010**]** , shall, notwithstanding anything in that Act, not affect any such liability of that person as is, by virtue of Article 92(1)( *b*), required to be covered by a policy, but

nothing in this Article shall affect any rights against the insurer conferred by **[**[F268]that Act**]** on the person to whom the liability was incurred.

**F267** Words in art. 100 substituted (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), s. 21(2), **Sch. 2 para. 1(a)**; S.I. 2016/550, art. 2
**F268** Words in art. 100 substituted (1.8.2016) by Third Parties (Rights against Insurers) Act 2010 (c. 10), s. 21(2), **Sch. 2 para. 1(b)**; S.I. 2016/550, art. 2

### Meaning of authorised insurer for purposes of this Part

**101.—[**[F269](1) In this Part “"authorised insurer”” has the same meaning as in Article 12.**]**

(2) If any person or body of persons ceases to be a member of the Motor Insurers' Bureau[F269]. . . , that person or body shall not thereby cease to be treated as an authorised insurer for the purposes of this Part[F270]. . .

(a) in relation to any policy issued by the insurer before ceasing to be such a member; or

(b) in relation to any obligation (whether arising before or after the insurer ceased to be such a member) which the insurer may be called upon to meet under or in consequence of any such policy[F271]. . . by virtue of making a payment in pursuance of such an obligation.

**F269** SI 2001/3649
**F270** Words in art. 101(2) repealed (29.1.2007) by Recovery of Health Services Charges (Northern Ireland) Order 2006 (S.I. 2006/1944 (N.I. 13)), arts. 1(2), 21(1), **Sch. 2** (with art. 18); S.R. 2006/484, **art. 2**
**F271** Words in art. 101(2)(b) repealed (29.1.2007) by Recovery of Health Services Charges (Northern Ireland) Order 2006 (S.I. 2006/1944 (N.I. 13)), arts. 1(2), 21(1), **Sch. 2** (with art. 18); S.R. 2006/484, **art. 2**

### Deposits under this Part

**102.** No part of any sum deposited by any person with the Accountant-General of the Supreme Court under Article 90(2)( *b*) or 93(1)( *a*) shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part, which have been incurred by that person have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

PROSPECTIVE

### [[F272]Disclosure of information

**102A.**—(1) Regulations may make provision for an in connection with requiring MIIC to make information available to any prescribed person for the purposes of the exercise of any of that person's functions in connection with the enforcement of an offence under this Part or under regulations made under Article 103.

(2) In this Article–

“information” means information held in any form;

“MIIC” means the Motor Insurers' Information Centre (a company limited by guarantee and incorporated under the Companies Act 1985 (c. 6) on 8th December 1998).**]**

**F272** Art. 102A inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **25(2)**

### Regulations for purposes of this Part

**103.**—(1) Subject to paragraph (2), the Department may make regulations for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

(a) as to the forms to be used for the purposes of this Part;

(b) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed, and as to the keeping of records [F273]. . . and the furnishing of particulars thereof or the giving of information with respect thereto to the Department or a superintendent or chief superintendent of the Royal Ulster Constabulary;

(c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(d) as to the custody, production, cancellation and surrender of any such certificates or other documents;

(e) for providing that any provisions of this Part shall, in relation to vehicles brought into Northern Ireland by a person making only a temporary stay in Northern Ireland, have effect subject to such modifications and adaptations as may be prescribed.

*Para. (2) rep. by SR 1989/84*

**F273** Words in art. 103(1) omitted (21.3.2011) by virtue of Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(5)**

## Parts IX - XI

Articles 104-119 rep. by 1997 NI 2

Article 120 rep. by 1996 NI 10

Articles 121-128 rep. by 1997 NI 2

## [F274]PART XII

## PROVISIONS AS TO ROAD SAFETY

**F274** Pt. XII (arts. 129-138) repealed (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I** and the repeal being partly in operation, as to which see individual Articles

*Articles 129, 129A-129D, 130, 131 rep. by 1995 NI 18*

Driving instructors

**Approved driving instructors**

**132**

**132.—[**[F275](1) The Department may compile and maintain a register of persons approved by the Department as qualified to give instruction in the driving of motor vehicles (in this Article and in Articles 133 to**[**[F276] 137**]** referred to as the register of approved driving instructors).

(2) The Department may make regulations with respect to the form, compilation and maintenance of the register of approved driving instructors, the making or renewal of entries in and the removal of entries from the register, and, in particular—

(a) prescribing [F277]. . . a fee to be paid on each application for registration or renewal of registration;

(b) prescribing a form of examination (which may consist of more than one part) or test or both to be taken by each applicant as a condition of approval or continued approval for the purposes of registration or renewal of registration;

(c) requiring an applicant submitting himself for any examination or test to provide any vehicle which may be required for the purposes of the examination or test;

(d) requiring an applicant submitting himself for any examination (or any part of any examination) or test to pay such fee as may be prescribed [F278]. . . ;

(e) providing for the repayment in such circumstances as may be prescribed of any fee paid under sub-paragraph ( *a*) or ( *d*);

(f) providing special exemptions in connection with the registration of persons not residing in Northern Ireland or persons becoming resident in Northern Ireland;

(g) prescribing an official title or description for use by persons registered in the register and the form, colour and design of a badge or the form of a certificate which may be worn or, as the case may be, displayed by such persons;

(h) making such other incidental or supplementary provision as the Department may think expedient for the purpose of giving effect to this Article.

(3) Any person who—

(a) not being registered in the register, takes or uses a title or description prescribed by regulations made under paragraph (2), or wears or displays a badge or certificate so prescribed, or takes or uses any name, title, addition or description implying that he is so registered; or

(b) being a person carrying on business in the provision of instruction in the driving of motor vehicles, uses a title or description so prescribed in relation to any person employed by him who is not so registered, or issues any advertisement or invitation calculated to mislead with respect to the extent to which persons so registered are employed by him,

shall, subject to paragraph (4), be guilty of an offence under this Order.

(4) In proceedings against any person for an offence under paragraph (3)( *a*) or for an offence under paragraph (3)( *b*) in relation to a person employed by him, it shall be a defence for the person charged to prove that he did not know, and had no reasonable cause to believe, that he, or, as the case may be, the person employed by him, was not at the material time registered in the register of approved driving instructors.

(5) Any person who knowingly makes a false statement or withholds material information for the purpose of securing registration, renewal of registration or continued registration in the register of approved driving instructors shall be guilty of an offence under this Order.**]**

**F275** Art. 132 repealed (2.8.2010 for certain purposes, otherwise prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2010/226, **art. 2**, Sch.

**F276** 1996 NI 10

**F277** Words in art. 132(2)(a) ceased to have effect (15.11.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **79(3)(e)**; S.R. 2007/454, **art. 2**, Sch.

**F278** Words in art. 132(2)(d) ceased to have effect (15.11.2007) by virture of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **79(3)(f)**; S.R. 2007/454, **art. 2**, Sch.

### Driving instruction for payment to be given only by registered or licenced persons

**133**

**133.—[**[F279](1) No instruction, for the giving of which payment of money or money's worth is, or is to be, made by, or in respect of, the person to whom the instruction is given, shall be given in the driving of a motor car on a road unless the name of the person giving the instruction is in the register of approved driving instructors or he is the holder of a current licence granted under Article 135 authorising him to give such instruction.

(2) For the purpose of paragraph (1), instruction in the driving of a motor car on a road, being instruction which is given free of charge, to a person who is not the holder of a current driving licence, by, or in pursuance of arrangements made by, a person carrying on business in the supply of motor cars, and in connection with the supply of a motor car in the course of that business, shall be deemed to be given for the payment of money by the person to whom the instruction is given.

(3) If instruction is given in contravention of paragraph (1), the person by whom it is given, and, if that person is employed by another to give that instruction, that other, as well as that person, shall be guilty of an offence under this Order.

(4) In proceedings against a person for an offence under paragraph (3), it shall be a defence for him to prove that he did not know, and had no reasonable cause to believe, that his name or, as the case may be, that of the person employed by him, was not in the register of approved driving instructors at the material time.

(5) Any reference in this Article[F280]. . . to a current licence is a reference to a licence which has not expired and has not been cancelled, revoked or suspended.**]**

**F279** Art. 133 repealed (2.8.2010 for certain purposes, otherwise prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2010/226, **art. 2**, Sch.

**F280** 1996 NI 10

### Exemption of police instructors

**134**

**134.—[**[F281](1) Article 133(1) shall not apply to the giving of instruction by a police instructor in pursuance of arrangements made by the Chief Constable.

(2) In this Article—

"police instructor" means—

(a) a member of the Royal Ulster Constabulary whose duties consist of or include, or have consisted of or included, the giving of instruction in the driving of motor cars to members of the Royal Ulster Constabulary; or

(b) any person employed by the Police Authority for Northern Ireland for the purpose of giving such instruction to members of the Royal Ulster Constabulary.**]**

**F281** Art. 134 repealed (2.8.2010 for certain purposes, otherwise prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2010/226, **art. 2**, Sch.

### Licences to give instruction restricted by Article 133

**135.**—(1) For the purpose of enabling a person to acquire practical experience in giving instruction in driving motor cars with a view to undergoing the examination prescribed under Article 132(2)( *b*) the Department may by regulations provide for the granting, renewal and revocation of licences to give instruction in the driving of a motor car being instruction the giving of which is restricted by Article 133.

(2) In particular, and without prejudice to the generality of paragraph (1), regulations made under that paragraph—

(a) may prescribe [F282]. . . the fees to be paid on each application for a licence or renewal of licence;

(b) may provide for special exemptions in connection with the granting or renewal of licences to persons not residing in Northern Ireland or persons becoming resident in Northern Ireland;

(c) may provide for the refusal to grant a licence under this Article to a person to whom two or more such licences have previously been issued.

**F282** Words in art. 135(2)(a) ceased to have effect (15.11.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **79(3)(g)**; S.R. 2007/454, **art. 2**, Sch.

### Surrender of certificates and licences

**136**

**[**[F283]Where—

(a) the name of a person to whom a certificate prescribed under Article 132(2)( *g*) has been issued is removed from the register of approved driving instructors in pursuance of regulations made under that Article; or

(b) a licence granted under Article 135 to a person expires or is revoked;

he shall, if so required by the Department by notice in writing, surrender the certificate or licence, as the case may be, to the Department within the period of 14 days beginning with that on which the notice is given, and if he fails to do so he shall be guilty of an offence under this Order.**]**

**F283** Art. 136 repealed (2.8.2010 for certain purposes, otherwise prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2010/226, **art. 2**, Sch.

### Production of certificates and licences to constables and authorised persons

**137**

**137.**—**[**[F284](1) A person to whom a certificate prescribed under Article 132(2)( *g*) is issued, or to whom a licence under Article 135 is granted, shall, on being so required by a constable or any person authorised in writing by the Department in that behalf, produce the certificate or licence for examination.

(2) Where the name of a person is removed from the register of approved driving instructors or a licence granted under Article 135 to a person expires or is revoked, then, if that person fails to

satisfy an obligation imposed on him by Article 136, a constable or a person authorised in writing by the Department may require him to produce any such certificate issued to him or the licence, and upon its being produced may seize it and deliver it to the Department.

(3) If a person who is required under paragraph (1) or (2) to produce a document fails to do so, then unless, within**[**[F285] 7 days**]** from the day on which the production of the document was so required, it is produced—

(a) where the requirement was made by a constable, at such police station as, at the time the production was required, may have been specified by the person required to produce the document or, if he does not specify a police station, at such police station as the constable may specify;

(b) where the requirement was made by a person, other than a constable, at such place as the person by whom the requirement was made may, at the time the production was required, have specified;

that person shall be guilty of an offence under this Order.**]**

**F284** Art. 137 repealed (2.8.2010 for certain purposes, otherwise prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2010/226, **art. 2**, Sch.
**F285** 1996 NI 10

### **[**[F286]**Meaning of motor car**

**137A**

**137A.—[**[F287](1) Notwithstanding Article 3 of the Road Traffic (Northern Ireland) Order 1995, in this Part "motor car" means a motor vehicle (other than an invalid carriage or motor cycle)—

(a) which is not constructed or adapted to carry more than nine persons inclusive of the driver, and

(b) which has a maximum gross weight not exceeding 3.5 tonnes.

(2) In paragraph (1) "maximum gross weight" has the same meaning as in Part II.**]**

**F286** SR 1997/241
**F287** Art. 137A repealed (2.8.2010 for certain purposes, otherwise prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2010/226, **art. 2**, Sch.

*Article 138 rep. by 1996 NI 10***]**

## PART XIII

## GENERAL PROVISIONS AS TO OFFENCES, ENFORCEMENT, EVIDENCE AND PROCEEDINGS

*Articles 139-140 rep. by 1996 NI 10*

*Article 141 rep. by 1991 NI 3*

*Articles 142-149 rep. by 1995 NI 18*

*Articles 150-152 rep. by 1996 NI 10*

*Articles 152A, 153 rep. by 1995 NI 18*

Other offences involving want of due care and attention

### Driving with uncorrected defective eyesight

**154.**—(1) If a person drives a motor vehicle on a road while his eyesight is such (whether through a defect which cannot be or one which is not for the time being sufficiently corrected) that he cannot comply with any requirement as to eyesight prescribed under Part II for the purposes of tests of competence to drive, he shall be guilty of an offence under this Order.

(2) A constable having reason to suspect that a person driving a motor vehicle may be guilty of an offence under paragraph (1) may require him to submit to a test for the purpose of ascertaining whether, using no means of correction other than he used at the time of driving, he can comply with the requirement as to eyesight prescribed under Part II for the purposes of tests of competence to drive; and if that person refuses to submit to the test he shall be guilty of an offence under this Order.

*Articles 155-157 rep. by 1997 NI 2*

*Articles 158-162 rep. by 1995 NI 18*

*Article 163 rep. by 1983 NI 8*

*Articles 164, 165 rep. by 1995 NI 18*

Other offences

### Applying for or obtaining driving licence or provisional licence while disqualified

**166.** [F288] . . . . . .

**F288** Arts. 166-168 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

### Driving a motor vehicle, or causing or permitting a person to drive a motor vehicle, while disqualified

**167.** [F289] . . . . . .

**F289** Arts. 166-168 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

### [[F290]Articles 54 and 57 of the Magistrates' Courts (Northern Ireland) Order 1981 not to apply to Articles 166 and 167

**168.** [F291] . . . . . .

**F290** 1981 NI 26
**F291** Arts. 166-168 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

### [[F292]Applying for or obtaining a driving licence, or driving, while disqualified

**168A.**—(1) Subject to paragraphs (3) and (4), a person is guilty of an offence if, while disqualified for holding or obtaining a driving licence, he–

(a) applies for a licence, or

(b) obtains a licence, or

(c) drives a motor vehicle on a road.

(2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

(3) Paragraph (1)(a) and (b) do not apply in relation to disqualification by virtue of Article 17.

(4) Paragraph (1)(c) does not apply in relation to disqualification by virtue of Article 18.

(5) In the application of paragraph (1) to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of–

(a) Article 18, 74 or 74A, or

(b) paragraph (9) of Article 41 of the Offenders Order (disqualification until test is passed),

the references to disqualification for holding or obtaining a licence, applying for a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive, applying for a licence for and driving motor vehicles of that class.**]**

**F290** 1981 NI 26
**F292** Art. 168A inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **37**; S.R. 2007/454, **art. 2**, Sch.

*Article 169 rep. by 1996 NI 10*

*Article 170 rep. by 1995 NI 18*

### Vehicle causing obstruction

*Para. (1) rep. by 1995 NI 18*

*Paras. (2)-(6) rep. by 1997 NI 2*

**F290** 1981 NI 26

### Taking vehicle without owner's consent or other authority

**172.**—(1) Subject to paragraph (2), any person who, without having the consent of the owner or other lawful authority, takes or attempts to take, a motor vehicle, trailer or[F293]. . . cycle for his own or another's use or, knowing that any motor vehicle, trailer or[F293]. . . cycle has been taken without such authority, drives or attempts to drive it or allows himself to be carried in or on it shall be guilty of an offence under this Order.

(2) If on proceedings on indictment for an offence under this Article the jury is satisfied, or, on summary proceedings under this Article the court is satisfied, that the defendant acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked for it, the defendant shall not be liable to be convicted of the offence.

(3) On the trial of any indictment for the theft of a motor vehicle, trailer or[F293]. . . cycle, the jury may acquit the defendant of theft and find him guilty of an offence under this Article.

(4) A court of summary jurisdiction dealing summarily with the offence of theft of a motor vehicle, trailer or[F293]. . . cycle may acquit the defendant of that offence and find him guilty of an offence under this Article.

**F290** 1981 NI 26

**F293** 1995 NI 18

## [F294 Aggravated vehicle-taking

**172A.**—(1) Subject to paragraph (3), a person is guilty of aggravated taking of a motor vehicle if—

(a) he commits an offence under Article 172(1) (in this Article referred to as a basic offence) in relation to a motor vehicle; and

(b) it is proved that, at any time after the vehicle was unlawfully taken (whether by him or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in sub-paragraphs (a) to (d) of paragraph (2).

(2) The circumstances referred to in paragraph (1)(b) are—

(a) that the vehicle was driven dangerously on a road or other public place;

(b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;

(c) that, owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle;

(d) that damage was caused to the vehicle.

(3) A person is not guilty of an offence under this Article if he proves that, as regards any such proven driving, injury or damage as is referred to in paragraph (1)(b), either—

(a) the driving, accident or damage referred to in paragraph (2) occurred before he committed the basic offence; or

(b) he was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred.

(4) If a person who is charged with an offence under this Article is found not guilty of that offence but it is proved that he committed a basic offence, he may be convicted of the basic offence.

(5) For the purposes of this Article a vehicle is driven dangerously if—

(a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous.

(6) For the purposes of this Article a vehicle is recovered when it is restored to its owner or to other lawful possession or custody.

**F290** 1981 NI 26
**F294** 2004 NI 15

### Aggravated vehicle-taking causing death or grievous bodily injury

**172B.**—(1) A person is guilty of an offence under this Article if—

(a) he commits an offence under Article 172A(1) (in this Article referred to as a basic offence) in relation to a motor vehicle; and

(b) it is proved that, in circumstances falling within Article 172A(2)(b), the accident caused the death of, or grievous bodily injury to, the person concerned.

(2) If a person who is charged with an offence under this Article is found not guilty of that offence but it is proved that he committed a basic offence or an offence under Article 172A, he may be convicted of that offence.

**F290** 1981 NI 26
**F294** 2004 NI 15

*Article 173 rep. by 1995 NI 18*

**False statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure**

**174.**—(1) A person shall be guilty of an offence under this Order who—

(a) in connection with an**[**[F295] application for–

(i) any licence under the Road Traffic Orders;

(ii) a goods vehicle test certificate under the Road Traffic Orders;

(iii) an international road haulage permit;

(iv) the entry or retention of a name in the register of driving instructors maintained under Part V of the Order of 2007;

(v) a document evidencing the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;

(vi) any certificate under Article 65 of the Order of 2007,**]**

knowingly makes a declaration which is false or is misleading in any material respect;

(b) being required by any provision of**[**[F296] the Road Traffic Orders**]** or of any regulations made under**[**[F296] the Road Traffic Orders**]** to furnish particulars in connection with any such application as aforesaid or otherwise in connection with any vehicle, knowingly furnishes particulars which are false or are misleading in any material respect;

(c) for the purpose of obtaining the issue of a certificate of insurance or a certificate of security under Article 92 or 93, knowingly makes a statement which is false, or withholds any material information;

(d) issues a certificate of insurance or certificate of security under Article 92 or 93 which he knows to be false in any material particular.

**[**[F297](e) knowingly produces false evidence for the purposes of regulations under Article 72 of the Order of 1995 or knowingly makes a false statement in a declaration required to be made by those regulations;

(f) intentionally makes a false entry in any record required to be made or kept by regulations under Article 82 of the Order of 1995, or with intent to deceive, makes use of any such entry which he knows to be false.**]**

**[**[F298](2) A person who, with intent to deceive–

(a) forges, alters or uses a document or other thing listed in paragraph (2A); or

(b) lends to, or allows to be used by, any other person a document or other thing listed in paragraph (2A); or

(c) makes or has in his possession any document or other thing so closely resembling a document or other thing listed in paragraph (2A) as to be calculated to deceive,

is guilty of an offence.

(2A) The documents or other things referred to in paragraph (2) are–

(a) any licence under the Road Traffic Orders or, in the case of a licence to drive, any counterpart of such a licence;

(b) any counterpart of a Great Britain licence or Community licence;

(c) any international road haulage permit;

(d) any document which, in pursuance of Article 5(3) of this Order, is issued as evidence of the result of a test of competence to drive;

(e) any certificate provided for by regulations under Article 13(3A) of this Order relating to the completion of a training course for motor cyclists;

(f) any certificate of conformity or Department's approval certificate within the meaning of Part IV of this Order;

(g) any certificate of insurance or certificate of security under Article 92 or 93 of this Order;

(h) any certificate required as a condition of any exception prescribed under Article 23 of the Order of 1995;

(i) any test certificate, goods vehicle test certificate, plating certificate or certificate of temporary exemption within the meaning of Part III of the Order of 1995;

(j) any seal required by regulations made under Article 55 of the Order of 1995 with respect to speed limiters;

(k) any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;

(l) any certificate evidencing the examination of a motor vehicle modified to be propelled using fuel stored under pressure under regulations made under Article 55 of the Order of 1995

(m) any document evidencing the appointment of an examiner under Article 74 of the Order of 1995;

(n) any notice removing a prohibition under Article 77 (power to prohibit driving of unfit vehicles) or Article 79 (power to prohibit driving of overloaded vehicles) of the Order of 1995;

(o) any records required to be kept by virtue of Article 82 of the Order of 1995;

(p) a certificate of the kind referred to in Article 32B(1) (reduced penalty points for attendance on course) or Article 37(1) (reduced disqualification period for attendance on course) of the Offenders Order;

(q) any document produced as evidence of the passing of an appropriate driving test within the meaning of Article 41 of the Offenders Order;

(r) any document evidencing the passing of an examination (or part of an examination) required by regulations under Article 62 or the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;

(s) any certificate under Article 65 of the Order of 2007;

(t) any certificate or other item prescribed under Article 70(1)(a) of the Order of 2007;

(u) any document produced as evidence of insurance in pursuance of Regulation 6 of the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973.

(2B) In paragraph (2A), “Community licence”, “counterpart” and “Great Britain licence” have the same meanings as in Part II.**]**

(3) **[**[F299] If–

(a) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that a document or other thing produced to him under this Order by the driver of a motor vehicle;

(b) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;

(c) a constable or any person authorised in writing by the Department under Article 72 of the Order of 2007 has reasonable cause to believe that a certificate or other item produced to him under Article 72 of that Order by the driver of a motor vehicle,

is a document or other thing**]** in relation to which an offence has been committed under this Article, he may seize the document **[**[F300]or other thing**]**; when the document **[**[F300]or other thing**]** is seized under this Article the person from whom it was taken shall, unless the document **[**[F300]or other thing**]** has been previously returned to him or he has been previously charged with an offence under this Article, be summoned before a magistrates' court to account for his possession of the document **[**[F300]or other thing**]**, and the court shall make such order respecting the disposal of the document **[**[F300]or other thing**]** and award such costs as the justice of the case may require.

**[**
[F301](3A) For the purposes of paragraph (3) the power to seize includes a power to detach from a vehicle.**]**

(4) Where in any proceedings under this Article any question arises as to the number of vehicles used, or as to the character, weight or horsepower of any vehicle, or as to the number of persons seated by a vehicle, or as to the purpose for which any vehicle has been used, the burden of proof in respect of the matter in question shall lie on the accused person.

(5) In this Article "certificate of insurance" and "certificate of security" include any document issued under regulations made by the Department under Article 103 which prescribe the evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

**[**
[F302](5A) In this Article "international road haulage permit" means—

(a) a licence, permit, authorisation or other document issued in pursuance of an EU instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road, or

(b) an international road transport permit, within the meaning given by section 1(2) of the Haulage Permits and Trailer Registration Act 2018.**]**

(6) [F303] . . . . . .

**F290** 1981 NI 26
**F294** 2004 NI 15
**F295** Words in art. 174(1)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(2)**; S.R. 2007/454, **art. 2**, Sch.
**F296** 1995 NI 18
**F297** Art. 174(1)(e)(f) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(3)**; S.R. 2007/454, **art. 2**, Sch.
**F298** Art. 174(2)(2A)(2B) substituted (15.11.2007) for art. 174(2) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(4)**; S.R. 2007/454, **art. 2**, Sch.
**F299** Words in art. 174(3) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(5)(a)**; S.R. 2007/454, **art. 2**, Sch.

**F300** Words in art. 174(3) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(5)(b)**; S.R. 2007/454, **art. 2**, Sch.

**F301** Art. 174(3A) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(6)**; S.R. 2007/454, **art. 2**, Sch.

**F302** Art. 174(5A) inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), s. 27(1), **Sch. para. 2**

**F303** Art. 174(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

*Article 174A rep. by 1997 NI 2*

*Article 174B rep. by 1996 NI 10**]]***

Duties on occurrence of accidents and identification of persons

**Duties on occurrence of an accident caused by presence of a[F304 mechanically propelled vehicle]**

**175.**—(1) If in any case, owing to the presence on a road or other public place of a**[F304** mechanically propelled vehicle**]**, an accident occurs whereby—

(a) injury is caused to any person other than the driver of that vehicle; or

(b) injury is caused to any animal other than an animal in or on that vehicle or owned by the driver of that vehicle; or

(c) damage is caused to any property other than that vehicle or property in or on that vehicle or property of the driver or owner of that vehicle,

the following provisions of this paragraph shall have effect—

(i) the driver of the vehicle shall, if the vehicle is not stationary after the occurrence of the accident, stop the vehicle,

(ii) the driver of the vehicle shall keep the vehicle stationary at or near the place where the accident occurred for such period as is reasonable in all the circumstances having regard to the provisions of sub-paragraph (iii),

(iii) the driver of the vehicle shall give to any constable on demand and to any other person who on reasonable grounds requires him to do so, his name and address, the name and address of the owner of the vehicle and the identification mark or number of the vehicle,

(iv) the driver of the vehicle shall if for any reason he does not give the particulars mentioned in sub-paragraph (iii) or (whether or not those particulars are given) the accident has directly or indirectly resulted in injury to any other person, forthwith report the accident and give those particulars**[F304** and, where the vehicle is a motor vehicle, produce**]** his certificate (within the meaning of Article 97(4)) at a police station or to a member of the Royal Ulster Constabulary so, however, that it shall be a good defence to any person charged under paragraph (2) with a contravention of the provisions of this sub-paragraph to prove that he had good cause for such contravention and that he reported the accident and gave the particulars at a police station or to a member of the Royal Ulster Constabulary as soon as was reasonably practicable after the occurrence of the accident.

(2) Every person who knowingly contravenes any of the provisions of paragraph (1) shall be guilty of an offence under this Order.

*Paras. (3)(4) rep. by 1996 NI 10*

(5) Where an accident occurs owing to the presence on a road or other public place of a**[F304** mechanically propelled vehicle**]** and that vehicle was being driven or, when last driven before the accident had been driven, by some person other than the owner of the vehicle, the owner shall give

to any constable on demand all such information in his possession or procurement as may assist the constable in obtaining the name and address of the driver of the vehicle at the time of the accident or of the last driver of the vehicle prior to the accident and any person who acts in contravention of this paragraph shall be guilty of an offence under this Order.

(6) In this Article and Article 176—

"animal" means any horse, cattle, ass, mule, hinny, sheep, pig, goat or dog;

"injury" in relation to a person means personal injury and in relation to a person or animal includes injury resulting in death.

**F304** 1995 NI 18

### Duties on occurrence of other accidents

**176.**—(1) If in any case, owing to the presence on a road or other public place of a vehicle, not being a**[**[F305] mechanically propelled vehicle**]**, or an animal, an accident occurs whereby—

(a) injury is caused to any person other than a person driving, riding or in charge of that vehicle or animal, as the case may be; or

(b) injury is caused to any animal other than the first-mentioned animal or an animal owned by, or at the time of the occurrence of the accident in the charge of, the person driving, riding or in charge of the vehicle or first-mentioned animal, as the case may be; or

(c) damage is caused to any property other than property owned by, or at the time of the occurrence of the accident in the charge of, the person driving, riding or in charge of the vehicle or first-mentioned animal, as the case may be,

the person driving, riding or in charge of the vehicle or first-mentioned animal shall stop and shall give to any constable on demand and to any other person who on reasonable grounds requires him to do so, his name and address and, where he is not the owner of the vehicle or first-mentioned animal, the name and address of the owner and, if for any reason he does not give those particulars or (whether or not those particulars are given) the accident has directly or indirectly resulted in injury to any other person, forthwith report the accident and give those particulars at a police station or to a member of the Royal Ulster Constabulary.

(2) Subject to paragraph (3), every person who knowingly contravenes any of the provisions of paragraph (1) shall be guilty of an offence under this Order.

(3) It shall be a good defence to any person charged under paragraph (2) with a contravention of the provisions of paragraph (1) requiring him forthwith to report the accident and give the said particulars to prove that he had good cause for the contravention and that he reported the accident and gave the particulars at a police station or to a member of the Royal Ulster Constabulary as soon as was reasonably practicable after the occurrence of the accident.

**F305** 1995 NI 18

### Identification of drivers or owners of, and passengers in, vehicles

**177.**—**[**[F306](1)**]** Where the driver of a vehicle is alleged to be guilty of an offence**[**[F306] to which this Article applies**]**

(a) the driver of the vehicle shall on demand give to a constable his correct name and address and where the driver is not the owner of the vehicle, that of the owner and any other information concerning the vehicle (including the names and addresses of any passengers

carried in or on the vehicle at the time of the alleged offence) which it is in his power to give and, if he fails to do so, he shall be guilty of an offence under this Order;

(b) the owner of the vehicle shall give such information as he may be required by a constable to give as to the identity of the driver, and, if he fails to do so, he shall be guilty of an offence under this Order, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

(c) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver or owner of the vehicle, and, if he fails to do so, he shall be guilty of an offence under this Order.

**[**[F306](2) This Article applies to—

(a) an offence under any provision of the Road Traffic Orders,

(b) an offence under Article 27, 28 or 29 of the Offenders Order,

(c) an offence under any other enactment relating to the use of vehicles on roads,[F307]. . .

(d) an offence of manslaughter committed by the driver of a motor vehicle**[**[F307] and**]**

[F307](e) **[** an offence under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978.**]]**

**F306** 1996 NI 10
**F307** 1997 NI 2

**Modifications etc. (not altering text)**
**C5** Art. 177 extended by 2003 c. 6, Sch. 2A para. 3(a) (as inserted (prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d), 7(8), **Sch. 5**)

### Identification of pedal cyclists

**178.** A constable may require any[F308]. . . cyclist who appears to him to have committed an offence under**[**[F308] Article 42, 43 or 44 of the Order of 1995**]** to give his correct name and address, and if that person fails to do so he shall be guilty of an offence under this Order.

**F308** 1995 NI 18

**Modifications etc. (not altering text)**
**C6** Art. 178 extended by 2003 c. 6, Sch. 2A para. 3(b) (as inserted (prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d), 7(8), **Sch. 5**)

### Identification of pedestrians

**179.**—(1) If a constable has reasonable cause to believe that any pedestrian has committed any offence under**[**[F309] the Road Traffic Orders**]** or any regulations made under**[**[F309] the Road Traffic Orders**]**, he may require him to give his name and address.

(2) Any person who fails to give his name and address as required by paragraph (1) shall be guilty of an offence under this Order.

**F309** 1995 NI 18

**Modifications etc. (not altering text)**

**C7** Art. 179 extended by 2003 c. 6, Sch. 2A para. 3(c) (as inserted (prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d), 7(8), **Sch. 5**)

Enforcement powers and powers of arrest

### Enforcement powers of constable

**180.**—(1) A constable in uniform may require any person driving a**[**[F310] mechanically propelled vehicle on a road or other public place or any person riding a cycle**]** on a road or other public place to stop, and any person who fails to stop when he is so required shall be guilty of an offence under this Order.

**[**[F311](1A) A constable in uniform may arrest a person without warrant if he has reasonable cause to believe that the person has committed an offence under paragraph (1).**]**

(2 [F312] [F313]A constable may require the production for examination of the driving licence, provisional licence, certificate of insurance **[**[F314]or certificate of security**]**,**[**[F310] test certificate or goods vehicle test certificate**]** of any person—

(a) who is driving a motor vehicle on a road; or

(b) whom he reasonably suspects to have been involved in an accident on a road [F315]. . . ; or

**[**[F316](ba) in the case of a certificate of insurance or certificate of security, test certificate or goods vehicle test certificate, whom he reasonably suspects to have been involved in an accident in a public place; or**]**

(c) whom he reasonably suspects to have committed an offence under**[**[F310] the Road Traffic Orders**]**.

**[**[F317](2A) Paragraphs (2B) and (2C) apply where a certificate of insurance is treated as having been delivered to a person in accordance with Article 92(4A).

(2B) In the case of a certificate transmitted to a person as described in Article 92(4A)(a), the person is to be treated for the purposes of this Article as producing the relevant certificate of insurance if—

(a) using electronic equipment provided by him or made available to him by the constable, he provides the constable with electronic access to a copy of the certificate; or

(b) he produces a legible printed copy of the certificate.

(2C) In the case of a certificate made available to a person as described in Article 92(4A)(b), the person is to be treated for the purpose of this Article as producing the relevant certificate of insurance if—

(a) using electronic equipment provided by him or made available to him by the constable, he provides the constable with electronic access on the website in question to a copy of the certificate; or

(b) he produces a legible printed copy of the certificate.

(2D) Nothing in paragraph (2B) or (2C) requires a constable to provide a person with electronic equipment for the purpose of compliance with a requirement imposed on the person by this Article.**]**

(3 [F312] [F313]If any condition of a provisional licence requires the holder of that provisional licence while driving or learning to drive a motor vehicle to be under the supervision of or to be accompanied by the holder of a driving licence a constable may at any time require the holder of the driving licence to produce his driving licence for examination.

**[**[F318](3A) A person required by a constable under paragraph (2) or (3) to produce his licence must in prescribed circumstances, on being required to do so by the constable, state his date of birth.

(3B) Where a person has been required under**[**[F319] Article 37A of the Child Support (Northern Ireland) Order 1991 or**]** Article 28 or 29 of the Offenders Order to produce a licence and its counterpart to the court and fails to do so, a constable may require him to produce them and, upon their being produced, may seize them and deliver them to the court.**]**

**[**[F320](3C) If–

(a) a person is required to deliver his licence and its counterpart to the Department under section 64 of the Crime (International Co-operation) Act 2003 (c. 32) or the Department has–

(i) revoked a licence under Article 9, 10 or 15, or

(ii) revoked or suspended a large goods vehicle driver's licence or a passenger-carrying vehicle driver's licence under Article 73, or

(iii) served notice requiring the delivery of a licence to it in pursuance of Article 15C, 19G or 73A, and

(b) the holder of the licence fails to deliver it and its counterpart to the Department in pursuance of Article 9, 10, 15, 15C, 19G, 73A or 75 or section 64 of the Crime (International Co-operation) Act 2003 (as the case may be),

a constable may require him to produce the licence and its counterpart, and upon their being produced may seize them and deliver them to the Department.**]**

(4 [F312] [F313]If any person fails to produce his licence or certificate of insurance **[**[F321]or certificate of security**]** or**[**[F310] test certificate or goods vehicle test certificate**]** immediately when asked for it or, alternatively, to bring it in person within**[**[F318] 7 days**]** after the production of his licence or certificate of insurance **[**[F321]or certificate of security**]** or**[**[F310] test certificate or goods vehicle test certificate**]** was so required to such police station as the person so failing shall have specified at the time its production was required, he shall be guilty of an offence under this Order.

**[**[F318](4AA) Paragraph (4) does not apply where a person required on any occasion under the preceding provisions of this Article to produce his licence and its counterpart—

(a) produces on that occasion a current receipt for the licence and its counterpart issued under Article 62 of the Offenders Order and, if required to do so, produces the licence and its counterpart in person immediately on their return at a police station that was specified on that occasion, or

(b) within 7 days after that occasion produces such a receipt in person at a police station that was specified by him on that occasion and, if required to do so, produces the licence and its counterpart in person immediately on their return at that police station.

(4AB) Where in accordance with this Article a person has stated his date of birth to a constable, the Department may serve on that person a notice in writing requiring him to provide the Department—

(a) with such evidence in that person's possession or obtainable by him as the Department may specify for the purpose of verifying that date; and

(b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time,

and a person who knowingly fails to comply with a notice under this paragraph is guilty of an offence.**]**

*Para. (5) rep. by 1991 NI 3*

*Para. (6) rep. by 1989 NI 12*

(7) Any person who obstructs any constable in the exercise of any powers conferred under**[**[F310] the Road Traffic Orders shall, without prejudice to any other provision of those Orders,**][**[F318] or who fails to state his date of birth when required under paragraph (3A) to do so**]** be guilty of an offence under this Order.

**[**[F322](8) In this Article "licence" means a licence to drive under Part II**[**[F323], a Great Britain licence**]** or a Community licence or counterpart of any such licences, and "Community licence", "counterpart"**[**[F323] Great Britain licence**]**, and "provisional licence", have the same meanings as in Part II.**]**

**[**[F324](9) In this Article "certificate of insurance" and "certificate of security" include any document issued under regulations made by the Department under Article 103 which prescribe the evidence which may be produced in lieu of a certificate of insurance or a certificate of security.**]**

**[**[F325](9) In paragraphs (2) and (4)—

(a) a reference to a test certificate includes a reference to a certificate of temporary exemption issued by virtue of paragraph (7A) of Article 63 of the Order of 1995; and

(b) a reference to a goods vehicle test certificate includes a reference to a certificate of temporary exemption issued by virtue of paragraph (5) of Article 69 of that Order.**]**

**F310** 1995 NI 18
**F311** Art. 180(1A) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **18(1)**; S.R. 2007/454, **art. 2**, Sch.
**F312** mod. by SR 1989/238
**F313** mod. by SR 1994/365
**F314** Words in art. 180(2) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **19(2)(a)**; S.R. 2007/454, **art. 2**, Sch.
**F315** Words in art. 180(2)(b) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 19(2)(b), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
**F316** Art. 180(2)(ba) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **19(2)(c)**; S.R. 2007/454, **art. 2**, Sch.
**F317** Art. 180(2A)-(2D) inserted (21.3.2011) by Motor Vehicles (Electronic Communication of Certificates of Insurance) Order (Northern Ireland) 2011 (S.R. 2011/23), **art. 2(6)**
**F318** 1996 NI 10
**F319** 2000 c. 4(NI)
**F320** Art. 180(3C) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **20**; S.R. 2007/454, **art. 2**, Sch.
**F321** Words in art. 180(4) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **19(3)**; S.R. 2007/454, **art. 2**, Sch.
**F322** SR 1996/426
**F323** 2003 NI 16
**F324** Art. 180(9) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **19(4)**; S.R. 2007/454, **art. 2**, Sch.
**F325** 2004 NI 14

**Modifications etc. (not altering text)**

**C8** Art. 180(1) extended by 2003 c. 6, Sch. 2A para. 12 (as inserted (prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d), 7(8), **Sch. 5**)
**C9** Art. 180(3B) applied (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **91(6)**; S.R. 2008/293, **art. 2**, Sch.
**C10** Art. 180(4) applied (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **91(6)**; S.R. 2008/293, **art. 2**, Sch.

**C11** Art. 180(4AA) applied (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **91(6)**; S.R. 2008/293, **art. 2**, Sch.

### [F326[F327]Powers of vehicle examiners

**180A.** An examiner appointed under Article 74 of the Order of 1995 may, on production if required of his authority, exercise all such powers as are exercisable by a constable under–

(a) Article 177(1)(a) and (c); and

(b) Article 180.**]]**

**F326** 1995 NI 18
**F327** Art. 180A substituted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **17(1)**; S.R. 2007/302, **art. 2**, Sch.

### [F328Power to seize vehicles driven without insurance

**180B.**—(1) Paragraph (4) applies if any of the following conditions is satisfied.

(2) The first condition is that–

(a) a constable in uniform requires, under Article 180(2), a person to produce evidence that a motor vehicle is not or was not being driven in contravention of Article 90;

(b) the person fails to produce such evidence; and

(c) the constable has reasonable grounds for believing that the vehicle is or was being so driven.

(3) The second condition is that–

(a) a constable in uniform requires, under Article 180(1), a person driving a motor vehicle to stop the vehicle;

(b) the person fails to stop the vehicle, or to stop the vehicle long enough, for the constable to make such lawful enquiries as he considers appropriate; and

(c) the constable has reasonable grounds for believing that the vehicle is or was being driven in contravention of Article 90.

(4) Where this paragraph applies, the constable may–

(a) seize the vehicle in accordance with paragraphs (5) and (6) and remove it;

(b) enter, for the purpose of exercising a power falling with sub-paragraph (a), any premises (other than a private dwelling house) on which he has reasonable grounds for believing the vehicle to be;

(c) use reasonable force, if necessary, in the exercise of any power conferred by sub-paragraph (a) or (b).

(5) Before seizing the motor vehicle, the constable must warn the person by whom it appears that the vehicle is or was being driven in contravention of Article 90 that he will seize it if the person does not provide him immediately with evidence that the vehicle is not or was not being driven in contravention of that Article.
But the constable is not required to give him such a warning if the circumstances make it impracticable for him to do so.

(6) If the constable is unable to seize the vehicle immediately because the person driving the vehicle has failed to stop as requested or has driven off, he may seize it at any time within the period of 24 hours beginning with the time at which the condition in question is first satisfied.

(7) The powers conferred on a constable by this Article are exercisable only at a time when regulations under Article 180C are in operation.

(8) In this Article–

(a) a reference to a motor vehicle does not include an invalid carriage;

(b) a reference to evidence that a motor vehicle is not or was not being driven in contravention of Article 90 is a reference to a document or other evidence within Article 103(1)(b);

(c) "private dwelling house" does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

**F328** Arts. 180B, 180C inserted (9.6.2008) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **21** (as amended by S.R. 2008/244, art. 3); S.R. 2008/244, **art. 2**

**Retention etc. of vehicles seized under Article 180B**

**180C.**—(1) The Secretary of State may by regulations make provision as to–

(a) the removal and retention of motor vehicles seized under Article 180B; and

(b) the release or disposal of such motor vehicles.

(2) Regulations under paragraph (1) may, in particular, make provision–

(a) for the giving of notice of seizure of a motor vehicle under Article 180B to a person who is the registered keeper, the owner or the driver of that vehicle;

(b) for the procedure by which a person who claims to be the registered keeper or the owner of a motor vehicle seized under Article 180B may seek to have it released;

(c) for requiring the payment, by the registered keeper, owner or driver of the vehicle, of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release;

(d) as to the circumstances in which a motor vehicle seized under Article 180B may be disposed of;

(e) as to the destination–

(i) of any fees, charges or costs payable in accordance with the regulations;

(ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under Article 180B.

(3) Regulations under paragraph (1) must provide that a person who would otherwise be liable to pay any fee, charge or cost under the regulations is not liable to pay it if–

(a) he was not driving the motor vehicle at the time in question, and

(b) he did not know that the vehicle was being driven at that time, had not consented to its being driven and could not, by the taking of reasonable steps, have prevented it from being driven.

(4) Regulations under this Article shall be subject to **[**[F329]negative resolution**]**.

(5) In this Article registered keeper", in relation to a motor vehicle, means the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994.**]**

**F328** Arts. 180B, 180C inserted (9.6.2008) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **21** (as amended by S.R. 2008/244, art. 3); S.R. 2008/244, **art. 2**

**F329** Words in art. 180C(4) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 8(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Modifications etc. (not altering text)**

**C12** Art. 180C: functions of Secretary of State transferred to Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(1)(2), **Sch. 1** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

### Power to arrest persons resident outside United Kingdom

**181.**—(1) A person who, being resident outside the United Kingdom, commits in Northern Ireland an offence to which this Article applies may be arrested without warrant by a constable and detained until he enters into a recognizance under the**[**[F330] Magistrates' Courts (Northern Ireland) Order 1981**]** to appear before a magistrates' court to answer a complaint charging that offence.

(2) The offences to which this Article applies are—

(a) any offence under Article 90;

**[**[F331](b) any offence under Article 9 of the Order of 1995;

(bb) any offence under Article 10 of the Order of 1995;**]**

*Sub-para. (c) rep. by 1991 NI 3*

**F330** 1981 NI 26
**F331** 1995 NI 18

*Articles 182-186 rep. by 1996 NI 10*

*Article 187 rep. by 1997 NI 2*

*Articles 188-204 rep. by 1996 NI 10*

## PART XIV

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

*Articles 205, 206 rep. by 1995 NI 18*

### Driver of motor vehicle deemed to be servant or agent of owner in civil proceedings

**207.** Where any proceedings arising out of an accident involving a motor vehicle are instituted against the owner of the vehicle for damages in respect of the negligent driving, control or management of the vehicle and it is shown that at the time of the accident the vehicle was being driven, or in the charge of, some person other than the owner of the vehicle, then that other person shall be deemed, until the contrary is proved, to have been acting as the servant or agent of the owner at the time when the accident occurred.

### Inquiries and applications

**208.** The provisions of Schedule 5 shall have effect in relation to any inquiries or applications authorised by any provision of this Order, and section 23 of the Interpretation Act (Northern Ireland) 1954 shall not apply in relation to any such inquiry or application.

*Articles 209-210 rep. by 1997 NI 2*

*Article 211 rep. by 1995 NI 18*

### [F332Prospective exercise of powers

**211A.**—(1) Any power under this Order to make an order or give a direction may be exercised before the road to which it relates is open for public use, so as to take effect immediately on the road's becoming open for public use.

(2) The procedure for making an order or giving a direction applies in such a case with such modifications as may be prescribed.

**F332** 1993 NI 15

### Application of Order to hovercraft and trolley vehicles

**212.**—(1) For the purposes of this Order[F333 and the Offenders Order], a hovercraft—

(a) shall be a motor vehicle, whether or not it is adapted or intended for use on roads; but

(b) shall be treated, subject to paragraph (2), as not being a vehicle of any of the classes defined in[F334 Article 3 of the Order of 1995].

(2) The Department may by regulations provide—

(a) that any provision of this Order, which would otherwise apply to hovercraft, shall not apply to them or shall apply to them subject to such modifications as may be specified in the regulations;

(b) that any such provision, which would not otherwise apply to hovercraft, shall apply to them subject to such modifications, if any, as may be specified in the regulations.

(3) The following provisions of this Order, that is to say—

Part II;

F335 . . .

F334 . . .

F334 . . .

Articles 70 to 79;

Articles F334 . . . F335 . . . [F336 168A], F333 . . . F335 . . . 172, 175 to 177, 180, F333 . . . ;

together with so much of the other provisions of this Order as relate to those provisions shall, without prejudice to the operation of[F334 Article 8 of the Order of 1995], apply in relation to trolley vehicles and the drivers of trolley vehicles as they apply in relation to heavy motor cars and the drivers of heavy motor cars.

(4) Paragraph (3) shall have effect notwithstanding section 7 of the Belfast Corporation Act (Northern Ireland) 1930 .

**F332** 1993 NI 15
**F333** 1996 NI 10
**F334** 1995 NI 18
**F335** 1997 NI 2
**F336** Words in art. 212(3) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), **Sch. 7 para. 6**; S.R. 2007/454, **art. 2**, Sch.

### Application of Order to invalid carriages

**213.**—(1) The Department may by regulations provide that in the case of a vehicle which is an invalid carriage complying with the prescribed requirements and which is being used in accordance with the prescribed conditions—

(a) no statutory provision prohibiting or restricting the use of footways shall prohibit or restrict the use of that vehicle on a footway;

(b) if the vehicle is mechanically-propelled, it shall be treated for such purposes of this Order as may be prescribed as not being a motor vehicle.

(2) In this Article—

"invalid carriage" means a vehicle whether mechanically-propelled or not, constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability; and

"footway" means a way over which the public have a right of way on foot only.

**F332** 1993 NI 15

### Application of Order to the Crown

**214.**—(1) The Department may make regulations exempting from the provisions of this Order, or of any regulation**[**[F337] or order**]** made under this Order, vehicles owned or used by or for the purposes of any service of the Crown, and persons driving such vehicles, and for making such modifications of those provisions as appear to the Department to be necessary for the purposes of any such exemption.

(2) References in paragraph (1) to vehicles owned or used by or for the purposes of any service of the Crown, and to persons driving such vehicles, shall include references to vehicles used for the purposes of the Civil Defence Acts (Northern Ireland) 1938 to 1950, and to persons driving such vehicles.

**[**
[F338](3) Subject to the foregoing paragraphs, the provisions of this Order, other than**[**[F339] Article 56**]**, 58(2) and Part VIII, shall bind the Crown.**]**

**F332** 1993 NI 15
**F337** 1997 NI 2
**F338** SR 1993/424
**F339** 1995 NI 18

### Application of Order in relation to harbour commissioners

**215.**—(1) Except to the extent provided by this Article[F340]. . . the provisions of this Order shall not have effect in relation to the Belfast Harbour Commissioners or other harbour commissioners having in relation to their harbour area powers similar to those of the Belfast Harbour Commissioners for restricting access to, and regulating motor traffic on, roads, and no road vested in, or under the control of, any such harbour commissioners shall be deemed for the purpose of this Order to be a road to which the public has access.

(2) A road vested in or under the control of the Belfast Harbour Commissioners or any such other harbour commissioners shall be deemed for the purposes of the following provisions of this Order to be a road to which this Order applies—

*Sub-para. (a) rep. by 1995 NI 18*

*Sub-para. (b) rep. by 1996 NI 10*

*Sub-paras. (c), (d) rep. by 1995 NI 18*

*Sub-para. (e) rep. by 1997 NI 2*

*Sub-para. (f) rep. by 1995 NI 18*

*Sub-para. (g) rep. by 1997 NI 2*

(h) Article 172;

(i) Article 175.

(3) For the purpose of the said provisions as applied by this Article to a road in the Belfast Harbour Estate a member of the Belfast Harbour Police shall have the same powers as a member of the Royal Ulster Constabulary has in relation to other roads.

(4) Where within the estate of the Belfast Harbour Commissioners an accident occurs involving the driver of a motor vehicle who if the accident had occurred elsewhere would have been under a duty to report it at a police station or to a constable that driver shall report the accident at a Belfast Harbour police station or to a Belfast Harbour police constable.

**F332** 1993 NI 15
**F340** 1997 NI 2

**Modifications etc. (not altering text)**
**C13** Art. 215 excluded (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 54(4)**, 59; S.R. 2009/352, **art. 2**, Sch.

*Article 216 rep. by 1997 NI 2*

### Savings

**217.**—(1) Nothing in this Order shall authorise any person to use on any road any vehicle so constructed or used as to cause a public or private nuisance, or shall affect any liability of the driver or owner of a vehicle whether under statute or common law.

(2) The provisions of this Order relating to public service vehicles shall, except as is otherwise expressly provided by this Order, be in addition to and not in derogation of any other enactment (including this Order) applicable to motor vehicles or to any class of such vehicles.
*Para. (3) rep. by 1995 NI 18*

(4) Nothing in this Order shall prejudice or affect any powers exercisable by Order in Council under section 2 of the Motor Vehicles (International Circulation) Act 1952 .

(5) Schedule 6 (which contains futher savings) shall have effect.

**F332** 1993 NI 15

### General provisions as to regulations

**218.**—(1) The Department may make regulations prescribing anything which is to be prescribed and providing for any matter in regard to which regulations may be made under the provisions of this Order.

(2) Save as is otherwise expressly provided by this Order, all regulations and orders made under this Order shall be subject to negative resolution.

(3) Without prejudice to the provisions of section 17(3) of the Interpretation Act (Northern Ireland) 1954 , any regulations made under this Order may be of a local, as opposed to public general, nature and may be limited in their application to a particular area.

**F332** 1993 NI 15

**Transitional provisions**

**219.**—(1) For the purposes of any provision of this Order relating to a second or any subsequent offence, an offence committed under any statutory provision which is repealed and replaced by this Order shall be deemed to have been committed under the replacing provision of this Order as if that replacing provision had been in force at all material times.

(2) Any reference in any document (whether express or implied) to a statutory provision repealed by this Order shall, except where the context otherwise requires, be construed as, or as including, a reference to the corresponding provision of this Order.

(3) Any period of disqualification imposed under any statutory provision repealed by this Order shall, if that period is current on the date of the commencement of the corresponding provision of this Order, be deemed to have been imposed under that corresponding provision.

(4) Where a period of time specified in any statutory provision repealed by this Order is current at the commencement of the corresponding provision of this Order, that provision of this Order shall have effect as if it had been in force when that period began to run.

(5) Any reference in this Order (whether express or implied) to a thing done or falling to be done, or omitted to be done, or to an event which has occurred, under or for the purposes of or by reference to a provision of this Order shall, except where the context otherwise requires, be construed as including a reference to the corresponding thing done or falling to be done, or omitted, or to the corresponding event which occurred, as the case may be, under or for the purposes of or by reference to the corresponding provision of the statutory provisions repealed by this Order.

(6) Any reference in this Article to a statutory provision repealed (or repealed and replaced) by this Order includes a reference to a statutory provision repealed by the Road Traffic Act (Northern Ireland) 1970 .

(7) Nothing in this Article shall prejudice the operation of the Interpretation Act (Northern Ireland) 1954 in relation to this Order.**]**

**F332** 1993 NI 15

## PART XV

*Article 220(1), with Schedule 7, effects Amendments; para. (2), with Schedule 8, effects Repeals*

# SCHEDULES

## SCHEDULE 1

Article 84.

STATUTORY PROVISIONS CONFERRING FUNCTIONS ON AUTHORISED OFFICERS

| ***Statutory provision*** | ***Function conferred*** |
|---|---|
| The Public Service Vehicles and Goods Vehicles (Drivers' Hours of Duty) Regulations 1935 and any regulations made under Article 56 or 58. | To examine records required to be kept by licensees and drivers of public service vehicles and goods vehicles. |
| Sections 37, 38 and 39 of the Transport Act (Northern Ireland) 1967. | To enter and inspect public service vehicles [F341] ..., to inspect and copy documents required to be carried on such vehicles and to seize certain articles. |
| **[**[F342]. . . **]** | **[**[F343]. . . **]** |
| **[**[F344]. . . **]** | **[**[F345]. . . **]** |
| Article 64. | To examine public service vehicles. |
| **[**[F346]. . . **]** | **[**[F347]. . . **]** |
| Article 82. | To require production of and to inspect and copy books, records or documents which a person is required by the applicable Community rules to carry or have in his possession. |
| **[**[F348]. . . **]** | **[**[F349]. . . **]** |
| **[**[F350]Regulation 16 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987.**]** | **[**[F351]To require the production of, and to inspect, copy and mark, documents required to be kept or carried on certain passenger vehicles.**]** |
| **[**[F352]Article 75 of the Order of 1995.**]** | **[**[F353]To test motor vehicles on roads, etc.**]** |
| **[**[F354]Article 76 of the Order of 1995.**]** | **[**[F355]To stop and test goods vehicles, public passenger vehicles, etc.**]** |
| **[**[F356]Articles 86 and 87 of the Order of 1995.**]** | **[**[F357]To require a motor vehicle or any trailer drawn by a motor vehicle to be weighed.**]** |
| **[**[F358]Article 4(3) of Regulation (EC) No.1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services. | To require the presentation of a certified true copy of a Community licence issued in accordance with Regulation (EC) No. 1073/2009 and which is required to be kept on board certain passenger vehicles. |

| | |
|---|---|
| Article 17(1) of Regulation (EC) No.1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services. | To require the presentation of a journey form issued in accordance with Regulation (EC) No. 1073/2009 and which is required to be kept on board certain passenger vehicles.**]** |
| **F359** | **F359** |
| . . . | . . . |
| **F360** | **F360** |
| . . . | . . . |
| **[**[F361]Article 4(6) of Regulation (EC) No. 1072/2009 of the European Parliament and of the Council of 21st October 2009 on common rules for access to the international road haulage market. | To require the presentation of a certified true copy of a Community licence, which is required to be kept on board certain goods vehicles.**]** |
| **[**[F362]Sections 38, 39 and 40 of the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010. | To enter and inspect goods vehicles, to inspect and copy documents required to be carried on such vehicles and to seize certain articles.**]** |

**F341** Words in Sch. 1 repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 4**; S.R. 2012/262, art. 2 (with arts. 4-6)
**F342** 1995 NI 18
**F343** 1995 NI 18
**F344** 1995 NI 18
**F345** 1995 NI 18
**F346** 1995 NI 18
**F347** 1995 NI 18
**F348** 1995 NI 18
**F349** 1995 NI 18
**F350** SR 1987/383
**F351** SR 1987/383
**F352** 1995 NI 18
**F353** 1995 NI 18
**F354** 1995 NI 18
**F355** 1995 NI 18
**F356** 1995 NI 18
**F357** 1995 NI 18
**F358** Words in Sch. 1 substituted (13.1.2014) by The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 (S.R. 2013/287), regs. 1, **13(2)(a)**
**F359** Words in Sch. 1 omitted (27.5.2013) by virtue of The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 (S.R. 2013/115), regs. 1, **14(2)(a)**
**F360** Words in Sch. 1 omitted (13.1.2014) by virtue of The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 (S.R. 2013/287), regs. 1, **13(2)(b)**
**F361** Words in Sch. 1 inserted (27.5.2013) by The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 (S.R. 2013/115), regs. 1, **14(2)(b)**
**F362** Words in Sch. 1 inserted (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 3 para. 11**; S.R. 2012/262, art. 2 (with arts. 4-6)

## SCHEDULE 2

Article 84.

## STATUTORY PROVISIONS RELATING TO VEHICLES AND THEIR DRIVERS

| ***Statutory provision*** | ***Effect*** |
|---|---|
| Section 4 of the Transport Act (Northern Ireland) 1967. | To require users of motor vehicles carrying passengers and their luggage for reward to hold road service licences. |
| **F363** | **F363** |
| . . . | . . . |
| Regulations under section 45( *f*) and ( *j*) of the Transport Act (Northern Ireland) 1967. | To require documents, plates and marks to be carried in or by certain public service vehicles. |
| Any order under section 100(2) of the Transport Act 1968. | To give effect in Northern Ireland to international agreements relating to vehicles used on international journeys. |
| **F364** | **F365** |
| . . . | . . . |
| **F366** | **F367** |
| . . . | . . . |
| Article 56 and regulations made thereunder and the applicable Community rules. | To limit driving time and periods of duty of drivers of goods vehicles and public service vehicles and to provide for the installation of recording equipment in, and the keeping of records on, such vehicles. |
| **[**[F368]Regulation 19 of the European Communities (International Passenger Services) Regulations (Northern Ireland) 1987.**]** | **[**[F369]To impose penalties for contravention of certain requirements relating to international passenger services.**]** |
| **[**[F370]Regulations made under Article 55 of the Order of 1995.**]** | **[**[F371]To require the construction, weight, equipment and use of vehicles.**]** |
| **[**[F372]Regulation 3 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 | To impose a penalty for contravention of the requirement to possess a Community licence issued in accordance with Regulation (EC) No. 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services when using certain passenger vehicles.**]** |
| **F373** | **F373** |
| . . . | . . . |
| **[**[F374]Regulation 8 of the Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013. | To impose a penalty for contravention of certain requirements relating to national passenger services by a carrier registered in another Member State.**]** |

| | |
|---|---|
| [[F375]Regulation 3 of the Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013. | To impose a penalty for the contravention of the requirement to possess a Community licence when using a goods vehicle.] |

**F363** Sch. 2 entry repealed (1.7.2012) by Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010 (c. 2), s. 60(2), **Sch. 4**; S.R. 2012/262, art. 2 (with arts. 4-6)
**F364** 1995 NI 18
**F365** 1995 NI 18
**F366** 1995 NI 18
**F367** 1995 NI 18
**F368** SR 1987/383
**F369** SR 1987/383
**F370** 1995 NI 18
**F371** 1995 NI 18
**F372** Words in Sch. 2 substituted (13.1.2014) by The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 (S.R. 2013/287), regs. 1, **13(3)(a)**
**F373** Words in Sch. 2 omitted (27.5.2013) by virtue of The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 (S.R. 2013/115), regs. 1, **14(3)(a)**
**F374** Words in Sch. 2 substituted (13.1.2014) by The Road Service Licensing (Community Licences) Regulations (Northern Ireland) 2013 (S.R. 2013/287), regs. 1, **13(3)(b)**
**F375** Words in Sch. 2 added (27.5.2013) by The Goods Vehicles (Community Licence) Regulations (Northern Ireland) 2013 (S.R. 2013/115), regs. 1, **14(3)(b)**

PROSPECTIVE

## [[F376]SCHEDULE 2A

## OFFENCE OF KEEPING VEHICLE WHICH DOES NOT MEET INSURANCE REQUIRMENTS: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

**F376** Sch. 2A inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 25(3), **Sch. 3**

### *Immobilisation*

**1.**—(1) Regulations may make provision with respect to any case where an authorised person has reason to believe that, on or after such date as may be prescribed, an offence under Article 91A is being committed as regards a vehicle which is stationary on a road or other public place.

(2) The regulations may provide that the authorised person or a person acting under his direction may–

(a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary, or

(b) move it from that place to another place on the same or another road or public place and fix an immobilization device to it in that other place.

(3) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice–

(a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,

(b) specifying the steps to be taken to secure its release, and

(c) giving such other information as may be prescribed.

(4) The regulations may provide that a vehicle to which an immobilisation device has been fixed in accordance with the regulations–

(a) may only be released from the device by or under the direction of an authorised person, but

(b) subject to that, must be released from the device if the first and second requirements specified below are met.

(5) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.

(6) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced such evidence as may be prescribed establishing–

(a) that any person who proposes to drive the vehicle away will not in doing so be guilty of an offence under Article 90, and

(b) that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under Article 91A as regards the vehicle.

(7) The regulations may provide that they do not apply in relation to a vehicle if–

(a) a current disabled person's badge is displayed on the vehicle, or

(b) such other conditions as may be prescribed are fulfilled,

and "disabled person's badge" means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 or a recognised badge within the meaning given by section 14A of that Act.

(8) The regulations may provide that an immobilisation notice is not to be removed or interfered with except by or on the authority of a person falling within a prescribed description.

### *Offences connected with immobilisation*

**2.**—(1) The regulations may provide that a person contravening provision made under paragraph 1(8) is guilty of an offence.

(2) The regulations may provide that a person who, without being authorised to do so in accordance with provision made under paragraph 1, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations is guilty of an offence.

(3) The regulations may provide that where they would apply in relation to a vehicle but for provision made under paragraph 1(7)(a) and the vehicle was not, at the time it was stationary, being used–

(a) in accordance with regulations under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, and

(b) in circumstances falling within section 14B(1)(b) of that Act (use where a disabled person's concession would be available),

the person in charge of the vehicle at that time is guilty of an offence.

(4) The regulations may provide that where–

(a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with the regulations,

(b) the declaration is that no offence under Article 91A is or was being committed as regards the vehicle, and

(c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

### *Removal and disposal of vehicles*

**3.**—(1) The regulations may make provision with respect to any case where–

(a) an authorised person has reason to believe that an offence under Article 91A is being committed as regards a vehicle which is stationary on a road or other public place, and such conditions as may be prescribed are fulfilled, or

(b) an authorised person has reason to believe that such an offence was being committed as regards a vehicle at a time when an immobilisation device which is fixed to the vehicle was fixed to it in accordance with the regulations,and such conditions as may be prescribed are fulfilled.

(2) The regulations may provide that the authorised person, or a person acting under his direction, may remove the vehicle and deliver it into the custody of a person–

(a) who is identified in accordance with prescribed rules, and

(b) who agrees to accept delivery in accordance with arrangements agreed between that person and the Department,

and the arrangements may include provision as to the payment of a sum to the person into whose custody the vehicle is delivered.

(3) The regulations may provide that the person into whose custody the vehicle is delivered may dispose of it, and may in particular make provision as to–

(a) the time at which the vehicle may be disposed of, and

(b) the manner in which it may be disposed of.

(4) The regulations may make provision allowing a person to take possession of the vehicle if–

(a) he claims it before it is disposed of, and

(b) any prescribed conditions are fulfilled.

(5) The regulations may provide for a sum of an amount arrived at under prescribed rules to be paid to a person if–

(a) he claims after the vehicle's disposal to be or to have been its owner,

(b) the claim is made within a prescribed time of the disposal, and

(c) any other prescribed conditions are fulfilled.

(6) The regulations may provide that–

(a) the Department, or

(b) a person into whose custody the vehicle is delivered under the regulations,

may recover from the vehicle's owner (whether or not a claim is made under provision made under sub-paragraph (4) or (5)) such charges as may be prescribed in respect of all or any of the following, namely its release, removal, custody and disposal; and “owner” means the person who was the owner when the vehicle was removed.

(7) The conditions prescribed under sub-paragraph (4) may include conditions as to–

(a) satisfying the person with custody that the claimant is the vehicle's owner,

(b) the payment of prescribed charges in respect of the vehicle's release, removal and custody,

(c) the production of such evidence as may be prescribed establishing that in driving the vehicle away the claimant will not be guilty of an offence under Article 90, and

(d) the production of such evidence as may be prescribed establishing that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under Article 91A as regards the vehicle.

(8) The regulations may in particular include provision for purposes corresponding to those of Articles 51 to 54 of the Road Traffic Regulation (Northern Ireland) Order 1997 (disposal and charges) subject to such additions, omissions or other modifications as the Department thinks fit.

### *Offences as to securing possession of vehicles*

**4.** The regulations may provide that where–

(a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of a person in accordance with provision made under paragraph 3,

(b) the declaration is that no offence under Article 91A is or was being committed as regards the vehicle, and

(c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

### *Disputes*

**5.** The regulations may make provision about the proceedings to be followed where a dispute occurs as a result of the regulations, and may in particular make provision–

(a) for an application to be made to a court of summary jurisdiction, or

(b) for a court to order a sum to be paid by the Department.

### *Authorised persons*

**6.** As regards anything falling to be done under the regulations (such as receiving payment of a charge or other sum) the regulations may provide that it may be done–

(a) by an authorised person, or

(b) by an authorised person or a person acting under his direction.

### *Application of Offenders Order*

**7.** The regulations may make provision for the application of any or all of Articles 5, 10, 14 and 15(1) of the Offenders Order to an offence for which provision is made by the regulations.

### *Interpretation*

**8.**—(1) The regulations may make provision as to the meaning for the purposes of the regulations of "owner" as regards a vehicle.

(2) In particular, the regulations may provide that for the purposes of the regulations the owner of a vehicle is taken to be the person in whose name it is then registered under the Vehicle Excise and Registration Act 1994.

**9.**—(1) The regulations may make provision as to the meaning in the regulations of "authorised person".

(2) In particular, the regulations may provide that–

(a) references to an authorised person are to a person authorised by the Department for the purposes of the regulations,

(b) an authorised person may be a constable or some other person, and

(c) different persons may be authorised for the purposes of different provisions of the regulations.

**10.** In this Schedule–

(a) references to an immobilisation device are to a device or appliance which is–

(i) designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion; and

(ii) of a type approved by the Department for use for that purpose;

(b) references to an immobilisation notice are to a notice fixed to a vehicle in accordance with the regulations.

**11.** In this Schedule "regulations" means regulations made by the Department under Article 103.**]**

*Schedule 3 rep. by 1995 NI 18*

*Schedule 4 rep. by 1996 NI 10*

## SCHEDULE 5

Article 208.

## PROVISIONS AS TO INQUIRIES AND APPLICATIONS

**1.** Every application under this Order shall be made in such manner as may be prescribed and shall state the grounds upon which the application is made.

**2.** If on any application the Department determines that a public inquiry shall be held, the Department shall publish notice of the inquiry in such newspaper or newspapers on such number of days as the Department may direct, and also in the Belfast Gazette; if the Department holds an inquiry without an application the Department shall publish the necessary notices.

A notice for the purposes of this paragraph shall be in such form and shall contain such particulars as may be prescribed.

**3.** Subject to paragraph 4, all persons interested may appear at the inquiry either in person or by counsel, agent or solicitor.

**4.** No person shall be entitled to be heard at the inquiry unless he has within one week from the last publication of the notice of the holding of the inquiry sent a notice in writing to the Department of his desire to be heard at the inquiry, and the person holding the inquiry may refuse to hear any person if he is satisfied that the views of that person have been adequately stated on the inquiry by some other person.

**5.** Subject as aforesaid inquiries and all incidental proceedings shall be conducted in accordance with**[**[F377] Schedule A1 to the Interpretation Act (Northern Ireland) 1954 as modified by**[**[F378] Article 130(2) of the Roads (Northern Ireland) Order 1993.**]]**

**F377** 2005 c. 12
**F378** 1993 NI 15

## SCHEDULE 6

Article 217.

## SAVINGS

*Saving for certain provisions about minimum ages for driving*

**1.** Notwithstanding the repeal by this Order of paragraph 1 of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976

(a) subsection (2)( *b*) and ( *c*) of section 2 of the Road Traffic Act (Northern Ireland) 1970 as originally enacted (driving of tractors on roads by persons between the ages of 16 and 17 in certain circumstances) shall continue to have effect and shall be deemed to be contained (with the appropriate modification of references) in regulations made under**[**[F379] Article 17(2); and

(b) regulations made under subsection (5) (motor cycles) or subsection (7) (road rollers and articulated vehicles) of the said section 2 as originally enacted shall have effect (with the appropriate adaptation of references) as if made under**[**[F380] Article 17(2),

and (in each case) may be varied or revoked accordingly.**]]**

**F379** 1991 NI 3
**F380** 1991 NI 3

*Saving in relation to certain motor cars for holders of driving licences and similar persons*

**2.**—(1) This paragraph applies to a person who immediately before 1st January 1976 fulfilled any of the following conditions, that is to say—

(a) he held a driving licence or a provisional licence authorising him to drive a motor car;

(b) he was entitled to obtain a driving licence authorising him to drive a motor car or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a motor car or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(c) he would have been the holder of a valid driving licence or provisional licence authorising him to drive a motor car but for a current disqualification imposed by a conviction or order of a court.

(2) Subject to sub-paragraph (3), a person to whom this paragraph applies shall not, by reason only of**[**[F381] Article 17, be disqualified for holding or obtaining a driving licence or a provisional licence authorising him to drive motor vehicles falling within the class described in paragraph 5 or 6 of the Table set out in**[**[F382] Article 17(1).

(3) A person shall not be treated, by virtue of sub-paragraph (2), as entitled to the grant of a driving licence or a provisional licence authorising him to drive a goods vehicle the permissible maximum weight of which exceeds 10 tonnes or a motor vehicle constructed solely for the carriage of passengers and their effects which is adapted to carry more than 15 passengers inclusive of the driver.

(4) This paragraph shall be construed as if it were contained in Part II, but in sub-paragraph (1) any reference to a driving licence or a provisional licence includes a reference to a corresponding licence granted under Part III of the Road Traffic Act 1972 .**]]**

**F381** 1991 NI 3
**F382** 1991 NI 3

*Saving in relation to certain goods vehicles for holders of driving licences and similar persons*

**3.**—(1) This paragraph applies to—

(a) a goods vehicle which, by virtue of the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976 , became classified as a heavy goods vehicle, that is to say, a motor car which—

(i) became, by virtue of paragraph 11 of Schedule 1 to that Order, a heavy goods vehicle for the purposes of sections 66 to 72 and section 74 of the Road Traffic Act (Northern Ireland) 1970 (not having been a heavy goods vehicle for those purposes before the commencement of the said paragraph 11); and

(ii) was not an articulated goods vehicle (within the meaning of Article 79);

(b) a person who, immediately before 12th April 1976, fulfilled any of the following conditions, that is to say,—

(i) he held a driving licence or a provisional licence authorising him to drive a goods vehicle to which this paragraph applies;

(ii) he was entitled to obtain a driving licence authorising him to drive a goods vehicle to which this paragraph applies or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a goods vehicle to which this paragraph applies or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;

(iii) he would have been the holder of a valid driving licence authorising him to drive a goods vehicle to which this paragraph applies but for a current disqualification imposed by a conviction or order of a court.

(2) Nothing in Article 72(2) (restriction on grant of heavy goods vehicle drivers' licences) shall prevent the Department from granting a full licence to drive a heavy goods vehicle if—

(a) the application for the grant of the licence was made during 1976 by a person to whom this paragraph applies; and

(b) the Department is satisfied that in any 12 consecutive months between the beginning of 1975 and 12th August 1976 the applicant had been in the habit during any period or periods of, or amounting in the aggregate to, 6 months of driving a goods vehicle to which this paragraph applies of a qualifying weight;

but any licence which the Department grants by virtue of this sub-paragraph shall restrict the person to whom it is granted to the driving of a heavy goods vehicle which is not an articulated goods vehicle (within the meaning of Article 79) and the permissible maximum weight of which does not exceed 10 tonnes.

(3) The reference in sub-paragraph (2) to the driving of a goods vehicle in any period between the beginning of 1975 and 12th August 1976 does not include a reference to the driving of a goods vehicle of a prescribed class or of a goods vehicle while it is being used in prescribed circumstances.

(4) The Department may by regulations restrict the class of goods vehicle to which this paragraph applies for the driving of which a licence may be granted by virtue of sub-paragraph (2) by reference to the class of vehicle which the applicant for the licence was driving during any period between the beginning of 1975 and 12th August 1976.

(5) In this paragraph—

"driving licence" means a licence to drive a motor vehicle granted under Part II of this Order or under Part III of the Road Traffic Act 1972 ;

"permissible maximum weight" has the same meaning as it has in Articles 71 to 79;

"provisional licence" has the same meaning as it has in Part II of this Order or, as the case requires, in Part III of the Road Traffic Act 1972;

"qualifying weight", in relation to a goods vehicle, means that the vehicle has an unladen weight of**[**[F383] 3,050 kilograms or less and a permissible maximum weight in excess of 7.5 tonnes.

(6) Any reference in this paragraph to a driving licence authorising a person to drive a goods vehicle to which this paragraph applies shall, in relation to a driving licence granted under Part III of the Road Traffic Act 1972, be construed as a reference to a licence so granted authorising him to drive a goods vehicle of a class which—

(a) is, by virtue of any provision having effect in Great Britain and corresponding with paragraph 11 of Schedule 1 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976 , a heavy goods vehicle for the purposes of Part IV of the Road Traffic Act 1972 (not having been a heavy goods vehicle for those purposes before the coming into force of that provision); and

(b) is not an articulated goods vehicle within the meanings of the said Part IV.**]**

**F383** SR 1982/422

*Other savings*

*Para. 4 rep. by 1997 NI 2*

**5.** Notwithstanding the repeal by this Order of section 14 of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926 , so much of section 11 of the Summary Jurisdiction (Ireland) Act 1851 and of section 4 of the Char-a-banc Regulation Act (Northern Ireland) 1924 as relates to the offences mentioned in paragraphs 1, 2 and 3 of section 11 of the Summary Jurisdiction (Ireland) Act 1851 shall not apply where any such offence is committed in connection with a public service vehicle.

**6.** Notwithstanding the repeal by this Order of the Road Traffic Act (Northern Ireland) 1970 and Articles 11(4) and 13(3) of the Roads and Road Traffic (Northern Ireland) Order 1978 , that Act shall apply in relation to the offences committed on or before 26th August 1978 as if it had not been amended by Articles 11 and 13 of, and Schedule 1 to, that Order.

**7.** The Driving Licences (Transfer of Functions) (Supplementary Provisions) Order (Northern Ireland) 1973 shall continue to have effect and to be deemed always to have had effect, as if Article 15 of the Road Traffic (Amendment) (Northern Ireland) Order 1973 had been in force when the first-mentioned order was made.

**8.** Article 99 shall have effect, where the accident giving rise to the death or bodily injury in respect of which a payment is made under that Article occurred before 1st April 1980, as if in paragraph (1) of that Article for £1,250 there were substituted " £200 ".

*Schedule 7—Amendments.*

*Schedule 8—Repeals*

**Status:**
Point in time view as at 19/07/2018. This version of this Order contains provisions that are prospective.

**Changes to legislation:**
Road Traffic (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.