

STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART II

GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

Miscellaneous

Regulations

19C.—^[F1](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.]

^[F1(1A)] ^[F1]In particular, but without prejudice to the generality of paragraph (1), the regulations may make provision with respect to —]

- ^[F2](a) licences under this Part^[F3] 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^[F3], 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^[F4], and compliance with such requirements,] as may be prescribed, of^[F4] . . . licences and counterparts of licences in the place of licences or counterparts of licences lost or defaced,
- ^[F2](ea) providing for the issue^[F5] on payment of such fee as may be prescribed] of new counterparts^[F3] of Great Britain licences or] of Community licences in the place of counterparts^[F3] of Great Britain licences or (as the case may be)] of Community licences that are lost or defaced,]
- ^[F6](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,]

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- (f) the correspondence^{F1} . . . 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^{F1} . . . on licences then in force or issued or on the right to or the subsequent granting of licences^{F2} or on^{F3} 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) ^{F7}

[^{F1}(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^{F8} 40 to 53 and 92ZA] .]

F1	1996 NI 10
F2	SR 1996/426
F3	2003 NI 16
F4	SR 2002/374
F5	SR 1997/241
F6	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.
F7	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.
F8	2003 NI 16

Interpretation

19D.—(1) In this Part—

[^{F9}“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;

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“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^[F9] an EEA State] other than the United Kingdom by an authority of that or^[F9] 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^[F9] 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;^[F9] or]
- (c) ^[F9]a document issued for a purpose corresponding to that mentioned in Article 13(2)]

^[F9]“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,^{F10} . . .
- (aa) ^[F11]in relation to a Great Britain licence, has the meaning given in Article 19F (except in the definition of Great Britain counterpart), 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);

^[F9]“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;]

^[F12]“EEA State exchangeable licence” means a licence—

- (a) issued in respect of an EEA State other than 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;]

^[F13]“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 subparagraph (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,

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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^[F11] and “Great Britain counterpart” means the document issued with the Great Britain licence as a counterpart under the law of Great Britain];

^[F9]“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^{F9}. . . . ;

“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;

^[F9]“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;

“moped” means a motor vehicle which has fewer than four wheels and—

- (a) in the case of a vehicle the first use of which occurred before 1st September 1978, has a cylinder capacity not exceeding 50 cubic centimetres and is equipped with pedals by means of which the vehicle is capable of being propelled, and
- (b) in any other case, has a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres;

“motor bicycle” means a motor vehicle which—

- (a) has two wheels, and
 - (b) has a maximum design speed exceeding^[F14] 45 kilometres per hour] and, 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;]

^[F15]“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,

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- (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^{F16} 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^{F16} 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^{F16} 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^{F16} 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;

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[^{F9}“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 than 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.

[^{F17}(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.

F9 SR 1996/426

F10 2003 NI 16

F11 2003 NI 16

F12 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.

F13 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.

F14 SR 2002/374

F15 1998 NI 7

F16 1995 NI 18

F17 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^{F18} in accordance with that licence,], a motor vehicle of any class which he is authorised by that licence to drive, and which he

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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 and its counterpart as if they had been a licence granted under this Part and the counterpart of such a licence;^{F19} and the provisions—

(a) of this Order,^{F20} . . .

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

as to the production of licences and counterparts of licences granted under this Part shall apply accordingly.]

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

F18	2003 NI 16
F19	1996 NI 10
F20	2003 NI 16

[^{F21}C Counterparts 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.

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(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.

F21 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 with its Great Britain counterpart and its counterpart (if any) issued to him under this Part (the relevant counterparts).

(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 the relevant counterparts, and
- (b) on receipt of the Great Britain licence and those counterparts 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 relevant counterparts, 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

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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 and its Great Britain counterpart to the licensing authority in Great Britain, and
- (b) explain to them its reasons for so doing.

F21 2003 NI 16

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) [^{F22}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.

F21 2003 NI 16

F22 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.

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VALID FROM 06/02/2012

[^{F23} 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).]]

F21 2003 NI 16

F23 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

Status:

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