
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART I
INTRODUCTORY

Title and commencement

1. This Order may be cited as the Road Traffic Offenders (Northern Ireland) Order 1996 and shall come into operation on such day or days as the head of the Department may by order appoint.

General 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—

“clerk of petty sessions” shall be construed in accordance with Article 2(4) of the Magistrates' Courts (Northern Ireland) Order 1981;

“disqualified” means disqualified for holding or obtaining a licence;

“licence” means a licence to drive a motor vehicle granted under Part II of the Order of 1981, and “counterpart” in relation to such a licence has the same meaning as in that Part of that Order;

“offence involving obligatory endorsement” has the meaning given in Article 3;

“offence involving obligatory disqualification” and “offence involving discretionary disqualification” have the meaning given in Article 4;

“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981;

“the Order of 1995” means the Road Traffic (Northern Ireland) Order 1995;

“petty sessions district” has the same meaning as in the Magistrates' Courts (Northern Ireland) Order 1981;

“provisional licence” means a licence granted by virtue of Article 13(2) of the Order of 1981;

“the provisions connected with the licensing of drivers” means Articles 3, 4, 11, 12, 24, 27 to 31, 33, 35 to 38 and 40 to 53;

“the Road Traffic Orders” means the Order of 1981, the Order of 1995 and this Order;

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

(3) Except where it is otherwise provided or the context so requires, any expression for whose interpretation provision is made by Part I of the Order of 1995 is to be construed in accordance with that provision.

(4) In this Order—

- (a) any reference to a licence and its counterpart shall, in relation to licences granted before 1st January 1991, be construed as a reference to a licence only, and
- (b) any reference to the counterpart of a licence shall, in relation to such licences, be construed as a reference to the licence itself.

(5) Subject to any express exception, references in this Order to any Part of this Order include a reference to any Schedule to this Order so far as relating to that Part.

Meaning of “offence involving obligatory endorsement”

3. For the purposes of this Order, an offence involves obligatory endorsement if it is an offence under a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or an offence specified in column 1 of Part II of that Schedule and either—

- (a) the word “obligatory” (without qualification) appears in column 6 (in the case of Part I) or column 3 (in the case of Part II) against the offence, or
- (b) that word appears there qualified by conditions relating to the offence which are satisfied.

Meaning of “offence involving obligatory disqualification” and “offence involving discretionary disqualification”

4.—(1) For the purposes of this Order, an offence involves obligatory disqualification if it is an offence under a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or an offence specified in column 1 of Part II of that Schedule and either—

- (a) the word “obligatory” (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or
- (b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

(2) For the purposes of this Order, an offence involves discretionary disqualification if it is an offence under a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or an offence specified in column 1 of Part II of that Schedule and either—

- (a) the word “discretionary” (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or
- (b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.