
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART V

MISCELLANEOUS AND GENERAL

Penalty for breach of regulations

92. If a person acts in contravention of—

- (a) any regulations made by the Department under the Order of 1981 other than regulations made under Article 132 of that Order; or
- (b) any regulations made by the Department under the Order of 1995 other than regulations made under Article 45 or 61 of that Order,

and the contravention is not made an offence under any other provision of the Road Traffic Orders, he shall for each offence be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

[^{F1}Application to Great Britain licence holders

92ZA.—(1) The references to a licence in the following provisions of this Order include references to a Great Britain licence—

- (a) Article 11,
- (b) Article 28(4) and (5) and (6)(b),
- (c) Article 29,
- (d) Article 31(1),
- (e) Article 32,
- (f) Article 33,
- (g) Article 47(6),
- (h) Article 49(1), [^{F2} and (2A)]
- (i) Article 51(2),
- (j) Article 52(2) [^{F3}, (3) and (3A)],
- (k) Article 53.

(2) Accordingly, the reference in Article 29(2)(b) to the suspension of a licence is to be construed in relation to a Great Britain licence holder as a reference to his ceasing to be authorised by virtue of Article 19E(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.

(3) The references in Articles 28(6)(a) and 29(2) to a new licence include references to a counterpart of a Great Britain licence.

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(4) In relation to a Great Britain licence holder to whom a counterpart is issued under Article 19F of the Order of 1981, the references in Part IV of this Order to a licence include references to a Great Britain licence.

(5) Where a court orders the endorsement of the counterpart of any Great Britain licence held by a person, it must send notice of the endorsement to the Department.

(6) The notice must—

- (a) be sent in such manner and to such address, and
- (b) contain such particulars,

as the Department may determine.

(7) Where a court orders the holder of a Great Britain licence to be disqualified, it must send the Great Britain licence and its counterpart (if any), on their being produced to the court, to the Department.

(8) The licence and its counterpart must be sent to such address as the Department may determine.

(9) Where—

- (a) a notice is sent to the Department under paragraph (5), and
- (b) the particulars contained in the notice include—
 - (i) particulars of an offence in respect of which the holder of a Great Britain licence is disqualified by an order of a court, and
 - (ii) particulars of the disqualification,

the Department must send a notice containing the particulars mentioned in subparagraph (b)(i) and (ii) to the licensing authority in Great Britain.]

Annotations:

F1 2003 NI 16

F2 Words in art. 92ZA(1)(h) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 28(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

F3 Words in art. 92ZA(1)(j) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 28(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Effect of endorsement on Great Britain licence holders

92ZB. Article 92B applies in relation to Great Britain licences as it applies in relation to Community licences.

[^{F4}Application to Community licence holders

92A.—(1) The references in Articles 11, 28(4), (5) and (6)(b), 29, 31(1), 32, 33, 47(6), 49(1) [^{F5}and (3A)], 51(2), 52(3) [^{F6}and (3A)] and 53 to a licence include references to a Community licence; and accordingly the reference in Article 29(2)(b) to the suspension of a licence is to be construed in relation to a Community licence as a reference to the Community licence holder ceasing to be authorised by virtue of Article 15A(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.

(2) The references in Articles 28(6)(a) and 29(2) to a new licence include references to a counterpart of a Community licence.

(3) In relation to a Community licence holder to whom a counterpart is issued under Article 15B of the Order of 1981, the references in Part IV of this Order to a licence include references to a Community licence.

(4) Where a court orders the endorsement of the counterpart of any Community licence held by a person, it must send notice of the endorsement to the Department.

(5) Where a court orders the holder of a Community licence to be disqualified, it must send the Community licence and its counterpart (if any), on their being produced to the court, to the Department.

(6) A notice sent by a court to the Department in pursuance of paragraph (4) must be sent in such manner and to such address and contain such particulars as the Department may determine, and a Community licence and its counterpart (if any) so sent in pursuance of paragraph (5) must be sent to such address as the Department may determine.

(7) Where a Community licence held by a person who is ordered by the court to be disqualified is sent to the Department in pursuance of paragraph (5), the Department—

- (a) must send to the licensing authority in the EEA State in respect of which the Community licence was issued the holder's name and address and particulars of the disqualification, and
- (b) must (subject to paragraph (8)) return the Community licence to the holder—
 - (i) in the expiry of the period of disqualification, or
 - (ii) if earlier, on being satisfied that the holder has left Northern Ireland and is not normally resident there.

(8) Where—

- (a) the Department would, apart from this paragraph, be under a duty on the expiry of the period of disqualification to return a Community licence to a person in pursuance of paragraph (7)(b)(i), but
- (b) at that time, the person would not be authorised by virtue of Article 15A(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class,

the Department must send 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.

(9) A Community licence to be returned to any person under paragraph (7) may be returned to him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this paragraph and section 24 of the Interpretation Act (Northern Ireland) 1954 in its application to this paragraph the proper address of any person shall be his latest address as known to the person returning the Community licence.

(10) In this Article "period of disqualification" means, in relation to a Community licence holder, the period for which he is ordered by the court to be disqualified (otherwise than under Article 41).]

Annotations:

F4 SR 1997/241

F5 Words in art. 92A(1) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 29(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

F6 Words in art. 92A(1) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 29(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Effect of endorsement on Community licence holders

92B.—(1) An order that any particulars or penalty points are to be endorsed on the counterpart of any Community licence held by the person convicted shall operate as an order that—

- (a) the counterpart of any Community licence which he may then hold, or
- (b) the counterpart of any licence or Community licence which he may subsequently obtain,

is to be so endorsed until he becomes entitled under paragraph (3) to have a counterpart of his Community licence, or a licence and its counterpart, issued to him free from the particulars or penalty points.

(2) On the issue of a new counterpart of a Community licence or a new licence to a person, any particulars or penalty points ordered to be endorsed on the counterpart of any Community licence held by him shall be entered on the new counterpart or the counterpart of the new licence (as the case may be) unless he has become entitled under paragraph (3) to have a new counterpart of his Community licence or a new licence issued to him free from those particulars or penalty points.

(3) A person the counterpart of whose Community licence has been ordered to be endorsed is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective (as determined in accordance with Article 50(4))—

- (a) a new counterpart of any Community licence then held by him free from the endorsement if he makes an application to the Department for that purpose in such manner as the Department may determine, or
- (b) a new licence with a counterpart free from the endorsement if he applies for a new licence in pursuance of Article 13(1) of the Order of 1981, surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part II of that Order and satisfies the other requirements of Article 13(1).

Application to Crown

93.—(1) Articles 5 to 7, 18, 19, 23 and 54 and the provisions connected with the licensing of drivers apply to vehicles and persons in the public service of the Crown.

(2) To the extent provided by paragraph (1) and Article 94, this Order binds the Crown.

Proceedings in respect of offences committed in connection with Crown vehicles

94.—(1) Where an offence under the Road Traffic Orders is alleged to have been committed in connection with a vehicle in the public service of the Crown, proceedings may be brought in respect of the offence against a person nominated for the purpose on behalf of the Crown.

(2) Subject to paragraph (3), where any such offence is committed any person so nominated shall also be guilty of the offence as well as any person actually responsible for the offence (but without prejudice to proceedings against any person so responsible).

(3) Where any person is convicted of an offence by virtue of this Article—

- (a) no order is to be made on his conviction save an order imposing a fine,
- (b) payment of any fine imposed on him in respect of that offence is not to be enforced against him, and
- (c) apart from the imposition of any such fine, the conviction is to be disregarded for all purposes other than any appeal (whether by way of case stated or otherwise).

Application of certain provisions of Order to trolley vehicles

95.—(1) The Department may by regulations, made subject to negative resolution, provide that such of the provisions mentioned in paragraph (2) as are specified in the regulations shall not apply, or shall apply with modifications, to all trolley vehicles or to trolley vehicles of a specified class.

(2) The provisions referred to in paragraph (1) are Articles 3 to 6, 11, 12, 21, 24, 25, 27 to 31, 33, 35 to 38 and 40 to 53 of this Order.

(3) Regulations under this paragraph—

- (a) may include such transitional provisions as appear to the Department to be necessary or expedient, and
 - (b) may make such amendments to any local Act, which regulates the use of trolley vehicles, as appear to the Department to be necessary or expedient in consequence of the regulations or in consequence of the application to any trolley vehicles of any of the provisions mentioned in paragraph (2).
- (4) In this Article “trolley vehicle” has the meaning given in Article 2(2) of the Order of 1995.

Transitional provisions and savings

96.—(1) The repeal by this Order of any provision of the Road Traffic Orders does not affect the operation of the repealed provision in relation to offences committed before the coming into operation of this Order or to appeals against or suspension of disqualification by virtue of convictions for offences so committed or against orders made in consequence of such convictions.

(2) A conviction of an offence mentioned in paragraph (3) shall be treated as a conviction of an offence mentioned in sub-paragraphs (a) to (d) of Article 35(3).

(3) The offences are—

- (a) an offence under any of the following provisions of the Order of 1981, namely—
 - (i) Article 143(1);
 - (ii) Article 144(1)(a); and
 - (iii) Article 146, being an offence arising from his failure to provide a specimen required to ascertain either his ability to drive or the proportion of alcohol in his breath, blood or urine (as the case may be) at the time he was driving or attempting to drive;as those provisions had effect immediately before their repeal by the Order of 1995;
- (b) an offence under any of the following provisions of the Order of 1981, namely Articles 141, 144, 145 and 147, as those Articles had effect before the coming into operation of Part III of the Road Traffic (Amendment) (Northern Ireland) Order 1991, being an offence committed by or arising out of driving, or attempting to drive, a motor vehicle on a road or other public place.

Article 97—Amendments and repeals

Changes to legislation:

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order transfer of functions by S.R. 2016/76 Sch. 5 Pt. 2
- Order transfer of functions by S.I. 2010/976 Sch. 17 para. 46

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- s. 40A 40B inserted by 2009 c. 25 Sch. 16 para. 4
- art. 23(2)(g) added by S.R. 2014/230 art. 2
- art. 35(1ZA)-(1ZC) inserted by 2016 c. 11 (N.I.) s. 12(2)
- art. 35(3A) inserted by 2016 c. 11 (N.I.) s. 13(2)
- art. 36(3A) inserted by 2009 c. 25 Sch. 21 para. 92(3)(d)
- art. 36(4A) inserted by 2016 c. 11 (N.I.) s. 14(2)
- art. 37(2A) inserted by 2009 c. 25 Sch. 21 para. 92(4)(c)
- art. 38A(5A) inserted by 2009 c. 25 Sch. 21 para. 92(5)(c)
- art. 38A(6A) inserted by 2009 c. 25 Sch. 21 para. 92(5)(e)
- art. 42(2A) inserted by 2009 c. 25 Sch. 21 para. 92(7)(c)
- art. 42(5) added by S.R. 2016/135 reg. 2(2)
- art. 47(3A) inserted by 2009 c. 25 Sch. 21 para. 92(8)(b)
- art. 47(3B) inserted by 2009 c. 25 Sch. 21 para. 92(8)(c)
- art. 52(2ZA) inserted by 2009 c. 25 Sch. 21 para. 92(9)(b)
- art. 54A inserted by 2016 c. 11 (N.I.) s. 15
- art. 59(2A) inserted by 2016 c. 11 (N.I.) s. 8(2)
- art. 59(4) added by 2016 c. 11 (N.I.) s. 8(3)
- art. 59A-59C inserted by 2016 c. 11 (N.I.) s. 9(1)
- art. 63A(7) added by 2016 c. 11 (N.I.) s. 11(1)(d)
- art. 64B inserted by 2016 c. 11 (N.I.) s. 8(5)
- art. 76(3A)(3B) inserted by 2016 c. 21 (N.I.) Sch. 2 para. 5(3)

Commencement Orders yet to be applied to the The Road Traffic Offenders (Northern Ireland) Order 1996

Commencement Orders bringing legislation that affects this Order into force:

- S.I. 2008/2504 art. 2 commences (2007 c. 27)
- S.I. 2009/1604 art. 2 commences (2005 c. 4)
- S.R. 2008/293 art. 2 Sch. commences (S.I. 2008/1216 (N.I.))
- S.R. 2009/352 art. 2 Sch. commences (2008 c. 4 (N.I.))
- S.R. 2010/226 art. 2 Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2010/370 art. 2 Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2011/286 art. 2 Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2012/16 art. 2 commences (S.I. 1996/1320 (N.I.))
- S.R. 2012/262 art. 2-6 commences (2010 c. 2 (N.I.))
- S.R. 2012/313 art. 2 Sch. commences (2008 c. 4)
- S.R. 2014/238 art. 2 Sch. commences (2008 c. 4 (N.I.))
- S.R. 2015/284 art. 2 Sch. commences (2011 c. 11 (N.I.))
- S.R. 2015/389 art. 2(3) Sch. Pt. 3 commences (2008 c. 4 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2017/34 art. 2 commences (2010 c. 14 (N.I.))