

SCHEDULES

SCHEDULE 2

Article 10.

AMENDMENTS RELATING TO VEHICLES DRIVEN BY HOLDERS OF PROVISIONAL LICENCES AND NEWLY QUALIFIED DRIVERS

Application of this Schedule

1.—(1) The amendments made by paragraph 2 shall have effect in relation to any person who is or becomes the holder of a provisional licence.

(2) The amendments made by paragraphs 3 to 7 shall have effect only in relation to a person who becomes a qualified driver on or after the day of the coming into operation of this Order.

Amendments of the Order of 1981

2.—(1) In Article 19 of the Order of 1981 (speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences) the existing provision shall be numbered as paragraph (1) of that Article.

(2) At the beginning of that paragraph insert the words “Subject to paragraph (2)”.

(3) After that paragraph add the following paragraph—

“(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.”.

3. For Article 19A of the Order of 1981 (restrictions on newly qualified drivers and drivers disqualified until tested) substitute—

“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

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while it is being driven on a road by a person who is subject to the specified restrictions when driving that vehicle;

- (b) 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.

(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).”.

4. In Article 19B of the Order of 1981 (speed limit on certain vehicles displaying distinguishing marks)—

- (a) for “paragraph (3)(a)” substitute “paragraph (5)(a)”; and
- (b) for the word “prescribed”, where it occurs for the second time, substitute “specified”.

5. In Article 19D of the Order of 1981 (interpretation) insert the following definition at the appropriate place alphabetically—

““motorway” means a road to which Part III of the Roads (Northern Ireland) Order 1993 applies;”.

Amendment of the Offenders Order

6. In Article 57 of the Offenders Order (fixed penalty offences), in paragraph (3), sub-paragraph (b) and the word “or” immediately preceding it shall cease to have effect.

7. In Part I of Schedule 1 to the Offenders Order (prosecution and punishment of offences), in the entry relating to Article 19A of the Order of 1981, for the entry in column 7 substitute—

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- “(a) 3-6 if committed by contravening the specified restriction under paragraph (5)(b) of Article 19A (driving at a speed exceeding 45 miles per hour);
- (b) 2 if committed only by contravening the specified restriction under paragraph (5)(a) of Article 19A (failure to display restricted driver’s mark).”.

Saving in respect of existing holders of temporarily restricted licences

8.—(1) Where, on the day of the coming into operation of this Order, any person holds a temporarily restricted licence, the prescribed restrictions (and any statutory provision relating to them) shall continue to apply in relation to that person until the end of the period of restriction in the same manner as before that day.

(2) In sub-paragraph (1) the expressions “period of restriction”, “prescribed restrictions” and “temporarily restricted licence”, have the same meanings as they had in Article 19A of the Order of 1981 immediately before the day of the coming into operation of this Order.