

SCHEDULES

SCHEDULE 5

ENDORSEMENT: ALL DRIVERS: CONSEQUENTIAL AMENDMENTS

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

- 24.** In Article 2 (interpretation)–
- (a) in paragraph (2)–
 - (i) in the definition of “the provisions connected with the licensing of drivers” for “92ZA to and 92B” substitute “92ZA and 92A”; and
 - (ii) in the words following the definition of “statutory provision” omit ““counterpart””;
 - (b) omit paragraph (4).
- 25.** In Article 10(3)(a)(ii) (time within which summary proceedings for certain offences must be commenced) omit “and counterpart”.
- 26.** In Article 11 (duty of accused to provide licence) omit the words from “and the foregoing” to the end.
- 27.** In Article 28 (interim disqualification)–
- (a) in paragraph (4)–
 - (i) in sub-paragraph (a) omit “and its counterpart”; and
 - (ii) in sub-paragraph (b) omit “and counterpart”;
 - (b) in paragraph (5)–
 - (i) omit “and its counterpart”;
 - (ii) for “them” substitute “it” and
 - (iii) omit “and counterpart”;
 - (c) in paragraph (6)(b)–
 - (i) omit “and its counterpart”;
 - (ii) omit “and counterpart”; and
 - (iii) for “their” substitute “its”.
- 28.** In Article 29 (production of licence)–
- (a) omit “and its counterpart” in each place;
 - (b) in paragraph (1) for “them” substitute “it”;
 - (c) in paragraph (2)(b) for “are produced” substitute “is produced”; and
 - (d) in paragraph (3) for “their” substitute “its”.
- 29.** In Article 30(3) (penalty points to be attributed to an offence) for “63(5), 63A(6), 82(4)” substitute “63A(6)”.

- 30.** In Article 31(1)(b) (penalty points to be taken into account on conviction) omit “the counterpart of any licence held by him or on”.
- 31.** In Article 32 (penalty points: modification where fixed penalty also in question)–
- (a) in paragraph (1)(b)–
 - (i) omit “the counterpart of his licence or”, and
 - (ii) for “63, 63A, 82” substitute “63A”;
 - (b) in paragraph (2)(b)–
 - (i) omit “on the counterpart of his licence or”, and
 - (ii) for “63, 63A, 82” substitute “63A”.
- 32.** In Article 33(a) (court may take particulars endorsed into consideration) omit “the counterpart of his licence or on”.
- 33.** In Article 41 (disqualification until test is passed) omit paragraph (10).
- 34.** In Article 47 (removal of disqualification)–
- (a) in paragraph (6) for sub-paragraph (a) substitute–
 - “(a) must send notice of the order to the Department,”;
 - (b) omit paragraph (7);
 - (c) in paragraph (7A) for “(6)(a)(ii)” substitute “(6)(a)”; and
 - (d) in paragraph (8) for “(6)(a)(ii) or (7)” substitute “(6)(a)”.
- 35.** Omit Article 50 (effect of endorsement of counterparts).
- 36.** In Article 50A (effect of endorsement of driving records) for paragraphs (3) to (5) substitute–
- “(3) An endorsement ordered on a person’s conviction of an offence remains effective (subject to paragraphs (4) and (5))–
 - (a) if an order is made for the disqualification of the offender, until 4 years have elapsed since the conviction; and
 - (b) if no such order is made, until either–
 - (i) 4 years have elapsed since the commission of the offence; or
 - (ii) an order is made for the disqualification of the offender under Article 40.
 - (4) Where the offence was one under Article 9 or 10 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving and dangerous driving), the endorsement remains in any case effective until 4 years have elapsed since the conviction.
 - (5) Where the offence was one–
 - (a) under Article 14, 15(1) or 16(1)(a) of the Order of 1995 (driving offences connected with drink or drugs);
 - (b) under Article 18(7) of that Order (failing to provide specimen) involving obligatory disqualification; or
 - (c) under Article 18A(6) of that Order (failing to allow a specimen to be subjected to a laboratory test),the endorsement remains effective until 11 years have elapsed since the conviction.”.
- 37.** In Article 51(2)(b) (combination of disqualification and endorsement with probation orders and orders for discharge) omit “the counterpart of any licence held by him or on”.
- 38.** In Article 52 (supplementary provisions as to disqualifications and endorsements)–

- (a) for paragraph (2) substitute—
 - “(2) Where a court orders the endorsement of a person’s driving record it may, and where a court orders a person to be disqualified for a period of 56 days or more it must, send any licence of the person that is produced to the court, to the Department”;
- (b) in paragraph (2A) omit “and its counterpart”;
- (c) in paragraph (3) omit “a licence or”;
- (d) in paragraph (3A) omit “in relation to a person who is not the holder of a licence”; and
- (e) in paragraph (4) omit “and the counterpart of a licence”.

39. In Article 53(1)(b) and (2)(b) (exemption from disqualification and endorsement for certain construction and use offences) omit “the counterpart of any licence held by him or on”.

40. In Article 62 (licence receipts)—

- (a) omit “and its counterpart” in each place; and
- (b) in paragraph (2) for “them” substitute “it”.

41. Omit Article 64 (effect of endorsement of counterpart without hearing).

42. Omit Article 66 (fixed penalty notice mistakenly given to licence holder: exclusion of fixed penalty procedures).

43. In Article 66A (fixed penalty notice given mistakenly to unlicensed person: exclusion of fixed penalty procedures)—

- (a) in the heading omit “to unlicensed person”;
- (b) in paragraph (1) omit “but who is not the holder of a licence,”; and
- (c) in paragraph (3) insert at the end “and send the Chief Constable any licence sent to him under Article 60(7)”.

44. In Article 77 (notices on-the-spot etc.: when registration and endorsement invalid)—

- (a) omit paragraph (4);
- (b) in paragraph (5) omit “63 or”; and
- (c) omit paragraph (6).

45. In Article 80 (issue of conditional offer)—

- (a) in paragraphs (2) and (3) for “82 and 82A” substitute “and 82A”;
- (b) omit paragraph (5);
- (c) in paragraph (5A)—
 - (i) omit “who is not the holder of a licence”; and
 - (ii) in sub-paragraph (a) for the words after “offender” substitute—
 - “(i) makes payment of the fixed penalty to the appropriate person, and
 - (ii) where he is the holder of a licence and the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence to the appropriate person, and”;
- (d) in paragraph (7) for “82 and 82A” substitute “and 82A”.

46. In Article 81 (effect of offer and payment of penalty)—

- (a) in paragraph (3)—

- (i) in sub-paragraph (a), omit “inspecting the licence and its counterpart or (where the alleged offender is not the holder of a licence)” and for “his” substitute “the alleged offender's”; and
 - (ii) in sub-paragraph (b), omit “and its counterpart”;
 - (b) in paragraph (4) for “80(5)(a) or (5A)(a)” substitute “80(5A)”.
- 47.** Omit Article 82 (endorsement of counterparts where penalty paid).
- 48.** In Article 82A (endorsement of driving records where penalty paid)–
 - (a) in paragraph (1)–
 - (i) omit “who is not the holder of a licence”;
 - (ii) after “to the fixed penalty clerk” insert “and (if he is the holder of a licence) delivers his licence to the fixed penalty clerk”; and
 - (iii) insert at the end “together with any licence delivered under sub-paragraph (a)”; and
 - (b) in paragraph (2)–
 - (i) after “record” insert “and return any licence delivered to it under this Article to the alleged offender”;
 - (ii) omit “who is not the holder of a licence”; and
 - (iii) after “to it” insert “and (if he is the holder of a licence) delivers his licence to it”.
- 49.** In Article 87 (powers of court in cases of deception)–
 - (a) omit paragraph (1);
 - (b) in paragraph (1A) omit “also”; and
 - (c) in paragraph (2) omit–
 - (i) “63 or”; and
 - (ii) “82 or”.
- 50.** In Article 88(1)(a) (regulations for the purpose of this Part) for “60(4) or (5C)” substitute “60(5)”.
- 51.** In Article 92ZA (application to Great Britain licence holders)–
 - (a) in paragraph (1)–
 - (i) in sub-paragraph (b) omit “and (6)(b)”;
 - (ii) omit sub-paragraphs (d) to (i);
 - (iii) in sub-paragraph (j) omit “, (3) and (3A)”;
 - (iv) omit sub-paragraph (k);
 - (b) omit paragraphs (3) to (6);
 - (c) in paragraph (7)–
 - (i) omit “and its counterpart (if any)”;
 - (ii) for “their” substitute “its”;
 - (d) in paragraph (8) omit “and its counterpart”; and
 - (e) in paragraph (9)–
 - (i) in sub-paragraph (a) for “paragraph (5)” substitute “Article 49A of an order for the endorsement of a person’s driving record”; and
 - (ii) in sub-paragraph (b)(i) after “licence” insert “, or a person normally resident in Great Britain who does not hold a licence,”.

- 52.** Omit Article 92ZB (effect of endorsement on Great Britain licence holders).
- 53.** In Article 92A (application to Community licence holders)–
- (a) in paragraph (1) omit from “, 29” to “and 53”;
 - (b) omit paragraphs (2) to (4);
 - (c) in paragraph (5)–
 - (i) omit “and its counterpart (if any)”;
 - (ii) for “their” substitute “its”;
 - (d) omit paragraph (6);
 - (e) for paragraph (7) substitute–
 - “(7) Where–
 - (a) a notice is sent to the Department under Article 49A for the endorsement of a person’s driving record with any particulars or penalty points, and
 - (b) the particulars contained in the notice include–
 - (i) particulars of an offence in respect of which the holder of a Community licence, or a person normally resident in another EEA state who does not hold a 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 sub-paragraph (b)(i) and (ii) to the licensing authority in the EEA state in respect of which the Community licence was issued or, where the person disqualified is not the holder of a licence, the licensing authority in the EEA state where the person is normally resident.
 - (7A) Where a Community licence has been sent to the Department in pursuance of paragraph (5), it must return the Community licence to the holder–
 - (a) on the expiry of the period of disqualification, or
 - (b) if earlier, on being satisfied that the holder has left Northern Ireland and is not normally resident there.”;
 - (f) omit paragraphs (8) to (10).
- 54.** Omit Article 92B (effect of endorsement on Community licence holders).
- 55.** In Part I of Schedule 1 (prosecution and punishment of offences)–
- (a) in the entry relating to Article 9(10) of the Order of 1981, omit “and counterpart”;
 - (b) in the entry relating to Article 10(3) of that Order, omit “and counterpart”;
 - (c) in the entry relating to Article 15(7) of that Order, omit “and its counterpart” and “and counterpart”;
 - (d) in the entry relating to Article 15C(4) of that Order, omit “and its counterpart”;
 - (e) in the entry relating to Article 75 of that Order, omit “and its counterpart”;
 - (f) in the entry relating to Article 28 of the Offenders Order, omit “and counterpart”; and
 - (g) in the entry relating to Article 29 of the that Order, omit “and counterpart”.