

SCHEDULES

SCHEDULE 7

Article 86

MINOR AND CONSEQUENTIAL AMENDMENTS

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

1. In Article 2(2) (interpretation)–
 - (a) for the definition of “Community licence” substitute–

““Community licence” has the meaning assigned to it by Article 19D;”;
 - (b) insert in the appropriate place alphabetically–

““the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;”
 - (c) in the definition of “the Road Traffic Orders”–
 - (i) omit “and”; and
 - (ii) after “1997” insert “and the Order of 2007”.
2. In Article 15D(b) (application of provisions on information relating to disabilities to Community licences) for “(3)” in both places where it occurs substitute “(3B)”.
3. In Article 19H(c) (application of provisions on information relating to disabilities to Great Britain licences) for the words “after paragraph (3A) there shall be substituted” substitute the words “for paragraph (3B) there were substituted”.
4. In Article 73(7) (revocation or suspension of licences) for the words “paragraph (3)” substitute the words “paragraph (6)”.
5. In Article 78 (interpretation) for the words “this Article and Articles 70 to 77” substitute the words “this Article, Articles 70 to 77 and Article 180A”.
6. In Article 212 (application of Order to hovercraft and trolley vehicles) in paragraph (3) for the words “166 to 168” substitute “168A”.

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

7. In Article 26(2) (list of offences to which powers of summary arrest apply) for sub-paragraph (ee) substitute–

“(ee) offences under Article 168A(1)(c) of the Road Traffic (Northern Ireland) Order 1981 (driving while disqualified);”.
8. In Article 35(7) (limitations on police detention after arrest) for the words “under Article 17(5) of the Road Traffic (Northern Ireland) Order 1995” substitute the words “under Article 17D of the Road Traffic (Northern Ireland) Order 1995”.

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

9. In Article 2(2) (interpretation)
 - (a) insert in the appropriate place alphabetically–

““the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;”

(b) in the definition of “the Road Traffic Orders”–

(i) omit “and”; and

(ii) after “1997” insert “and the Order of 2007”.

10. In Article 13(3) (interpretation) for the words “A person does not provide a specimen of breath for a preliminary breath test or for analysis unless the specimen” substitute the words “A person does not co-operate with a preliminary test or provide a specimen of breath for analysis unless his co-operation or the specimen”.

11. In Article 18(4) (provision of specimen for analysis) after sub-paragraph (bb) insert–

“(bc) as a result of the administration of a preliminary drug test, the constable making the requirement has reasonable cause to believe that the person required to provide a specimen of blood or urine has a drug in his body, or”.

12. In Article 20(1) (protection for hospital patients)–

(a) for the words “to provide a specimen of breath for a preliminary breath test or for analysis” substitute the words “to co-operate with a preliminary test”;

(b) in sub-paragraph (a) for the words “it shall be for the provision of a specimen at the hospital” substitute the words “it shall be for co-operation with a test administered, or for the provision of a specimen, at the hospital”.

13. In Article 21(1) (detention of persons affected by alcohol or drugs) after the words “a person required” insert the words “under Article 18”.

14. In Article 60(3) (special vehicle orders) at the beginning insert “Article 110(1) and ”.

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

15. In Article 2(2) (interpretation)–

(a) after the definition of “clerk of petty sessions” insert–

““the Department” means the Department of the Environment;”;

(b) insert in the appropriate place alphabetically–

““the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;”

(c) in the definition of “the Road Traffic Orders”–

(i) omit “and”; and

(ii) after “1997” insert “and the Order of 2007”.

16. In Article 5(4) (requirement of warning etc. of prosecutions for certain offences) for sub-paragraph (a) substitute–

“(a) an offence under any of the following provisions of the Road Traffic Regulation (Northern Ireland) Order 1997–

(i) Article 7 (temporary traffic regulation) consisting in the contravention of a temporary speed limit under paragraph (3)(b) of that Article,

(ii) Article 43 (contravening speed limit);”.

17. In Article 10(3)(a) (time within which summary proceedings for certain offences under the Order of 1981 must be commenced)–

(a) before head (i) insert–

“(iz) Article 9(13) (driving after making false declaration as to physical fitness);”;

(b) after head (i) insert–

“(ia) Article 11(3B) (driving after such a failure),

(ib) Article 11A (driving after refusal of licence under Article 9(3) or revocation under Article 10(1) or (2)),”;

(c) after head (iii) insert–

“(iia) Article 168A(1) (applying for or obtaining a driving licence, or driving while disqualified),”.

18. For Article 22 (evidence by certificate as to registration of driving instructors and licences to give instruction) substitute–

“Evidence by certificate as to registration etc. of driving instructors

22.—(1) A certificate signed by the Registrar and stating that, on any date–

(a) a person was, or was not, registered;

(b) a person became registered or a person’s registration was terminated; or

(c) a person was, or was not, exempt from the prohibitions imposed by Article 48 of the Order of 2007 (requirement of registration) by virtue of provision made by regulations under Article 50,

shall be evidence of the facts stated in the certificate in pursuance of this Article.

(2) A certificate so stating and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proven.

(3) In this Article “Registrar”, “registered” and “registration” have the same meanings as in Part V of the Order of 2007.”.

19. For Article 41(11A) (expiration of disqualification until test passed) substitute–

“(11A) For the purposes of paragraph (11), “designated country or territory” means a country or territory designated by order under Article 19D(2) of the Order of 1981 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in Article 19D(1) of that Order.”.

20. In Article 42(4) (person may obtain provisional licence and drive in accordance with that licence if disqualified until test is passed) for the words “entitled to obtain and to hold a provisional licence” substitute the words “entitled to apply for, obtain and to hold a provisional licence”.

21. In Part I of Schedule 1 (prosecution and punishment of offences)–

(a) in the entry relating to offences under Article 3(1) of the Order of 1981, for the entry in column (2) substitute “Driving otherwise than in accordance with a licence.”;

(b) in the entry relating to offences under Article 3(2) of the Order of 1981, in the entry in column (2) for the word “without” substitute the words “otherwise than in accordance with”;

(c) after the entry relating to offences under Article 9(10) of the Order of 1981 insert–

“Article 9(13)	Driving after making false declaration as to	Summarily.	Level 4 on the standard scale.	DiscretionaryObligatory. 3–6”;
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physical
fitness.

(d) after the entry relating to offences under Article 11(3) of the Order of 1981 insert–

“Article 11(3B)	Driving after such a failure and that paragraph as applied by Article 15D(b) or 19H(c).	Summarily.	Level 3 on the standard scale.	DiscretionaryObligatory.	3–6
Article 11A	Driving after refusal of licence under Article 9(3), revocation under Article 10(1) or (2) or service of a notice under Article 15C or 19G	Summarily.	Level 5 on the standard scale or 6 months or both.	DiscretionaryObligatory.	3–6”;

(e) after the entry relating to offences under Article 154(2) of the Order of 1981 insert–

“Article 168A(1)(a) or (b)	Applying for or obtaining driving licence while disqualified.	Summarily.	Level 3 on the standard scale.		
Article 168A(1)(c)	Driving while disqualified.	Summarily.	Level 5 on the standard scale or 6 months or both.	DiscretionaryObligatory.	6”;

(f) in the entry relating to offences under Article 174(1) of the Order of 1981 for the words in column (2) substitute the words “Making certain false statements, furnishing certain false particulars or withholding certain material information etc.”;

(g) in the entry relating to offences under Article 174(2) of the Order of 1981 for the words in column (2) substitute the words “Forgery, etc. of licences, test certificates, certificates of insurance and other documents and things”;

- (h) in the entry relating to offences under Article 17 of the Order of 1995 for the words in column (2) substitute the words “Failing to co-operate with a preliminary test.”;
- (i) after the entry relating to offences under Article 63 of the Order of 1995 insert–

“Article 63A	Using etc., vehicle without displaying required test certificate.	Summarily.	Level 1 on the standard scale.”
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The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 22.** In Article 2(2) (interpretation) in the definition of “the Road Traffic Orders”–
- (a) omit “and”; and
 - (b) after “this Order” insert “and the Road Traffic (Northern Ireland) Order 2007.”