

SCHEDULES

SCHEDULE 5

Article 40

ENDORSEMENT: ALL DRIVERS: CONSEQUENTIAL AMENDMENTS

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

1. In Article 4(8) (requirement for driving licence: exceptions) omit “, counterparts of licences”.
2. In Article 9(7B)(a) and (10) (requirements as to physical fitness of drivers) omit “and its counterpart”.
3. In Article 10 (revocation of licence because of disability or prospective disability)—
 - (a) in paragraphs (2)(b) and (3) omit “and its counterpart”;
 - (b) in paragraph (4)(a)—
 - (i) omit “and its counterpart”; and
 - (ii) for “them” substitute “it”;
 - (c) in paragraph (4)(b)—
 - (i) for “them” substitute “it”; and
 - (ii) for “their” substitute “its”.
4. In Article 13 (grant of licences)—
 - (a) in paragraph (1)(c)—
 - (i) in head (i) omit “and its counterpart”;
 - (ii) in head (ia) omit the words from “together” to the end; and
 - (iii) in head (ii) omit “and its counterpart (if any) issued to him”;
 - (b) in paragraph (1AA) omit—
 - (i) “together with the counterparts mentioned in paragraph (ia)”;
 - (ii) “and its Great Britain counterpart”.
5. In Article 14(1)(c) (form of licence) omit “or its counterpart”.
6. In Article 15 (duration of licences)—
 - (a) in paragraph (5)—
 - (i) omit sub-paragraph (b);
 - (ii) in sub-paragraph (c) omit “or in its counterpart”; and
 - (iii) omit “and its counterpart”;
 - (b) in paragraph (6) omit “and its counterpart”;
 - (c) in paragraph (7A)—
 - (i) omit “and its counterpart”, in both places;
 - (ii) for “them”, in both places, substitute “it”; and
 - (iii) for “their” substitute “its”;

- (d) in paragraph (8) omit “and its counterpart”.
- 7. In Article 15A (authorisation to drive in Northern Ireland) omit paragraphs (5) and (6).
- 8. In Article 15B (information about resident Community licence holders)—
 - (a) omit paragraph (3);
 - (b) in paragraph (4) for “paragraphs (1) and (3)” substitute “paragraph (1)”;
 - (c) in paragraph (5) for “a Community licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine” substitute “the driving record of a person who delivers to it a Community licence (whether or not in pursuance of this Article)”;
 - (d) omit paragraph (6);
 - (e) for paragraph (7) substitute—

“(7) Where the name of a Community licence holders as specified in his Community licence ceases to be correct, he must deliver his Community licence immediately to the Department and provide it with particulars of the alterations falling to be made in the name on it”;
 - (f) omit paragraph (8);
 - (g) in paragraph (9) after “endorse the Community licence” insert “and that person’s driving record”;
 - (h) in paragraph (11)(b) omit “(6) or”;
 - (i) omit paragraph (12).
- 9. In Article 15C (revocation of authorisation conferred by Community licence because of disability or prospective disability)—
 - (a) in paragraph (1) to (4) omit “and its counterpart (if any)” in each place;
 - (b) omit paragraph (5).
- 10. In Article 19C (regulations)—
 - (a) in paragraph (1A)—
 - (i) sub-paragraph (a) for “Community licences and counterparts of such licences” substitute “and Community licences”;
 - (ii) in sub-paragraph (e) omit “and counterparts of licences” and “or counterparts of licences”; and
 - (iii) omit sub-paragraph (ea);
- 11 In Article 19A(7) (information on counterpart of licence of newly qualified drivers) for “the Department shall enter on or affix to the counterpart of the licence a notice or other indication to show” substitute “the licence shall specify (in such manner as the Department may determine)”.
- 12. In Article 19D (interpretation)—
 - (a) in paragraph (1) omit the definition of “counterpart” and “Great Britain counterpart”;
 - (b) omit paragraph (3).
- 13. In Article 19E (provisions about Great Britain driver’s licences) for paragraph (2) substitute—

“(2) For the purposes of this Order, any driver holding a Great Britain licence shall be under the same obligation to produce such a licence as if it had been a licence granted under this Part, and the provisions of this Order as to the production of licences granted under this Part shall apply accordingly.”.

- 14.** Article 19F (counterparts issued to Great Britain licence holders) is amended as follows—
- (a) in the heading, for “Counterparts issued to” substitute “Information about”;
 - (b) for paragraphs (1) and (2) substitute—

“(1) The Department may endorse the driving record of a Great Britain licence holder who delivers to it a Great Britain licence together with the information specified in, or required under, paragraph (3) with any part of that information.”
 - (c) for paragraphs (4) and (5) substitute—

“(4) Where the name of a Great Britain licence holder as specified in his Great Britain licence ceases to be correct, he may deliver his Great Britain licence immediately to the Department and provide it with particulars of the alterations falling to be made in the name on it.

(5) On the delivery of a Great Britain licence by any person in pursuance of paragraph (4), the Department may endorse the Great Britain licence and that person’s driving record with the correct name and must return the Great Britain licence to that person.”.
- 15.** In Article 19G (revocation of authorisation conferred by Great Britain licence because of disability or prospective disability)—
- (a) in paragraph (1) omit the words from “together” to the end;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a) omit “together with the relevant counterparts”; and
 - (ii) in sub-paragraph (b) omit “and those counterparts”;
 - (c) in paragraph (4) omit “and the relevant counterparts”;
 - (d) omit paragraph (5);
 - (e) in paragraph (7) omit “and its Great Britain counterpart”.
- 16.** In Article 73A(1) (community licence holders: cessation of authorisation, etc.) omit “and its counterpart (if any)”.
- 17.** In Article 74A (community licences: disqualification, etc.) omit “and its counterpart (if any)” in both places.
- 18.** In Article 75 (revoked or suspended licences: surrender, return and endorsement)—
- (a) in paragraph (1) omit “and its counterpart”;
 - (b) in paragraph (3) omit “and its counterpart”;
 - (c) omit paragraph (4).
- 19.** In Article 78 (interpretation) omit the definition of “counterpart”.
- 20.** In Article 79(3) (provisions as to Great Britain licences)—
- (a) for “and its counterpart are” substitute “is”; and
 - (b) for “them” substitute “it”.
- 21.** In Article 174 (false statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure)—
- (a) in paragraph (2A)—
 - (i) in sub-paragraph (a) omit the words from “or” to the end; and
 - (ii) omit sub-paragraph (b); and
 - (b) omit paragraph (2B).

22. In Article 180 (enforcement powers of constable)—

- (a) in paragraph (3B)—
 - (i) omit “and its counterpart”;
 - (ii) for “them” in each place where it occurs substitute “it”; and
 - (iii) for “their” substitute “its”;
- (b) in paragraph (3C)—
 - (i) omit “and its counterpart” in each place where it occurs;
 - (ii) for “their” substitute “its”; and
 - (iii) for “them” in both places where it occurs substitute “it”;
- (c) in paragraph (4AA)—
 - (i) omit “and its counterpart” in each place where it occurs; and
 - (ii) for “their” in both places substitute “its”;
- (d) in paragraph (8)—
 - (i) omit “or counterpart of any such licences” and
 - (ii) omit the reference to “counterpart”.

The Child Support (Northern Ireland) Order 1991 (NI 23)

23. In Article 37A (disqualification from driving: further provision)—

- (a) in paragraph (4) omit the words from “, and” to the end;
- (b) in paragraph (9)—
 - (i) omit “and its counterpart”;
 - (ii) for “their” substitute “its”.

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)”;
 - (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)”;
 - (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”;
 - (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”;
 - (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”.

The Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)

56. In Article 4 (surrender of licences)—

- (a) for paragraph (2) substitute—

“(2) Where this paragraph applies, the court must, together with the notice of the order referred to in paragraph (1)(d) required to be sent to the Department under Article 49A of the Offenders Order, send the person’s licence on its production to the court.”;
- (b) in paragraph (3)—
 - (i) in sub-paragraph (a) for “and its counterpart have” substitute “has”;
 - (ii) in sub-paragraph (c)—
 - (A) omit “appropriate person endorses the number of”; and
 - (B) for “on the counterpart of the licence” substitute “are to be endorsed on the person’s driving record”; and
 - (iii) in sub-paragraph (f)—
 - (A) before “endorsed” insert “to be”; and
 - (B) for “counterpart of the licence” substitute “person’s driving record”;
- (c) in paragraph (4)—
 - (i) in sub-paragraph (a)—
 - (A) omit “and its counterpart”; and
 - (B) for “63(3) or (4) or 82(1)” substitute “63A(3) or (4) or 82A(2)”;
 - (ii) in sub-paragraph (b) insert at the end “together with the notice he is required to send under Article 63A or 82A of the particulars to be endorsed on the person’s driving record”.

57. In Article 5 (revocation of licences) for paragraph (1) substitute—

- “(1) Where the Department receives—
- (a) a notice sent to it under Article 49A, 63A or 82A of the Offenders Order of particulars required to be endorsed on a person’s driving record, and
 - (b) a person’s licence sent to it in accordance with Article 4(2) or (4)(b),
- the Department must by notice served on that person revoke the licence.”.

58. In Article 12(2) (service of documents etc.) omit “and its counterpart” in both places.

59. In Schedule 1 (newly qualified drivers holding test certificates)—

- (a) in paragraph 3—

- (i) in sub-paragraph (2) omit “and its counterpart”; and
- (ii) in sub-paragraph (4)(a) omit “(with its counterpart)”;
- (b) in paragraph 4—
 - (i) for sub-paragraph (2) substitute—

“(2) The court shall send to the Department, on its production to the court, the person’s test certificate, together with the notice of the order referred to in Article 4(1)(d)”;
 - (ii) in sub-paragraph (4) for the words following “Department” substitute “the person’s test certificate together with the notice he is required to send under Article 63A or 82A of the particulars to be endorsed on the person’s driving record.”;
- (c) in paragraph 5(1)—
 - (i) for “paragraph 4 of” substitute “Article 49A, 63A or 82A of the Offenders Order of”;
 - (ii) for “or endorsed on the counterpart of a person’s licence” substitute “on a person’s driving record”; and
 - (iii) for “(4)(b)” substitute “(4)”;
- (d) in paragraph 7—
 - (i) for sub-paragraph (2) substitute—

“(2) The court shall, together with the notice of the order referred to in Article 4(1)(d), send to the Department—

 - (a) on its production to the court, the person’s licence, and
 - (b) on its production to the court, the person’s test certificate.”; and
 - (ii) in sub-paragraph (4)—
 - (A) in paragraph (a), omit “and its counterpart”;
 - (B) in that paragraph, for “63(3) or (4) or 82(1)” substitute “63A(3) or (4) or 82A(2)”;
 - (C) in paragraph (b), for “them” substitute “it” and insert at the end “together with the notice he is required to send under Article 63A or 82A of the Offenders Order of the particulars to be endorsed on the person’s driving record.”;
- (e) in paragraph 8(1)(a)—
 - (i) for “paragraph 7(2)(a)” substitute “Article 49A, 63A or 82A of the Offenders Order”;
 - (ii) for “the counterpart of a person’s licence” substitute “a person’s driving record”;
 - (iii) omit “and its counterpart”; and
 - (iv) for “7(2)(b)” substitute “7(2)(a)”.

The Road Traffic (Northern Ireland) Order 2007 (NI)

60. In Article 46(5) (interpretation of that Part) omit “and “counterpart”, in relation to a Community licence”.

61. In Article 47 (expressions defined in that Part) omit “and counterpart”.

62. In Article 53(13) (registration of disabled persons) in paragraph (c) of the definition of “disabled person’s limited driving licence” omit “and a counterpart of that licence”.