



2016 CHAPTER 11

PART 3

Learner and new drivers

PROSPECTIVE

Changes to restrictions on learner and new drivers

Changes to restrictions on learner and new drivers

- 19.**—(1) The Order of 1981 is amended as follows.
- (2) Article 19 (speed limit for holders of provisional licences) is omitted.
- (3) For Articles 19A (restrictions on newly qualified drivers) and 19B (speed limit for vehicle displaying R plate), substitute—

“Restrictions on newly qualified drivers for new driver period

19AB.—(1) Except as provided in paragraph (11), this Article applies to any person who becomes a qualified driver.

(2) On becoming a qualified driver the person shall, for the new driver period, be subject to the relevant specified restriction.

(3) The relevant specified restriction shall apply to the person while he is driving on a road a motor vehicle of a class prescribed (and which is of the class affected by the restriction) in respect of which he was not, immediately before he became a qualified driver, entitled to hold or obtain a full licence.

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(4) In determining when the new driver period expires, any time during which a person is disqualified from holding or obtaining a licence, or holds a provisional licence only, shall be disregarded.

(5) The specified restrictions are—

(a) as respects a motor vehicle of a class prescribed for the purposes of paragraph (3), 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 such motor vehicle while it is being driven by a person to whom this Article applies (“the driver”),

(b) subject to paragraph (7), in so far as a class prescribed for the purposes of paragraph (3) comprises category B motor vehicles, as respects a category B motor vehicle, a restriction that there must be a relevant accompanying person in the vehicle in a front passenger seat in accordance with paragraph (6) while—

(i) the driver is under 24 years of age and driving on a road,

(ii) the driver is driving at any time between 11 pm and 6 am,

(iii) there is more than one passenger in the vehicle (in addition to the relevant accompanying person), and

(iv) disregarding one such passenger (who may be any person), any other such passenger is a relevant passenger.

(6) For the purposes of paragraph (5)(b), in a vehicle that has more than one front seat in addition to the driver's seat, a relevant accompanying person—

(a) while he is the only person (apart from the driver) in the front of the vehicle, may be seated in any of the other front seats,

(b) while he is not the only person (apart from the driver) in the front of the vehicle, must be seated in the front seat immediately next to the driver's seat.

(7) The specified restriction in paragraph (5)(b) shall not apply where the motor vehicle is being used for emergency purposes or in the course of training for such use.

(8) Any person who contravenes any of the specified restrictions shall be guilty of an offence under this Order.

(9) It is a defence in proceedings for an offence under paragraph (8) which is attributable to contravention of the specified restriction in paragraph (5)(b) for a person to show that he exercised all due diligence to avoid committing such an offence.

(10) Where the Department grants or returns a licence to any person who (while driving a motor vehicle of a class specified in the licence) will be subject to any of the specified restrictions for any period during the currency

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of the licence, the licence shall specify (in such manner as the Department may determine) the following—

- (a) the specified restriction concerned,
 - (b) the new driver period applicable to the restriction,
 - (c) the class of vehicles affected by the restriction,
 - (d) that the holder is subject to the specified restriction for the period while driving vehicles of that class.
- (11) This Article does not apply—
- (a) to a person who at a time before passing a test of competence to drive a category A2 motorcycle or a category A motorcycle held, for a continuous period of not less than 2 years or for periods amounting in aggregate to not less than 2 years, a full licence authorising the person to drive a category A1 motorcycle,
 - (b) to a person who is required to pass a test of competence to drive by virtue of—
 - (i) an order under Article 41 of the Offenders Order (or section 36 of the Road Traffic Offenders Act 1988), or
 - (ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998 (or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995),
 - (c) 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,
 - (d) 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.

Restrictions on newly qualified drivers for new driver period: further provision

19AC.—(1) This Article applies for the purposes of Article 19AB.

(2) A person “becomes a qualified driver” by passing any of the following tests—

- (a) a test of competence to drive prescribed by virtue of Article 5(3),
- (b) a Great Britain test of competence to drive which corresponds to such a test,
- (c) a test of competence which, under Article 5(7), is a sufficient test,

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- (d) a test of competence to drive for the purpose of obtaining a British forces licence.
- (3) “Relevant specified restriction” means such of the specified restrictions as affects the motor vehicle concerned; and “the specified restrictions” means the restrictions specified in Article 19AB(5).
- (4) The “new driver period” means—
 - (a) as respects the specified restriction in paragraph (5)(a) of Article 19AB, the period of 2 years after the day on which the person becomes a qualified driver,
 - (b) as respects the specified restriction in paragraph (5)(b) of that Article, the period of 6 months after the day on which the person becomes a qualified driver.
- (5) A person is a “relevant passenger” if he—
 - (a) is 14 years of age or over but under 21 years of age,
 - (b) is not, in relation to the person driving (“the driver”), any of the relationships mentioned in paragraph (6), and
 - (c) is not a person in respect of whom the driver is entitled to a carer's allowance by virtue of section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.
- (6) The relationships are—
 - (a) a spouse or civil partner of the driver,
 - (b) a brother, sister, half-brother or half-sister of the driver,
 - (c) a child of the family.
- (7) A person is a “child of the family”, in relation to the driver, if (whether or not he has at any time lived in the same household as the driver), has been treated by the driver as a child of his family.
- (8) A person is a “relevant accompanying person” if he—
 - (a) is 21 years of age or over,
 - (b) holds a full licence, and
 - (c) has held the full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years.
- (9) A motor vehicle is being “used for emergency purposes” if it is being used for—
 - (a) fire and rescue, ambulance, police, military, customs or coastguard purposes, or
 - (b) such other purposes as may be prescribed.
- (10) The reference in paragraph (9)(a) to ambulance purposes includes a reference to the purposes of a mobile coronary care unit.

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(11) Regulations under paragraph (5)(a) of Article 19AB shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

(12) The Department may by order amend—

(a) paragraph (5)(b) of Article 19AB by—

(i) adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there,

(ii) substituting a different age for the age for the time being specified in sub-paragraph (i) of that paragraph,

(b) paragraph (a) or (b) of the definition of “new driver period” in paragraph (4) by substituting different periods for any of the periods for the time being specified there,

(c) paragraph (5)(a) by substituting different ages for either of the ages for the time being specified there,

(d) paragraph (8)(a) by substituting a different age for the age for the time being specified there.

(13) An order under paragraph (12) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”.

(4) In Article 177 (identification of drivers, passengers etc. in vehicles)—

(a) in sub-paragraph (a) of paragraph (1), for “names and addresses” substitute “ names, addresses, ages and relationship to driver ”,

(b) after sub-paragraph (b) of that paragraph, insert—

“(ba) any passenger in the vehicle shall, if required as aforesaid, give any information which it is in his power to give as regards the names, addresses, ages and relationship to the driver of any passenger at the time of the alleged offence;”,

(c) after that paragraph, insert—

“(1A) Where the offence of which the driver is alleged to be guilty is—

(a) an offence under Article 19AB(8); and

(b) in respect of contravention of the specified restriction in Article 19AB(5)(b) (passenger carrying restriction during new driver period),

the requirement in paragraph (1)(a) for the driver on demand to give to a constable the names, addresses, ages and relationship to the driver of any passengers carried in the vehicle at the time of the alleged offence which it is in his power to give applies whether or not the driver is the owner of the vehicle.”,

(d) after paragraph (2), insert—

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“(3) Where the alleged offence is—

- (a) under Article 19AB(8); and
- (b) in respect of contravention of the specified restriction in Article 19AB(5)(b) (passenger carrying restriction during new driver period),

the driver of the vehicle shall, if requested to do so by the constable, produce at such police station as the constable may specify, before the end of the period of 7 days beginning with the day of the request, such further evidence as regards the names, addresses, ages and relationship to the driver of any passengers in the vehicle as the constable may request.

(4) It is a defence in proceedings for an offence under this Article in relation to an offence under paragraph (8) of Article 19AB, which was attributable to contravention of the specified restriction in paragraph (5) (b) of that Article, for a person to show that he exercised all due diligence to avoid committing such an offence.”.

(5) In Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders)—

- (a) for the entry relating to offences under Article 19A and 19B of the Order of 1981 substitute—

“Article 19AB(8)	Failure to comply with restriction on newly qualified driver.	Summarily on the standard scale.	Level 3	Discretionary	Obligatory.3”
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- (b) in the entry relating to offences under Article 177 of that Order, in column (7), for “6” substitute “ (a) 3 if the driver of the vehicle is alleged to be guilty of an offence under Article 19AB(8) of the Order of 1981 (failure to comply with any of the specified restrictions during the new driver period), (b) 6 in any other case ”.

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