

## STATUTORY INSTRUMENTS

# 1981 No. 154

## Road Traffic (Northern Ireland) Order 1981

### PART XIII

#### GENERAL PROVISIONS AS TO OFFENCES, ENFORCEMENT, EVIDENCE AND PROCEEDINGS

##### Other offences

##### Applying for or obtaining driving licence or provisional licence while disqualified

166. <sup>F1</sup> .....

**F1** Arts. 166-168 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

##### Driving a motor vehicle, or causing or permitting a person to drive a motor vehicle, while disqualified

167. <sup>F2</sup> .....

**F2** Arts. 166-168 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

##### [<sup>F3</sup> Articles 54 and 57 of the Magistrates' Courts (Northern Ireland) Order 1981 not to apply to Articles 166 and 167

168. <sup>F4</sup> .....

**F3** 1981 NI 26

**F4** Arts. 166-168 repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

##### [<sup>F5</sup> Applying for or obtaining a driving licence, or driving, while disqualified

**168A.**—(1) Subject to paragraphs (3) and (4), a person is guilty of an offence if, while disqualified for holding or obtaining a driving licence, he—

- (a) applies for a licence, or
- (b) obtains a licence, or
- (c) drives a motor vehicle on a road.



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(2) A licence obtained by a person who is disqualified is of no effect (or, where the disqualification relates only to vehicles of a particular class, is of no effect in relation to vehicles of that class).

(3) Paragraph (1)(a) and (b) do not apply in relation to disqualification by virtue of Article 17.

(4) Paragraph (1)(c) does not apply in relation to disqualification by virtue of Article 18.

(5) In the application of paragraph (1) to a person whose disqualification is limited to the driving of motor vehicles of a particular class by virtue of—

(a) Article 18, 74 or 74A, or

(b) paragraph (9) of Article 41 of the Offenders Order (disqualification until test is passed), the references to disqualification for holding or obtaining a licence, applying for a licence and driving motor vehicles are references to disqualification for holding or obtaining a licence to drive, applying for a licence for and driving motor vehicles of that class.]

**F3** 1981 NI 26

**F5** Art. 168A inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **37**; S.R. 2007/454, **art. 2**, Sch.

Article 169 rep. by 1996 NI 10

Article 170 rep. by 1995 NI 18

### Vehicle causing obstruction

Para. (1) rep. by 1995 NI 18

Paras. (2)-(6) rep. by 1997 NI 2

**F3** 1981 NI 26

### Taking vehicle without owner's consent or other authority

**172.**—(1) Subject to paragraph (2), any person who, without having the consent of the owner or other lawful authority, takes or attempts to take, a motor vehicle, trailer or<sup>F6</sup> . . . cycle for his own or another's use or, knowing that any motor vehicle, trailer or<sup>F6</sup> . . . cycle has been taken without such authority, drives or attempts to drive it or allows himself to be carried in or on it shall be guilty of an offence under this Order.

(2) If on proceedings on indictment for an offence under this Article the jury is satisfied, or, on summary proceedings under this Article the court is satisfied, that the defendant acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked for it, the defendant shall not be liable to be convicted of the offence.

(3) On the trial of any indictment for the theft of a motor vehicle, trailer or<sup>F6</sup> . . . cycle, the jury may acquit the defendant of theft and find him guilty of an offence under this Article.

(4) A court of summary jurisdiction dealing summarily with the offence of theft of a motor vehicle, trailer or<sup>F6</sup> . . . cycle may acquit the defendant of that offence and find him guilty of an offence under this Article.

**F3** 1981 NI 26

**F6** 1995 NI 18



## [<sup>F7</sup> Aggravated vehicle-taking

**172A.**—(1) Subject to paragraph (3), a person is guilty of aggravated taking of a motor vehicle if—

- (a) he commits an offence under Article 172(1) (in this Article referred to as a basic offence) in relation to a motor vehicle; and
- (b) it is proved that, at any time after the vehicle was unlawfully taken (whether by him or another) and before it was recovered, the vehicle was driven, or injury or damage was caused, in one or more of the circumstances set out in sub-paragraphs (a) to (d) of paragraph (2).

(2) The circumstances referred to in paragraph (1)(b) are—

- (a) that the vehicle was driven dangerously on a road or other public place;
- (b) that, owing to the driving of the vehicle, an accident occurred by which injury was caused to any person;
- (c) that, owing to the driving of the vehicle, an accident occurred by which damage was caused to any property, other than the vehicle;
- (d) that damage was caused to the vehicle.

(3) A person is not guilty of an offence under this Article if he proves that, as regards any such proven driving, injury or damage as is referred to in paragraph (1)(b), either—

- (a) the driving, accident or damage referred to in paragraph (2) occurred before he committed the basic offence; or
- (b) he was neither in nor on nor in the immediate vicinity of the vehicle when that driving, accident or damage occurred.

(4) If a person who is charged with an offence under this Article is found not guilty of that offence but it is proved that he committed a basic offence, he may be convicted of the basic offence.

(5) For the purposes of this Article a vehicle is driven dangerously if—

- (a) it is driven in a way which falls far below what would be expected of a competent and careful driver; and
- (b) it would be obvious to a competent and careful driver that driving the vehicle in that way would be dangerous.

(6) For the purposes of this Article a vehicle is recovered when it is restored to its owner or to other lawful possession or custody.

**F3** 1981 NI 26

**F7** 2004 NI 15

## Aggravated vehicle-taking causing death or grievous bodily injury

**172B.**—(1) A person is guilty of an offence under this Article if—

- (a) he commits an offence under Article 172A(1) (in this Article referred to as a basic offence) in relation to a motor vehicle; and
- (b) it is proved that, in circumstances falling within Article 172A(2)(b), the accident caused the death of, or grievous bodily injury to, the person concerned.

(2) If a person who is charged with an offence under this Article is found not guilty of that offence but it is proved that he committed a basic offence or an offence under Article 172A, he may be convicted of that offence.



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**F3** 1981 NI 26

**F7** 2004 NI 15

Article 173 rep. by 1995 NI 18

**False statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure**

**174.**—(1) A person shall be guilty of an offence under this Order who—

- (a) in connection with an<sup>[F8]</sup> application for—
  - (i) any licence under the Road Traffic Orders;
  - (ii) a goods vehicle test certificate under the Road Traffic Orders;
  - (iii) an international road haulage permit;
  - (iv) the entry or retention of a name in the register of driving instructors maintained under Part V of the Order of 2007;
  - (v) a document evidencing the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;
  - (vi) any certificate under Article 65 of the Order of 2007,]

knowingly makes a declaration which is false or is misleading in any material respect;

- (b) being required by any provision of<sup>[F9]</sup> the Road Traffic Orders] or of any regulations made under<sup>[F9]</sup> the Road Traffic Orders] to furnish particulars in connection with any such application as aforesaid or otherwise in connection with any vehicle, knowingly furnishes particulars which are false or are misleading in any material respect;
  - (c) for the purpose of obtaining the issue of a certificate of insurance or a certificate of security under Article 92 or 93, knowingly makes a statement which is false, or withholds any material information;
  - (d) issues a certificate of insurance or certificate of security under Article 92 or 93 which he knows to be false in any material particular.
- [ knowingly produces false evidence for the purposes of regulations under Article 72 of the
- <sup>F10</sup>(e) Order of 1995 or knowingly makes a false statement in a declaration required to be made by those regulations;
- (f) intentionally makes a false entry in any record required to be made or kept by regulations under Article 82 of the Order of 1995, or with intent to deceive, makes use of any such entry which he knows to be false.]

<sup>[F11]</sup>(2) A person who, with intent to deceive—

- (a) forges, alters or uses a document or other thing listed in paragraph (2A); or
- (b) lends to, or allows to be used by, any other person a document or other thing listed in paragraph (2A); or
- (c) makes or has in his possession any document or other thing so closely resembling a document or other thing listed in paragraph (2A) as to be calculated to deceive,

is guilty of an offence.

(2A) The documents or other things referred to in paragraph (2) are—

- (a) any licence under the Road Traffic Orders or, in the case of a licence to drive, any counterpart of such a licence;
- (b) any counterpart of a Great Britain licence or Community licence;



- (c) any international road haulage permit;
  - (d) any document which, in pursuance of Article 5(3) of this Order, is issued as evidence of the result of a test of competence to drive;
  - (e) any certificate provided for by regulations under Article 13(3A) of this Order relating to the completion of a training course for motor cyclists;
  - (f) any certificate of conformity or Department's approval certificate within the meaning of Part IV of this Order;
  - (g) any certificate of insurance or certificate of security under Article 92 or 93 of this Order;
  - (h) any certificate required as a condition of any exception prescribed under Article 23 of the Order of 1995;
  - (i) any test certificate, goods vehicle test certificate, plating certificate or certificate of temporary exemption within the meaning of Part III of the Order of 1995;
  - (j) any seal required by regulations made under Article 55 of the Order of 1995 with respect to speed limiters;
  - (k) any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;
  - (l) any certificate evidencing the examination of a motor vehicle modified to be propelled using fuel stored under pressure under regulations made under Article 55 of the Order of 1995
  - (m) any document evidencing the appointment of an examiner under Article 74 of the Order of 1995;
  - (n) any notice removing a prohibition under Article 77 (power to prohibit driving of unfit vehicles) or Article 79 (power to prohibit driving of overloaded vehicles) of the Order of 1995;
  - (o) any records required to be kept by virtue of Article 82 of the Order of 1995;
  - (p) a certificate of the kind referred to in Article 32B(1) (reduced penalty points for attendance on course) or Article 37(1) (reduced disqualification period for attendance on course) of the Offenders Order;
  - (q) any document produced as evidence of the passing of an appropriate driving test within the meaning of Article 41 of the Offenders Order;
  - (r) any document evidencing the passing of an examination (or part of an examination) required by regulations under Article 62 or the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;
  - (s) any certificate under Article 65 of the Order of 2007;
  - (t) any certificate or other item prescribed under Article 70(1)(a) of the Order of 2007;
  - (u) any document produced as evidence of insurance in pursuance of Regulation 6 of the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973.
- (2B) In paragraph (2A), “Community licence”, “counterpart” and “Great Britain licence” have the same meanings as in Part II.]
- (3) <sup>F12</sup> If—
- (a) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that a document or other thing produced to him under this Order by the driver of a motor vehicle;



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- (b) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;
- (c) a constable or any person authorised in writing by the Department under Article 72 of the Order of 2007 has reasonable cause to believe that a certificate or other item produced to him under Article 72 of that Order by the driver of a motor vehicle,

is a document or other thing] in relation to which an offence has been committed under this Article, he may seize the document [<sup>F13</sup>or other thing]; when the document [<sup>F13</sup>or other thing] is seized under this Article the person from whom it was taken shall, unless the document [<sup>F13</sup>or other thing] has been previously returned to him or he has been previously charged with an offence under this Article, be summoned before a magistrates' court to account for his possession of the document [<sup>F13</sup>or other thing], and the court shall make such order respecting the disposal of the document [<sup>F13</sup>or other thing] and award such costs as the justice of the case may require.

[  
<sup>F14</sup>(3A) For the purposes of paragraph (3) the power to seize includes a power to detach from a vehicle.]

(4) Where in any proceedings under this Article any question arises as to the number of vehicles used, or as to the character, weight or horsepower of any vehicle, or as to the number of persons seated by a vehicle, or as to the purpose for which any vehicle has been used, the burden of proof in respect of the matter in question shall lie on the accused person.

(5) In this Article “certificate of insurance” and “certificate of security” include any document issued under regulations made by the Department under Article 103 which prescribe the evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

[  
<sup>F15</sup>(5A) In this Article “international road haulage permit” means—

- (a) a licence, permit, authorisation or other document issued in pursuance of an EU instrument relating to the carriage of goods by road between member States or an international agreement to which the United Kingdom is a party and which relates to the international carriage of goods by road, or
- (b) an international road transport permit, within the meaning given by section 1(2) of the Haulage Permits and Trailer Registration Act 2018.]

(6) <sup>F16</sup> .....

**F3** 1981 NI 26

**F7** 2004 NI 15

**F8** Words in art. 174(1)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(2)**; S.R. 2007/454, **art. 2**, Sch.

**F9** 1995 NI 18

**F10** Art. 174(1)(e)(f) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(3)**; S.R. 2007/454, **art. 2**, Sch.

**F11** Art. 174(2)(2A)(2B) substituted (15.11.2007) for art. 174(2) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(4)**; S.R. 2007/454, **art. 2**, Sch.

**F12** Words in art. 174(3) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(5)(a)**; S.R. 2007/454, **art. 2**, Sch.

**F13** Words in art. 174(3) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(5)(b)**; S.R. 2007/454, **art. 2**, Sch.

**F14** Art. 174(3A) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **29(6)**; S.R. 2007/454, **art. 2**, Sch.



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- F15** Art. 174(5A) inserted (19.7.2018) by Haulage Permits and Trailer Registration Act 2018 (c. 19), s. 27(1), **Sch. para. 2**
- F16** Art. 174(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

*Article 174A rep. by 1997 NI 2*

*Article 174B rep. by 1996 NI 10*]]



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**Changes and effects yet to be applied to :**

- Instrument amended by [1994 c. 22 s. 63Sch.3 para 17](#)
- Instrument rev. in Pt. by [1994 c. 22 s. 65Sch.5 Pt II](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 Pt. 1 words inserted by [2016 c. 11 \(N.I.\) s. 18\(2\)](#)
- Sch. 7 para. 6 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on [legislation.gov.](#))
- Sch. 7 para. 7 repealed by [2010 c. 2 \(N.I.\) Sch. 4](#) (The amendment could not be applied as the relevant affected text is not available on [legislation.gov.](#))
- art. 5(2ZA)-(2ZD) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(a\)](#)
- art. 5(4A) inserted by [2016 c. 11 \(N.I.\) s. 16\(2\)\(b\)](#)
- art. 5A inserted by [2016 c. 11 \(N.I.\) s. 17\(2\)](#)
- art. 13(1)(c)(ia) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 4\(a\)\(ii\)Sch. 8 Pt. 5](#)
- art. 13B-13C inserted by [2016 c. 11 \(N.I.\) s. 17\(3\)](#)
- art. 15ZA inserted by [2016 c. 11 \(N.I.\) s. 18\(1\)\(c\)](#)
- art. 19D(1ZA)(1ZB) inserted by [2016 c. 11 \(N.I.\) s. 17\(4\)\(b\)](#)
- art. 19AB19AC substituted for art. 19A 19B by [2016 c. 11 \(N.I.\) s. 19\(3\)](#)
- art. 31A(2A)-(2D) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(2C) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(a) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/648, reg 5, which inserts art. 31A(2C) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3A)(3B) inserted (temp.) by [S.I. 2019/648 reg. 5\(2\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). Reg. 5 omitted immediately before IP completion day by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(i\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 31A(3B) words inserted in earlier amending provision S.I. 2019/648, reg. 5(2)(b) by [S.I. 2020/818 Sch. 6 para. 39\(4\)\(b\)\(ii\)](#) (This amendment not applied to [legislation.gov.uk](#). S.I. 2019/648, reg 5, which inserts art. 31A(3B) omitted (31.12.2020 immediately before IP completion day) by virtue of S.I. 2020/1393, regs. 1(2), 2(4))
- art. 174(2A)(da) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(a\)\(i\)](#)
- art. 174(2AB) inserted by [2016 c. 11 \(N.I.\) s. 17\(5\)\(b\)](#)
- art. 177(1)(ba) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)
- art. 177(1A) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(c\)](#)
- art. 177(3)(4) inserted by [2016 c. 11 \(N.I.\) s. 19\(4\)\(b\)](#)



- art.198 am. (prosp.) by [1997 c. 16 s.18Sch.3 paras.8\(2\)9](#)
- art.198 am. (prosp.) by [1997 c. 16 s.18Sch.3 paras.8\(2\)9](#)