

Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Road Traffic (Amendment) Act (Northern Ireland) 2016, Cross Heading: Approved courses for new drivers as alternative to revocation. (See end of Document for details)



2016 CHAPTER 11

PART 3

Learner and new drivers

PROSPECTIVE

Approved courses for new drivers as alternative to revocation

Approved courses for new drivers as alternative to revocation

20.—(1) The New Drivers Order is amended as follows.

(2) In Article 5 (revocation of licences for 6 or more penalty points during person's probationary period)—

- (a) in paragraph (1), after “Department”, where it second occurs, insert “ , except where paragraph (1ZB) provides otherwise, ”,
- (b) in paragraph (1ZA), after “Department”, where it second occurs, insert “ (except where paragraph (1ZB) provides otherwise) ”,
- (c) after paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by therelevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in paragraph (1ZC) the Department shall not revoke his licence.

(1ZC) Where—

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(a) the Department makes an offer under paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d); or

(ii) the person's licence as mentioned in Article 4(3)(a),

the Department shall by notice served on that person revoke the licence.”,

(d) after paragraph (3) add—

“(4) In this Article and Article 5B—

“approved course” means a course approved by the Department for the purposes of this Article;

“the relevant date” means such date, not later than 6 months after the day on which the offer under paragraph (1ZB) is given, as is specified in the offer.”.

(3) After Article 5, insert—

“Only one offer of an approved course during a person's probationary period

5A The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person's probationary period.virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person's probationary period.

Approved courses: further provision

5B.—(1) Before making an offer under Article 5(1ZB)—

(a) the Department must be satisfied that a place on an approved course will be available for the person;

(b) the Department must have informed the person (orally and in writing and in ordinary language) of the effect of the offer and of the amount of the fees which he is required to pay for the course and when he must pay them;

(c) the person must have agreed to attend an approved course.

(2) Regulations made by the Department may make provision as regards—

(a) the nature of approved courses;

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- (b) approval by the Department of courses, and of persons providing approved courses (including approval subject to conditions, withdrawal of approval and payment of fees in respect of applications for approval or in connection with approval);
- (c) monitoring of approved courses and persons providing them;
- (d) the maximum fees that a person may be required to pay for an approved course and by when fees are to be paid;
- (e) appeal against refusal of an application for approval, any condition on its grant or withdrawal of approval;
- (f) entering into arrangements by the Department with persons in Great Britain who provide courses which the Department considers are of a nature similar to an approved course, for the purpose of treating those courses as approved courses within the meaning of Article 5;
- (g) the issuing of guidance to persons providing approved courses;
- (h) the payment to the Department by persons providing approved courses of costs reasonably incurred by it in relation to the management and administration of such courses (including monitoring, reviewing and evaluating their content and effectiveness and issuing guidance to such persons as to the conduct of such courses);
- (i) the apportionment of such costs among providers of approved courses;
- (j) the circumstances in which a person is to be regarded, for the purposes of Article 5, as having satisfactorily completed an approved course;
- (k) certificates of satisfactory completion of approved courses and appeal to the Department against decision by the persons who provide such courses not to issue certificates;
- (l) such other matters as the Department considers appropriate.

(3) Regulations under paragraph (2) shall be subject to negative resolution.”.

(4) In Schedule 1 (newly qualified drivers holding test certificate)—

- (a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—
 - (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,
 - (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “ (except where sub-paragraph (1ZB) provides otherwise) ”,

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(iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.

(1ZC) Where—

- (a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;
- (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
 - (i) notice of a court order referred to in Article 4(1)(d);
or
 - (ii) the person's test certificate as mentioned in paragraph 4(4),

the Department shall by notice served on that person revoke the test certificate.”,

(iv) after sub-paragraph (5) add—

“(6) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

(b) after paragraph 5, insert—

“Approved courses under paragraph 5: further provision

5A Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

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- (a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);
- (b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”
- (c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—
 - (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”
 - (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “ (except where sub-paragraph (1ZB) provides otherwise) ”,
 - (iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by therelevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

 - (a) the Department makes an offer under sub-paragraph (1ZB)and the person to whom it is made accepts the offer;
 - (b) during the period beginning with the day on which the offeris made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
 - (i) notice of a court order referred to in Article 4(1)(d) and theperson's licence and test certificate; or
 - (ii) the person's licence and test certificate as mentioned inparagraph 7(4),

the Department shall by notice served on that person revoke the licence and test certificate.”
 - (iv) after sub-paragraph (3) add—

“(4) In this paragraph—

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“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”

(d) after paragraph 8, insert—

“Approved courses under paragraph 8: further provision

8A Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

- (a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);
- (b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”

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