

SCHEDULES

SCHEDULE 1

Section 24.

TRANSITIONAL AND SAVING PROVISIONS

PART 1

DRINK-DRIVING

The prescribed limit

1. The amendments of the Order of 1995 made by section 2 do not apply in relation to an offence committed before the commencement of the amendments.

Choice of specimens

2. The amendments of the Order of 1995 made by section 6 do not apply in relation to an offence committed before the commencement of the amendments.

Fixed penalty offences

3. The amendments of the Offenders Order made by section 7 do not apply in relation to an offence committed before the commencement of the amendments.

4. Until the commencement of the repeal (by paragraphs 41 and 47 of Schedule 5 to the Order of 2007) of Articles 64 and 82 respectively of the Offenders Order (effect of endorsement of counterpart without hearing: penalty points attributable on conviction also attributable as fixed penalty) and (endorsement of counterpart where fixed penalty under conditional offer paid)—

(a) paragraph (1) of Article 64 of the Offenders Order has effect as if there were inserted at the beginning “Subject to Article 64B,”,

(b) Article 64B of that Order (inserted by section 8(5)) has effect as if the reference in the title to “Articles 64A(1) and 82A(7)” were a reference to “Articles 64(1), 64A(1), 82(6) and 82A(7)”.

5. Until the commencement of the repeal (by Article 40(4) of and paragraph 47 of Schedule 5 to the Order of 2007) of Articles 63 and 82 respectively of the Offenders Order (endorsement of counterpart without hearing) and (endorsement of counterpart where fixed penalty under conditional offer paid)—

- (a) Article 59C of the Offenders Order (inserted by section 9(1)) has effect as if—
 - (i) the reference in paragraph (2)(b) to “licence”, where it second occurs, were a reference to “licence and its counterpart”,
 - (ii) the reference in paragraph (3) to “licence” were a reference to “licence and its counterpart”,
 - (iii) the reference in paragraph (5) to “licence” were a reference to “licence and a counterpart of a licence”,
- (b) Article 63 of that Order has effect as if—
 - (i) the reference in paragraph (1) to “a fixed penalty notice under Article 60,” were a reference to “a fixed penalty notice under Article 60 or notice under Article 59C(2)”,
 - (ii) the reference in paragraph (3) to “the end of the suspended enforcement period” were a reference to “the end of the suspended enforcement period or (as the case may be) of the period specified in a notice relating to the offence under Article 59C(2)”,
- (c) Article 82 of that Order has effect as if—
 - (i) the reference in paragraph (1) to “a conditional offer” were a reference to “a conditional offer or notice under Article 59C(2)”,
 - (ii) the reference in paragraph (2)(b) to “the expiry of the period specified in the conditional offer” were a reference to “the expiry of the period specified in the conditional offer or (as the case may be) notice under Article 59C(2)”,
- (d) the entry in Part 1 of Schedule 1 to that Order (prosecution and punishment of offences under the Road Traffic Orders) for offences under Article 59C(6) (inserted by section 9(3)) has effect as if the reference in column 2 to “licence” were a reference to “licence and counterpart”.

Disqualification on conviction

6. The amendments of the Offenders Order made by section 12 do not apply in relation to an offence committed before the commencement of the amendments.

7. Article 35(3) of the Offenders Order (“Article 35(3)”) does not apply in relation to a person, where—

- (a) the offence specified in Article 35(3) of which the person is convicted was committed by the person on or after the relevant commencement date,
- (b) the proportion of alcohol in the person’s body as regards the offence did not exceed—
 - (i) 34 microgrammes per 100 millilitres of breath,
 - (ii) 79 milligrammes per 100 millilitres of blood, or

(iii) 105 milligrammes per 100 millilitres of urine, and

- (c) the person's conviction of any other offence specified in Article 35(3) (or if more than one such offence, each such offence) was before the relevant commencement date.

8. In paragraph 7, “the relevant commencement date” means the date of commencement of the amendments of the Order of 1995 made by section 2.

9. Until the commencement of the repeal (by Article 40(4) of and paragraph 47 of Schedule 5 to the Order of 2007) of Articles 63 and 82 respectively of the Offenders Order (endorsement of counterpart without hearing) and (endorsement of counterpart where fixed penalty under conditional offer paid), paragraph (3A) of Article 35 of the Offenders Order (inserted by section 13(2)) has effect as if the reference to “endorsement of the person's driving record in accordance with Article 63A” were a reference to “endorsement of the counterpart of the person's driving licence in accordance with Article 63 or 82 or his driving record in accordance with Article 63A or 82A”.

10. Until the commencement of the substitution (by Article 11(1) of the Order of 2007) of new Articles 36 to 38 for Articles 36 to 39 of the Offenders Order, Article 36 of the Offenders Order has effect as if it were amended as follows (instead of as in section 14)—

- (a) in paragraph (2), for “may” there were substituted “must, unless for special reasons it thinks that to do so is inappropriate and subject to paragraph (4),”,
- (b) in paragraph (4)—
 - (i) after sub-paragraph (b), there were inserted “and”,
 - (ii) the word “and” after sub-paragraph (c) were omitted,
 - (iii) sub-paragraph (d) were omitted.

Miscellaneous

11. Article 54A of the Offenders Order (inserted by section 15) has effect, until the commencement of the substitution (by Article 11(1) of the Order of 2007) of new Articles 36 to 38 for Articles 36 to 39 of the Offenders Order—

- (a) as if in paragraph (1), the references to “course providers” were references to “course providers or organisers”,
- (b) as if in paragraph (2), there were inserted after “Article,” ““course organiser” has the same meaning as in Article 38(2) and”.

PART 2

LEARNER AND NEW DRIVERS

Minimum period for which provisional licence to be held in certain cases

12. The amendments of the Order of 1981 made by section 16 do not apply, for a period of 6 months beginning with the day on which the amendments are commenced, in relation to a person whose provisional licence was granted before that day Training of provisional licence holders in certain cases etc.

Training of provisional licence holders in certain cases etc.

13. The amendment of the Order of 1981 made by section 17(2) does not apply, for a period of 6 months beginning with the day on which the amendment is commenced, in relation to a person whose provisional licence, or relevant permit, was granted before the commencement of the amendment.

14. In paragraph 13, “relevant permit” means a licence or permit which, by virtue of an Order made under the Motor Vehicles (International Circulation) Act 1952, entitles the person to drive a category B motor vehicle or motor bicycle in Northern Ireland.

15. Until the commencement of the amendments (by Article 40(5) of, and Schedule 5 to, the Order of 2007) of the Order of 1981 (removal of references to counterpart to licence)—

- (a) Article 15ZA of that Order (inserted by section 18(1)(c)) has effect as if—
 - (i) the reference in paragraph (2)(b) to “licence” were a reference to “licence and its counterpart”,
 - (ii) the reference in paragraph (3) to “licence”, where it second occurs, were a reference to “licence and its counterpart”,
 - (iii) the reference in paragraph (5)(a) to “licence” were a reference to “licence and its counterpart” and the reference to “it”, in both places where it occurs, were a reference to “them”,
 - (iv) the reference in paragraph (5)(b) to “licence” were a reference to “licence and its counterpart” and the reference to “its” were a reference to “their”,
- (b) the entry in Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders) for offences under Article 15ZA(4) of the Order of 1981 (inserted by section 18(2)) has effect as if the reference in column 2 to “licence”, where it third occurs, were a reference to “licence and its counterpart”.

Restrictions in Articles 19 and 19A of the Order of 1981: learner and new drivers

16. Notwithstanding their repeal by this Act, the following provisions continue to apply (and accordingly also continue in operation), for a period of 6 months beginning with the day on which the repeals are commenced, in relation to a person whose provisional licence was granted before that day—

- (a) Article 19 of the Order of 1981 (speed limit of 45 miles per hour for provisional licence holders),
- (b) the entry, in Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders) for offences under that Article.

17. Where, immediately before the day on which section 19 is commenced, a person is subject to Article 19A of the Order of 1981 (specified restrictions on newly qualified drivers for a 12 month period of restriction), the following continue to apply (and accordingly also continue in operation) after that day in respect of the person—

- (a) Article 19A (instead of Articles 19AB and 19AC, substituted by section 19 for Articles 19A and 19B),
- (b) the entry in Part 1 of Schedule 1 to the Offenders Order for offences under that Article.

18. Where immediately before the day on which section 19 is commenced, a person holds a provisional licence, the person on passing a test of competence to drive on or after that day but before the expiry of the period of 6 months after that day, becomes subject to Article 19A of the Order of 1981 (restrictions on newly qualified drivers for a 12 month period of restriction) (instead of Articles 19AB and 19AC, substituted by section 19 for Articles 19A and 19B); and Article 19A (and the entry in Part 1 of Schedule 1 to the Offenders Order for offences under Article 19A) continue in operation accordingly for that period of 12 months.

19. Until the commencement of the amendment (by Article 86 of, and Schedule 8 to, the Order of 2007) of Article 4(3)(a) of the New Drivers Order (removal of reference to counterpart to licence), Article 5(1ZC)(b)(ii) of, and paragraph 8(1ZC)(b) of Schedule 1 to, the New Drivers Order (inserted by section 20(2)(c) and (4)(c)(iii)) have effect as if the reference there to “licence” were a reference to “licence and its counterpart”.

PART 3

GENERAL

20. In this Schedule, “category B motor vehicle”, “motor bicycle”, “provisional licence” and “test of competence to drive” have the same meanings as in Article 19D(1) of the Order of 1981.