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**Changes to legislation:** There are currently no known outstanding effects for the Road Traffic (Amendment) Act (Northern Ireland) 2016, PART 1 . (See end of Document for details)

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PROSPECTIVE

## SCHEDULES

### SCHEDULE 1

#### 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

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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—

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- (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”.

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