

## SCHEDULES

### SCHEDULE 4

Article 9(1).

#### MINOR AND CONSEQUENTIAL AMENDMENTS

### PART I

#### AMENDMENTS RELATING TO DRIVER LICENSING

##### **The Transport Act (Northern Ireland) 1967 (c. 37)**

1. In section 10A (exemption from PSV operator and driver licensing requirements of vehicles used under permits)—

- (a) for “Articles 59, 60 and 70” substitute “Articles 59 and 60”;
- (b) omit the letter “(a)”; and
- (c) for paragraph (b) and the word “or” immediately preceding it substitute “and a person may drive any motor vehicle at a time when it is being so used notwithstanding that his licence under Part II of the Road Traffic (Northern Ireland) Order 1981 does not authorise him to drive vehicles of the class to which that vehicle belongs”.

##### **The Road Traffic (Northern Ireland) Order 1981 (NI 1)**

2. In Article 1(3), omit the words “in Article 12, paragraph (4)”.

3. In Article 2(2) (general interpretation of certain expressions)—

- (a) in the definition of “driving licence” for the words “Article 12” substitute “Part II”;
- (b) for the definition of “provisional licence” substitute—  
““provisional licence” has the meaning given in Article 19D(1);”;
- (c) omit the definition of “special provisional licence”;
- (d) for the definition of “the test” substitute—

““the test” means the test of competence to drive prescribed by virtue of Article 5(3);”.

4. In Article 59(1) (public service vehicle not to ply for hire unless driver licenced) for the words from “in addition to” onwards substitute “holds a passenger-carrying vehicle driver’s licence, as defined in Article 70(2) or, as the case may be, a taxi driver’s licence within the meaning of Article 79A”.

5. In Article 60(2) (offence of using unlicensed public service vehicle to stand or ply for hire) omit the words “and conductor” and “or the conductor”.

6. In Article 62 (public service vehicles not to carry more than prescribed number of persons)—

- (a) in paragraph (2) for the word “conductor” substitute “driver”;

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- (b) in paragraph (3) for the words “under Article 70 to the conductor” substitute “under Part II to the driver”;
  - (c) in paragraph (4) for the word “conductor” substitute “driver” and for the words “Article 70” substitute “Part II”;
  - (d) omit paragraph (5).
7. In Article 66 (power to make regulations) omit the words “and 70”, wherever they occur.
8. In Article 166 (offence of applying for or obtaining licence while disqualified)—
- (a) in paragraph (1) for the words “Article 4(1)” substitute “Article 17(1)”; and
  - (b) after paragraph (2) add the following paragraph—
 

“(3) in the application of paragraphs (1) and (2) to a person whose disqualification is limited by virtue of Article 17, 18 or 74 to the driving of a motor vehicle of a particular class, the references to disqualification for holding or obtaining a licence are references to holding or obtaining a licence to drive motor vehicles of that class.”.
9. In Article 167 (offence of driving, or causing or permitting another person to drive, a motor vehicle while disqualified)—
- (a) for any reference to Article 4(1) substitute a reference to Article 17(1), and
  - (b) for any reference to Article 4(2) substitute a reference to Article 17(2).
- 10.—(1) Schedule 4 (table of offences, etc.) shall be amended in accordance with sub-paragraphs (2) and (3).
- (2) For the entries in that Schedule relating to Articles 3, 5, 7, 8, 9, 13, 15, 16 and 17 substitute the following entries—

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
3(1)	Driving without a licence.	Summary	A fine of level 3 on the standard scale.
3(2)	Causing or permitting a person to drive without a licence.	Summary	A fine of level 3 on the standard scale.
9(10)	Failure to deliver a licence and counterpart revoked by virtue of Article 9(8) to Department.	Summary	A fine of level 3 on the standard scale.
10(3)	Failure to deliver revoked licence and counterpart to Department.	Summary	A fine of level 3 on the standard scale.
11	Failure to notify Department of onset of, or deterioration in, relevant or prospective disability.	Summary	A fine of level 3 on the standard scale.
13	Failure to comply with any conditions	Summary	A fine of level 3 on the standard scale.

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
14	prescribed for driving under provisional licence. Failure to comply with any conditions prescribed for driving under provisional licence where conditions applicable to driving under full licence.	Summary	A fine of level 3 on the standard scale.
15(7)	Driving licence holder failing, when his licence is revoked, to surrender it or when particulars become incorrect, to surrender the licence and counterpart and give particulars.	Summary	A fine of level 3 on the standard scale.
19	Exceeding speed limit in vehicle required to display or displaying learner-driver's mark.	Summary	(i) Where the mark is required to be displayed, a fine of level 3 on the standard scale.
	Exceeding speed limit in vehicle required to display or displaying learner-driver's mark.	Summary	(ii) Where the mark is not required to be displayed, a fine of level 2 on the standard scale.
19A	Failure to comply with restriction on restricted drivers.	Summary	A fine of level 3 on the standard scale.
19B	Exceeding speed limit in vehicle displaying restricted driver's mark where mark is not required to be displayed.	Summary	A fine of level 3 on the standard scale.
19E	Failing to produce Great Britain driving licence.	Summary	A fine of level 2 on the standard scale.

(3) At the appropriate places in that Schedule insert the following entries—

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
72	Failing to comply with conditions of LGV or PCV licence, or causing or permitting person under 21 to drive LGV or	Summary	A fine of level 3 on the standard scale.

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Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
75	PCV in contravention of such conditions. Failure to deliver revoked licence to Department.	Summary	A fine of level 3 on the standard scale.
77(4)	Contravention of provision of regulations (which is declared by regulations to be an offence) about LGV or PCV drivers' licences.	Summary	A fine of level 3 on the standard scale.
79A	Driving without a taxi driver's licence.	Summary	A fine of level 3 on the standard scale.

**11.** In Schedule 6 (saving provisions)—

- (a) in paragraph 1, for the words “Article 4(2)” in each place where they occur substitute “Article 17(2)”;
- (b) in paragraph 2, for the words “Article 4” and “Article 4(l)” substitute “Article 17” and “Article 17(l)” respectively.

## PART II

### AMENDMENTS RELATING TO DRINKING AND DRIVING

#### **The Road Traffic (Northern Ireland) Order 1981 (NI 1)**

**12.** In Schedule 4 (table of offences, etc.)—

- (a) omit the entry relating to Article 141; and
- (b) for the entries relating to Articles 144 to 147 substitute the following entries—

Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
143(1)	Driving or attempting to drive when unfit to drive through drink or drugs.	Summary	A fine of level 5 on the standard scale or imprisonment for 6 months or both.
143(2)	Being in charge of a motor vehicle when unfit to drive through drink or drugs.	Summary	A fine of level 4 on the standard scale or imprisonment for 3 months or both.
144(1)(a)	Driving or attempting to drive with excess alcohol in breath, blood or urine.	Summary	A fine of level 5 on the standard scale or imprisonment for 6 months or both.
144(1)(b)	Being in charge of a motor vehicle with	Summary	A fine of level 4 on the standard scale or

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Article of Order	General Nature of Offence	Mode of Prosecution	Punishment
	excess alcohol in breath, blood or urine.		imprisonment for 3 months or both.
145	Failing to provide a specimen of breath for a preliminary breath test.	Summary	A fine of level 3 on the standard scale.
146	Failing to provide specimen for analysis or laboratory test.	Summary	(a) (a) Where the specimen was required to ascertain ability to drive or proportion of alcohol at the time offender was driving or attempting to drive, a fine of level 5 on the standard scale or imprisonment for 6 months or both. (b) in any other case, a fine of level 4 on the standard scale or imprisonment for 3 months or both.

### **The Police and Criminal Evidence (Northern Ireland) Order 1989 NI 12**

- 13.—(1) In Article 35(7), for “Article 146(3)(b)” substitute “Article 145(5)”.
- (2) In Article 36(6)(d), omit “144”.
- (3) In Article 62(11), for “141 to 152” substitute “143 to 152A”.