

---

## STATUTORY INSTRUMENTS

---

# 1996 No. 1320

## The Road Traffic Offenders (Northern Ireland) Order 1996

### PART V

#### MISCELLANEOUS AND GENERAL

##### [<sup>F1</sup>Application to Community licence holders

**92A.**—(1) The references in Articles 11, 28(4), (5) and (6)(b), 29, 31(1), 32, 33, 47(6), 49(1) [<sup>F2</sup>and (3A)], 51(2), 52(3) [<sup>F3</sup>and (3A)] and 53 to a licence include references to a Community licence; and accordingly the reference in Article 29(2)(b) to the suspension of a licence is to be construed in relation to a Community licence as a reference to the Community licence holder ceasing to be authorised by virtue of Article 15A(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.

(2) The references in Articles 28(6)(a) and 29(2) to a new licence include references to a counterpart of a Community licence.

(3) In relation to a Community licence holder to whom a counterpart is issued under Article 15B of the Order of 1981, the references in Part IV of this Order to a licence include references to a Community licence.

(4) Where a court orders the endorsement of the counterpart of any Community licence held by a person, it must send notice of the endorsement to the Department.

(5) Where a court orders the holder of a Community licence to be disqualified, it must send the Community licence and its counterpart (if any), on their being produced to the court, to the Department.

(6) A notice sent by a court to the Department in pursuance of paragraph (4) must be sent in such manner and to such address and contain such particulars as the Department may determine, and a Community licence and its counterpart (if any) so sent in pursuance of paragraph (5) must be sent to such address as the Department may determine.

(7) Where a Community licence held by a person who is ordered by the court to be disqualified is sent to the Department in pursuance of paragraph (5), the Department—

(a) must send to the licensing authority in the EEA State in respect of which the Community licence was issued the holder's name and address and particulars of the disqualification, and

(b) must (subject to paragraph (8)) return the Community licence to the holder—

(i) in the expiry of the period of disqualification, or

(ii) if earlier, on being satisfied that the holder has left Northern Ireland and is not normally resident there.

(8) Where—

**Status:** Prospective version(s) available.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Traffic Offenders (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) the Department would, apart from this paragraph, be under a duty on the expiry of the period of disqualification to return a Community licence to a person in pursuance of paragraph (7)(b)(i), but
- (b) at that time, the person would not be authorised by virtue of Article 15A(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class,

the Department must send the Community licence to the licensing authority in the EEA State in respect of which it was issued and explain to them its reasons for so doing.

(9) A Community licence to be returned to any person under paragraph (7) may be returned to him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this paragraph and section 24 of the Interpretation Act (Northern Ireland) 1954 in its application to this paragraph the proper address of any person shall be his latest address as known to the person returning the Community licence.

(10) In this Article "period of disqualification" means, in relation to a Community licence holder, the period for which he is ordered by the court to be disqualified (otherwise than under Article 41).]

**F1** SR 1997/241

**F2** Words in art. 92A(1) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 29(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

**F3** Words in art. 92A(1) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 29(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

**Status:**

Prospective version(s) available.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Traffic Offenders (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

- [art. 92A\(1\) words inserted by S.I. 2007/916 \(N.I.\) Sch. 4 para. 29\(a\)](#)
- [art. 92A\(1\) words inserted by S.I. 2007/916 \(N.I.\) Sch. 4 para. 29\(b\)](#)

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

- [Order transfer of functions by S.R. 2016/76 Sch. 5 Pt. 2](#)
- [Order transfer of functions by S.I. 2010/976 Sch. 17 para. 46](#)

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

- [Pt. 4A inserted by S.I. 2007/916 \(N.I.\) art. 12\(1\)](#)
- [Pt. 4B inserted by 2022 c. 32 s. 89\(2\)](#)
- [s. 40A40B inserted by 2009 c. 25 Sch. 16 para. 4](#)
- [art. 15\(1\) power to apply conferred by S.I. 2007/916 \(N.I.\) Sch. 1 para. 8](#)
- [art. 15\(1\) power to apply conferred by SI 1981/154 \(N.I. 1\) Sch. 2A para. 7 \(as inserted\) by S.I. 2007/916 \(N.I.\) Sch. 3](#)
- [art. 23\(2\)\(g\) added by S.R. 2014/230 art. 2](#)
- [art. 35\(1ZA\)-\(1ZC\) inserted by 2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- [art. 35\(3A\) inserted by 2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- [art. 36\(3A\) inserted by 2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- [art. 36\(4A\) inserted by 2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- [art. 37\(2A\) inserted by 2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- [art. 38A\(5A\) inserted by 2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)
- [art. 38A\(6A\) inserted by 2009 c. 25 Sch. 21 para. 92\(5\)\(e\)](#)
- [art. 42\(2A\) inserted by 2009 c. 25 Sch. 21 para. 92\(7\)\(c\)](#)
- [art. 42\(5\) added by S.R. 2016/135 reg. 2\(2\)](#)
- [art. 47\(3A\) inserted by 2009 c. 25 Sch. 21 para. 92\(8\)\(b\)](#)
- [art. 47\(3B\) inserted by 2009 c. 25 Sch. 21 para. 92\(8\)\(c\)](#)
- [art. 52\(2ZA\) inserted by 2009 c. 25 Sch. 21 para. 92\(9\)\(b\)](#)
- [art. 54A inserted by 2016 c. 11 \(N.I.\) s. 15](#)
- [art. 59\(2A\) inserted by 2016 c. 11 \(N.I.\) s. 8\(2\)](#)
- [art. 59\(4\) added by 2016 c. 11 \(N.I.\) s. 8\(3\)](#)
- [art. 59A-59C inserted by 2016 c. 11 \(N.I.\) s. 9\(1\)](#)
- [art. 63A\(7\) added by 2016 c. 11 \(N.I.\) s. 11\(1\)\(d\)](#)
- [art. 64B inserted by 2016 c. 11 \(N.I.\) s. 8\(5\)](#)
- [art. 76\(3A\)\(3B\) inserted by 2016 c. 21 \(N.I.\) Sch. 2 para. 5\(3\)](#)

**Commencement Orders yet to be applied to the The Road Traffic Offenders (Northern Ireland) Order 1996**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2010/226 art. 2Sch. commences \(S.I. 2007/916 \(N.I.\)\)](#)
- [S.R. 2010/370 art. 2Sch. commences \(S.I. 2007/916 \(N.I.\)\)](#)
- [S.R. 2011/286 art. 2Sch. commences \(S.I. 2007/916 \(N.I.\)\)](#)

- S.R. 2012/16 art. 2 commences (S.I. 1996/1320 (N.I.))
- S.R. 2012/262 art. 2-6 commences (2010 c. 2 (N.I.))
- S.R. 2012/313 art. 2Sch. commences (2008 c. 4)
- S.R. 2014/238 art. 2Sch. commences (2008 c. 4 (N.I.))
- S.R. 2015/284 art. 2Sch. commences (2011 c. 11 (N.I.))
- S.R. 2015/389 art. 2(3)Sch. Pt. 3 commences (2008 c. 4 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2017/34 art. 2 commences (2010 c. 14 (N.I.))
- S.R. 2018/99 art. 2(a)-(c) commences (2016 c. 21 (N.I.))