

SCHEDULES

SCHEDULE 3

Article 97(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

PART I

AMENDMENTS OF THE ORDERS OF 1981 AND 1995

Amendments of the Order of 1981

1. In Article 2 (interpretation), in paragraph (2)—
 - (a) insert the following definition at the appropriate place alphabetically—

““the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996;” and
 - (b) omit the definition of “reckonable year”.
2. In Article 4 (exceptions to requirement that drivers of motor vehicles have driving licences), in paragraph (3)(a) after the word “Orders” insert “or of the Offenders Order”.
3. In Article 5 (tests of competence to drive) at the end of paragraph (3)(a) insert “and Article 41 of the Offenders Order (disqualification)”.
4. In Article 10 (revocation of licence because of disability or prospective disability), after paragraph (3) add the following paragraph—

“(4) Where a person whose licence is revoked under paragraph (1) or (2)—

 - (a) is not in possession of his licence and its counterpart in consequence of the fact that he has surrendered them to a constable or an authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order, but
 - (b) delivers them to the Department immediately on their return,

he is not in breach of the duty under paragraph (3).”
5. In Article 11 (provision of information, etc., relating to disabilities), after paragraph (3) insert the following paragraph—

“(3A) Proceedings for an offence under paragraph (3) are subject to Article 7 of the Offenders Order.”
6. In Article 15 (duration of licences), after paragraph (7) insert the following paragraph—

“(7A) Where a person who has a duty under this Article to surrender his licence and its counterpart is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order he does not fail to comply with that duty if he surrenders the licence and its counterpart to the Department immediately on their return.”

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7. In Article 19A (restrictions on newly qualified drivers, etc.)—
- (a) in paragraph (1) for the words from “or 152” to “Article 196” substitute “or an order made under Article 41 of the Offenders Order”;
 - (b) in paragraph (5) for “Article 196” substitute “Article 41 of the Offenders Order”; and
 - (c) in paragraph (7) for “Article 197” substitute “Article 49 of the Offenders Order”.
- 8.—(1) In Article 19C (regulations for the purposes of Part II), in paragraph (1) for the words from the beginning to “with respect to —” substitute—
- “(1) The Department may make regulations for any purpose for which regulations may be made under the provisions of this Part and the relevant provisions of the Offenders Order and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.
- (1A) In particular, but without prejudice to the generality of paragraph (1), the regulations may make provision with respect to —”.
- (2) In paragraph (1) of that Article—
- (a) in sub-paragraph (f) omit the words “for any purpose of this Part”; and
 - (b) in sub-paragraph (g) omit the words “for the purposes of this Part”.
- (3) After paragraph (3) of that Article add the following paragraph—
- “(4) In this Article “the relevant provisions of the Offenders Order” means the following provisions of that Order: Articles 6, 11, 12, 26 to 28, 29, 33, 35 to 38 and 40 to 53.”
9. In Article 19E (provisions as to Great Britain drivers' licences)—
- (a) in paragraph (2) for the words from “and the provisions” to the end substitute—
“and the provisions—
 - (a) of this Order, and
 - (b) of the Offenders Order, being the provisions connected with the licensing of drivers within the meaning of that Order,as to the production of licences and counterparts of licences granted under this Part shall apply accordingly.”;
 - (b) in paragraph (5) for “Article 197” substitute “Article 49 of the Offenders Order”.
10. In Article 73 (revocation or suspension of large goods vehicle or passenger-carrying vehicle driver's licence) in paragraph (3) for the words “paragraph (1)(a)” substitute “this Article or Article 74”.
- 11.—(1) In Article 74 (disqualification on revocation of large goods vehicle or passenger-carrying vehicle driver's licence), in paragraph (1) for the words “for the purposes of that sub-paragraph” substitute “in pursuance of Article 73(3)”.
- (2) After paragraph (2) of that Article insert—
- “(2A) Regulations may make provision for the application of paragraphs (1) and (2), in such circumstances and with such modifications as may be prescribed, where a person's large goods vehicle or passenger-carrying vehicle driver's licence is treated as revoked by virtue of Article 42(1) of the Offenders Order (effect of disqualification by order of a court).”
12. In Article 97 (requirements as to production of certificate of insurance or of security), in paragraph (3) for “5 days” substitute “7 days”.
13. In Article 118 (employment of traffic wardens), in paragraph (1) after the word “Part” insert “and Article 90(1) of the Offenders Order”.

14. In Article 132(1) (register of approved driving instructors) for “138” substitute “137”.
15. In Article 133 (driving instruction for payment to be given only by registered or licensed persons), in paragraph (5) omit the words “and Article 138”.
16. In Article 137 (production of certificates and licences to constables and authorised persons), in paragraph (3) for “5 days” substitute “7 days”.
17. In Article 166(1) (applying, etc., for licence while disqualified), after sub-paragraph (b) add—
“or
(c) by or under the Offenders Order.”
18. In Article 167(1) (driving, etc., a motor vehicle while disqualified), after sub-paragraph (b) add—
“or
(c) by or under the Offenders Order.”
19. In Article 174(2) (false statements in connection with forgery of, and fraudulent use of, documents, etc.), after “1995” insert “or a certificate of a kind referred to in Article 37(1) of the Offenders Order”.
- 20.—(1) In Article 177 (identification of drivers, etc. of vehicles), the existing provision shall become paragraph (1) and for the words from “under” (first time) to “road traffic”, there shall be substituted “to which this Article applies”.
- (2) After paragraph (1) of that Article insert—
“(2) This Article applies to—
(a) an offence under any provision of the Road Traffic Orders,
(b) an offence under Article 27,28 or 29 of the Offenders Order,
(c) an offence under any other enactment relating to the use of vehicles on roads, and
(d) an offence of manslaughter committed by the driver of a motor vehicle.”
- 21.—(1) In Article 180 (enforcement powers of constable), after paragraph (3) insert—
“(3A) A person required by a constable under paragraph (2) or (3) to produce his licence must in prescribed circumstances, on being required to do so by the constable, state his date of birth.
(3B) Where a person has been required under Article 28 or 29 of the Offenders Order to produce a licence and its counterpart to the court and fails to do so, a constable may require him to produce them and, upon their being produced, may seize them and deliver them to the court.”
- (2) In paragraph (4) of that Article for “5 days” substitute “7 days”.
- (3) After paragraph (4) of that Article insert—
“(4AA) Paragraph (4) does not apply where a person required on any occasion under the preceding provisions of this Article to produce his licence and its counterpart—
(a) produces on that occasion a current receipt for the licence and its counterpart issued under Article 62 of the Offenders Order and, if required to do so, produces the licence and its counterpart in person immediately on their return at a police station that was specified on that occasion, or
(b) within 7 days after that occasion produces such a receipt in person at a police station that was specified by him on that occasion and, if required to do so,

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produces the licence and its counterpart in person immediately on their return at that police station.

(4AB) Where in accordance with this Article a person has stated his date of birth to a constable, the Department may serve on that person a notice in writing requiring him to provide the Department—

- (a) with such evidence in that person's possession or obtainable by him as the Department may specify for the purpose of verifying that date; and
- (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time,

and a person who knowingly fails to comply with a notice under this paragraph is guilty of an offence.”

(4) In paragraph (7) of that Article, after the word “Orders” insert “or who fails to state his date of birth when required under paragraph (3A) to do so”.

22.—(1) In Article 212 (application of Order to hovercraft and trolley vehicles), in paragraph (1) after the words “this Order” insert “and the Offenders Order”.

(2) In paragraph (3) of that Article omit “16922” and from “184” to “Schedule 4”.

23. In Article 215 (application of Order to harbour commissioners), in paragraph (2) omit sub-paragraph (b).

Amendments of the Order of 1995

24. In Article 2(2) (interpretation), insert the following definition at the appropriate place alphabetically—

““the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996;”.

25. In Article 4(5) (regulations varying maximum weights of motor vehicles), in sub-paragraph (b) after the word “Orders” insert “and of the Offenders Order”.

26. In Article 5(3) (articulated vehicles), after the word “Orders” insert “, the Offenders Order”.

27. In Article 6(1) (certain vehicles not to be treated as motor vehicles), in paragraph (1) after the word “Orders” insert “or the Offenders Order”.

28. In Article 7(1) (method of calculating weight of motor vehicles and trailers), after the word “Orders” insert “and of the Offenders Order”.

29. In Article 17(7) (definition of “traffic offence”), after sub-paragraph (b) add—
“or

(c) an offence under any provision of the Offenders Order except Part IV.”

30. In Article 32 (leaving vehicles in dangerous positions), for the words from “cause” (first time) to “danger” substitute “involve a danger of injury to other persons using the road”.

31.—(1) In Article 49 (contravention of traffic directions or traffic signs), the existing provision shall become paragraph (1).

(2) After paragraph (1) of that Article insert—

“(2) The Department may by regulations specify any traffic sign for the purposes of column (5) of the entry in Schedule 1 to the Offenders Order relating to offences under this Article (offences committed by failing to comply with certain signs involve discretionary disqualification).”.

32. In Article 105(1) (hovercraft), after the word “Order” insert “and the Offenders Order”.

33. In Schedule 3 (minor and consequential amendments), in paragraph 22 for the words from the beginning to “192(1)”, substitute “In Article 187(1)”.

PART II

AMENDMENTS OF OTHER ENACTMENTS

The Criminal Justice (Northern Ireland) Order 1980 NI 6

34.—(1) In Article 8 (driving disqualification where vehicle used for purpose of crime), in paragraph (2) for the words “Article 197(1) of that Order” substitute “Article 49(1) of the Road Traffic Offenders (Northern Ireland) Order 1996”.

(2) In paragraph (3)(b) of that Article—

(a) for the words “Article 194 of that Order” substitute “Article 47 of the Road Traffic Offenders (Northern Ireland) Order 1996”; and

(b) for the words “paragraph (9)” substitute “paragraph (6)”.

(3) After paragraph (4) of that Article add—

“(5) Paragraphs (3B), (4) and (4AA) of Article 180 of the Road Traffic (Northern Ireland) Order 1981 shall apply for the purposes of paragraph (3) in the same manner as they apply for the purposes of Article 29 of the Road Traffic Offenders (Northern Ireland) Order 1996.”

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

35. In Article 62 (intimate samples), in paragraph (I 1) for the words from “or Articles” to the end substitute “or Articles 18 and 19 of the Road Traffic Offenders (Northern Ireland) Order 1996”.

36. In Part II of Schedule 5 (serious arrestable offences), the provision inserted by paragraph 39 of Schedule 3 to the Order of 1995 as paragraph 13 shall be renumbered as paragraph 13A; and any reference to that provision in any statutory provision shall have effect accordingly.

Number	Short title	Extent of repeal
1981 NI 1.	The Road Traffic (Northern Ireland) Order 1981.	Article 1(3). In Article 2(2), the definition of “reckonable year”. In Article 19C(1)(f), the words “for any purpose of this Part”. In Article 19C(1)(g), the words “for the purposes of this Part”. In Article 62(3), the words from “and upon” to the end. In Article 62(4), the words “and the driver” and the words from “or the licence” to “may require”.

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Number	Short title	Extent of repeal
		Article 120.
		In Article 133(5), the words “and Article 138”.
		Articles 138 to 140, 150 to 152, 157(1), 169, 174B, 175(3) and (4), 182 to 186 and 188 to 204.
		In Article 212(3), “169(2)” and from “184” to “Schedule 4”.
		Article 215(2)(b).
		Schedule 4.
1981 NI 26.	The Magistrates' Courts (Northern Ireland) Order 1981.	In Schedule 6, paragraphs 169, 172 and 173.
1982 NI 18.	The Disabled Persons (Northern Ireland) Order 1982.	Article 4(1)(e).
1984 NI 3.	The Fines and Penalties (Northern Ireland) Order 1984.	In Schedule 2, paragraph 20.
1984 NI 15.	The Road Traffic, Transport and Roads (Northern Ireland) Order 1984.	In Schedule 1, paragraph 7.
1985 NI 6.	The Road Traffic (Type Approval) (Northern Ireland) Order 1985.	Article 5.
1991 NI 3.	The Road Traffic (Amendment) (Northern Ireland) Order 1991.	Article 8.
		In Schedule 4, paragraphs 2,6(b) and (c) and 10.
1995 NI 18.	The Road Traffic (Northern Ireland) Order 1995.	Articles 94 to 97,98(3) and (4) 100 to 104 and 106(d).
		Schedule 2.
		In Schedule 3, paragraphs 11, 21, 23 to 26 and 32.