
STATUTORY INSTRUMENTS

1998 No. 1074

The Road Traffic (New Drivers) (Northern Ireland) Order 1998

Revocation of licences and re-testing

Surrender of licences

- 4.—(1) Paragraph (2) applies where—
- (a) a person is the holder of a licence;
 - (b) he is convicted of an offence involving obligatory endorsement;
 - (c) the penalty points to be taken into account under Article 31 of the Offenders Order on that occasion number 6 or more;
 - (d) the court makes an order falling within Article 49(1)(b) of that Order in respect of the offence;
 - (e) the person's licence shows the date on which he became a qualified driver, or that date has been shown by other evidence in the proceedings; and
 - (f) it appears to the court, in the light of the order and the date so shown, that the offence was committed during the person's probationary period.
- (2) Where this paragraph applies, the court shall send to the Department—
- (a) a notice containing the particulars required to be endorsed on the counterpart of the person's licence in accordance with the order referred to in paragraph (1)(d); and
 - (b) on their production to the court, the person's licence and its counterpart.
- (3) Paragraph (4) applies where—
- (a) a person's licence and its counterpart have been sent to the fixed penalty clerk under Article 60(7) of the Offenders Order or delivered to the fixed penalty clerk in response to a conditional offer issued under Article 80 of that Order;
 - (b) the offence to which the fixed penalty notice or the conditional offer relates is one involving obligatory endorsement;
 - (c) the fixed penalty clerk endorses the number of penalty points to be attributed to the offence on the counterpart of the licence;
 - (d) the penalty points to be taken into account by the fixed penalty clerk in respect of the offence number 6 or more;
 - (e) the licence shows the date on which the person became a qualified driver; and
 - (f) it appears to the fixed penalty clerk, in the light of the particulars of the offence endorsed on the counterpart of the licence and the date so shown, that the offence was committed during the person's probationary period.
- (4) Where this paragraph applies, the fixed penalty clerk—
- (a) may not return the licence and its counterpart under Article 63(3) or (4) or 82(1) of the Offenders Order; but
 - (b) shall send them to the Department.

(5) For the purposes of paragraph (3)(d) the penalty points to be taken into account by the fixed penalty clerk in respect of the offence are the penalty points which would have been taken into account under Article 31 of the Offenders Order if—

- (a) the person in question had been convicted of the offence; and
- (b) the number of penalty points to be attributed to the offence on that occasion had been determined in accordance with Article 30(3) of that Order.