
STATUTORY INSTRUMENTS

2003 No. 2903

**The Road Traffic (Driving Disqualifications)
(Northern Ireland) Order 2003**

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The other provisions of this Order shall come into operation on such day as the Department may by order appoint.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order “the Department” means the Department of the Environment.

Recognition in Northern Ireland of disqualifications in Great Britain, etc.

3. After Article 18 of the [Road Traffic \(Northern Ireland\) Order 1981 \(NI 1\)](#) there shall be inserted—

“Disqualification if disqualified in Great Britain, etc.

Disqualification while disqualified in Great Britain, Isle of Man, Channel Islands or Gibraltar

18A.—(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Northern Ireland.

(2) For the purposes of this Article a person is subject to a relevant disqualification imposed outside Northern Ireland if, in respect of any offence—

- (a) a court in Great Britain disqualifies him for holding or obtaining a Great Britain licence,
- (b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or
- (c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.

(3) A certificate signed by the Department which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Northern Ireland shall be evidence of the matter so stated.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”.

Endorsement of counterparts issued to Great Britain licence holders

4.—(1) After Article 19E of the [Road Traffic \(Northern Ireland\) Order 1981 \(NI 1\)](#) there shall be inserted—

“Counterparts issued to Great Britain licence holders

19F.—(1) The Department may issue to any Great Britain licence holder who—

- (a) has delivered his Great Britain licence to the Department, and
- (b) has provided the Department with the information specified in, or required under, paragraph (3) (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Great Britain licence as a “counterpart”).

(2) The counterpart must—

- (a) be in such form, and
- (b) contain such information,

designed for the endorsement of particulars relating to the Great Britain licence as the Department may determine.

(3) The information referred to in paragraph (1) is—

- (a) the name and address (whether in Northern Ireland or Great Britain) of the Great Britain licence holder;
- (b) his date of birth;
- (c) the classes of vehicle which he is authorised by his Great Britain licence to drive;
- (d) the period of validity of the licence;
- (e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and
- (f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.

(4) The Department—

- (a) may endorse a Great Britain licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine—
 - (i) with any part of the information specified in, or required under, paragraph (3); or
 - (ii) with information providing a means of ascertaining that information or any part of it; and
- (b) must return the Great Britain licence to the holder.

(5) Paragraphs (6) to (9), (11) (with the omission of sub-paragraph (a)) and (12) of Article 15B apply for the purposes of this Article as if the references to a Community licence were references to a Great Britain licence.”.

(2) After Article 92 of the [Road Traffic Offenders \(Northern Ireland\) Order 1996 \(NI 10\)](#) there shall be inserted—

“Application to Great Britain licence holders

92ZA.—(1) The references to a licence in the following provisions of this Order include references to a Great Britain licence—

- (a) Article 11,
- (b) Article 28(4) and (5) and (6)(b),
- (c) Article 29,
- (d) Article 31(1),
- (e) Article 32,
- (f) Article 33,
- (g) Article 47(6),
- (h) Article 49(1),
- (i) Article 51(2),
- (j) Article 52(2) and (3),
- (k) Article 53.

(2) Accordingly, the reference in Article 29(2)(b) to the suspension of a licence is to be construed in relation to a Great Britain licence holder as a reference to his ceasing to be authorised by virtue of Article 19E(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.

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

(4) In relation to a Great Britain licence holder to whom a counterpart is issued under Article 19F of the Order of 1981, the references in Part IV of this Order to a licence include references to a Great Britain licence.

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

(6) The notice must—

- (a) be sent in such manner and to such address, and
- (b) contain such particulars,

as the Department may determine.

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

(8) The licence and its counterpart must be sent to such address as the Department may determine.

(9) Where—

- (a) a notice is sent to the Department under paragraph (5), and
- (b) the particulars contained in the notice include—

- (i) particulars of an offence in respect of which the holder of a Great Britain licence is disqualified by an order of a court, and
- (ii) particulars of the disqualification,

the Department must send a notice containing the particulars mentioned in subparagraph (b)(i) and (ii) to the licensing authority in Great Britain.

Effect of endorsement on Great Britain licence holders

92ZB. Article 92B applies in relation to Great Britain licences as it applies in relation to Community licences.”.

Prohibition on holding or obtaining Northern Ireland and Great Britain licences

5.—(1) The [Road Traffic \(Northern Ireland\) Order 1981 \(NI 1\)](#) shall be amended as follows.

(2) In Article 13 (grant of licences)—

(a) in paragraph (1)(c), after paragraph (i) there shall be inserted—

“(ia) any Great Britain licence held by him together with its Great Britain counterpart and its counterpart (if any) issued to him under this Part,”,

(b) after paragraph (1A) there shall be inserted—

“(1AA) Where a licence under this Part is granted to a person who surrenders under paragraph (ia) of paragraph (1)(c) his Great Britain licence together with the counterparts mentioned in paragraph (ia) to the Department—

(a) that person ceases to be authorised by virtue of Article 19E to drive in Northern Ireland a motor vehicle of any class, and

(b) the Department must send the Great Britain licence and its Great Britain counterpart to the licensing authority in Great Britain together with particulars of the class of motor vehicles to which the licence granted under this Part relates.”.

(3) In Article 15 (duration of licences), after paragraph (5) there shall be inserted—

“(5A) Where—

(a) the Department is sent under section 97(1AA) of the Road Traffic Act 1988 (c. 52) a licence granted under this Part to a person to drive a motor vehicle of any class, and

(b) the Department is satisfied that a Great Britain licence to drive a motor vehicle of that or a corresponding class has been granted to that person,

the Department must serve notice in writing on that person revoking the licence granted under this Part.”.

(4) In Article 18 (disqualification to prevent duplication of licences), at the end there shall be inserted—

“(2) A person is also disqualified for holding or obtaining a licence authorising him to drive a motor vehicle of any class so long as he is authorised by virtue of Article 19E(1) to drive a motor vehicle of that or a corresponding class.”.

Disability and prospective disability

6.—(1) The [Road Traffic \(Northern Ireland\) Order 1981 \(NI 1\)](#) shall be amended as follows.

(2) After 19F (as inserted by Article 4 of this Order) there shall be inserted—

“Revocation of authorisation conferred by Great Britain licence because of disability or prospective disability

19G.—(1) If the Department is at any time satisfied on inquiry—

(a) that a Great Britain licence holder is suffering from a relevant disability, and

(b) that the Department would be required by virtue of Article 9(3) to refuse an application made by the holder at that time for a licence authorising him to drive

a vehicle of the class in respect of which his Great Britain licence was issued or a class corresponding to that class,

the Department may serve notice in writing requiring the licence holder to deliver immediately to the Department his Great Britain licence together with its Great Britain counterpart and its counterpart (if any) issued to him under this Part (“the relevant counterparts”).

(2) If the Department is satisfied on inquiry that a Great Britain licence holder is suffering from a prospective disability, the Department may—

- (a) serve notice in writing on the Great Britain licence holder requiring him to deliver immediately to the Department his Great Britain licence together with the relevant counterparts, and
- (b) on receipt of the Great Britain licence and those counterparts and of an application made for the purposes of this paragraph, grant to the Great Britain licence holder, free of charge, a licence for a period determined by the Department under Article 15(1)(c).

(3) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before granting a licence to him on an application for the purposes of paragraph (2).

(4) A person who—

- (a) is required under, or by virtue of, this Article to deliver to the Department his Great Britain licence and the relevant counterparts, but
- (b) without reasonable excuse, fails to do so,

shall be guilty of an offence under this Order.

(5) Where a Great Britain licence holder to whom a counterpart is issued under Article 19F—

- (a) is required under, or by virtue of, this Article to deliver his Great Britain licence and that counterpart to the Department, and
- (b) 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 any such requirement if he delivers them to the Department immediately on their return.

(6) Where a Great Britain licence holder is served with a notice in pursuance of this Article, he shall cease to be authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(7) Where a Great Britain licence is delivered to the Department in pursuance of this Article, the Department must—

- (a) send the licence and its Great Britain counterpart to the licensing authority in Great Britain, and
- (b) explain to them its reasons for so doing.

Information relating to disabilities, etc.

19H. Article 11 shall apply to a Great Britain licence holder who is normally resident in Northern Ireland as if—

- (a) in paragraph (1), for the words from the beginning to “aware” there were substituted “If a Great Britain licence holder who is authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date”,
 - (b) after that paragraph there were inserted—
 - “(1A) For the purposes of paragraph (1) “relevant date” means—
 - (a) in the case where the licence holder first became normally resident in Northern Ireland on or before the date on which Article 6 of the Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003 comes into operation, that date; and
 - (b) in any other case, the date on which he first became so resident.”,
 - (c) after paragraph (3A) there shall be inserted—
 - “(3B) A person who—
 - (a) is authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class, and
 - (b) drives on a road a motor vehicle of that class,
 is guilty of an offence if at any earlier time while he was so authorised he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.”,
 - (d) in paragraph (4), the words “an applicant for, or” (in both places) were omitted,
 - (e) in paragraph (5), the words “applicant or” and the words from the beginning of sub-paragraph (c) to “provisional licence” were omitted,
 - (f) in paragraph (6)(b), the words “applicant or” (in both places) were omitted,
 - (g) in paragraph (7), the words “applicant or” were omitted, and
 - (h) in subsection (8)—
 - (i) for “10” there were substituted “19G”, and
 - (ii) the words “applicant or” (in both places) were omitted.”.
- (3) In Article 10 (revocation of licence because of disability or prospective disability)—
- (a) in paragraph (2A), at the end there shall be inserted “or paragraph (6)”,
 - (b) at the end there shall be inserted—
 - “(5) Where the Department—
 - (a) is at any time sent by the licensing authority in Great Britain a licence under section 109B of the Road Traffic Act 1988, and
 - (b) by virtue of the reasons given by that authority for sending the licence is at that time satisfied as mentioned in paragraph (1)(a) and (b) or that the licence holder is suffering from a prospective disability,
 the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.
 - (6) Where the reasons given by the licensing authority in Great Britain for sending the licence relate to a prospective disability of the holder, the Department may, on an application made for the purposes of this paragraph, grant to the holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).”.

Consequential amendments and repeals

- 7.—(1) Schedule 1 (minor and consequential amendments) shall have effect.
(2) The provisions set out in Schedule 2 are repealed to the extent specified.

Supplementary and consequential provision

- 8.—(1) The Department may by order, subject to negative resolution, make—
(a) any supplementary, incidental or consequential provision,
(b) any transitory, transitional or saving provision,

which it considers necessary or expedient for the purposes of, in consequence of or for giving full effect to any provision of this Order.

(2) The provision which may be made under paragraph (1) includes provision amending or repealing any statutory provision.

(3) In paragraph (2) “statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

A. K. Galloway
Clerk of the Privy Council