

# ROAD TRAFFIC (NORTHERN IRELAND) ORDER 2007

S.I. 2007 No. 916 (N.I. 10)

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## EXPLANATORY MEMORANDUM

### COMMENTARY ON ARTICLES

9. A commentary on the provisions follows below. Comments are not given where the wording is self-explanatory.

#### *Offences and Enforcement*

10. Part II includes a number of amendments to existing legislation that revise the penalties for a number of existing offences. They also include the introduction of new measures to extend the enforcement powers of the police and vehicle examiners.
11. [Articles 3 to 6](#) introduce penalty points for non-wearing of a seatbelt, breaching a temporary speed limit, not having proper control of a vehicle and using a hand-held mobile telephone while driving.
12. [Articles 10](#) and [11](#) provide for certain road traffic offenders to be given the opportunity to attend, at their own cost, a driver retraining course and if they successfully complete the course, they will be entitled to a reduction in the number of penalty points or period of disqualification that would otherwise have been attributed to them. [Article 11](#) also revises the existing Drink-Drive Rehabilitation Scheme to address a number of administrative problems relating to the courts and payment arrangements and allows provision of the course to continue.
13. Under [Article 12](#) the police and vehicle examiners will be able to require the payment of a deposit by a person they believe to have committed an offence in relation to a motor vehicle and who does not provide a satisfactory address in the UK. These provisions, in effect, provide a means of enforcement against foreign drivers who avoid payment of fixed penalties and prosecution by simply leaving the country. It will be open for drivers to contest in court the charge of committing the offence and the deposit may be refunded.
14. [Article 13](#) and [Schedule 1](#) makes provision for the immobilisation, removal and disposal of vehicles where the driving of the vehicle has been prohibited in certain circumstances.
15. [Article 14](#) enables the police to require a person they suspect of having driven whilst under the influence of drugs to undertake a preliminary impairment test
16. [Article 16](#) and [Schedule 2](#) give vehicle examiners the power to issue fixed penalty notices.
17. [Article 21](#) gives the police power to seize vehicles driven without insurance.
18. [Articles 22 to 24](#) introduce the concept of graduated fixed penalties and penalty points. They give the Department power to prescribe graduated penalties and penalty points for offences. The graduations may take account of the circumstances of the offence

*This Explanatory Memorandum refers to the Road  
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including the nature of the offence, its severity, the location, and whether the offender appears to have committed other prescribed offences during a prescribed period.

19. [Article 25](#), with certain exceptions, makes it an offence to keep a registered vehicle which does not meet insurance requirements. When such an offence has occurred Schedule 3 makes provision for the immobilisation, removal and disposal of the vehicle.

***Driver Licensing***

20. Part III includes a number of amendments to existing legislation to bring Northern Ireland into line with the driver licensing system operating presently in Great Britain, together with a number of new measures to be introduced.
21. [Article 35](#) amends the existing arrangement that allows the Department to designate a country or territory that is not an EEA State for the purposes of exchangeable driving licences. It removes an anomaly whereby licence holders from certain countries may exchange their driving licences in Great Britain, but not in Northern Ireland.
22. [Article 36](#) allows the Department to make any driver licensing information held by it available to the police for prescribed purposes.
23. [Articles 38, 39 and 40](#) introduce a new system that will allow for the issue of endorsable fixed penalties to persons without a paper counterpart to their driving licence. This will be achieved by allowing access to the Department's "driving record" rather than having to rely on the counterpart. The new system will initially apply to unlicensed and foreign drivers. Eventually it will be extended to all drivers and counterparts will cease to be part of the driver licensing system.

***Driver and Vehicle Testing***

24. Part IV introduces a number of new measures relating to the functions of driver and vehicle testing.
25. [Article 41](#) creates a new offence of failing to display a vehicle test certificate in a prescribed manner. Regulations will make this punishable by a fixed penalty of £30.

***Driving Instruction***

26. Part V is a major rewrite of the registration and regulation of driving instructors in Northern Ireland including the replacement of the Approved Driving Instructor scheme with a new system of registered driving instructors. There are also powers to make further provision by way of regulations. In particular, it sets out the registration and appeal processes, the requirements in relation to examinations and training, extends registration to other vehicle types in addition to cars and makes provision for disabled persons to give paid driving instruction.

***Miscellaneous***

27. Part VI includes several miscellaneous amendments along with the introduction of a number of new provisions.
28. [Article 82](#) provides the Department with the power to give or arrange training on road safety to road users and to raise a fee for doing so. It also enables the Department for Regional Development to make contributions towards the cost of promoting road safety undertaken by any authority, body or person.