

SCHEDULES

SCHEDULE 1

Article 13

PROHIBITION ON DRIVING: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

Cases to which regulations may apply

1.—(1) The Department may make regulations with respect to any case where, on or after such date as may be prescribed, the driving of a vehicle has been prohibited under—

- (a) Article 84 of the Order of 1981 (foreign vehicles);
 - (b) Article 77 or 79 of the Order of 1995 (unfit or overloaded vehicles); or
 - (c) Article 91E of the Offenders Order (failure to make payment of financial penalty deposit);
- (2) Regulations under this Schedule are subject to negative resolution.

Immobilisation

2.—(1) The regulations may provide that an authorised person or a person acting under his direction may—

- (a) fix an immobilisation device to the vehicle, and
- (b) move the vehicle, or direct it to be moved, for the purpose of enabling an immobilisation device to be fitted it.

(2) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice—

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,
- (b) specifying the steps to be taken to secure its release, and
- (c) giving such other information as may be prescribed.

(3) The regulations may provide that a vehicle to which an immobilisation device has been fixed in accordance with the regulations—

- (a) may only be released from the device by or under the direction of an authorised person, but
- (b) subject to that, must be released from the device if the first and second requirements specified below are met.

(4) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.

(5) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced such evidence as may be prescribed establishing that the prohibition has been removed.

(6) The regulations may provide that they do not apply in relation to a vehicle if—

- (a) a current disabled person's badge is displayed on the vehicle, or
- (b) such other conditions as may be prescribed are fulfilled,

and "disabled person's badge" means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 44) or a recognised badge within the meaning given by section 14A of that Act.

(7) The regulations may provide that an immobilisation notice is not to be removed or interfered with except by or on the authority of a person falling within a prescribed description.

Offences connected with immobilisation, etc.

3.—(1) The regulations may provide that a person who fails to comply within a reasonable time with a direction under provision made under paragraph 2(1)(b) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The regulations may provide that a person contravening provision made under paragraph 2(7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(3) The regulations may provide that a person who, without being authorised to do so in accordance with provision made under paragraph 2, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) The regulations may provide that where they would otherwise have applied in relation to a vehicle but for provision made under paragraph 2(6)(a) and the vehicle was not, at the time at which they would otherwise have applied, being used—

- (a) in accordance with regulations under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 44), and
- (b) in circumstances falling within section 14B(1)(b) of that Act (use where a disabled person's concession would be available),

the person in charge of the vehicle at that time is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The regulations may provide that where—

- (a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with the regulations,
- (b) the declaration is that the prohibition has been removed, and
- (c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

(6) The regulations may provide that a person guilty of an offence for which provision is made under sub-paragraph (5) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.

Removal and disposal of vehicles

4.—(1) The regulations may provide that where such conditions as may be prescribed are fulfilled an authorised person, or a person acting under his direction, may remove the vehicle or direct it to be removed.

(2) The regulations may provide that where such conditions as may be prescribed are fulfilled an authorised person, or a person acting under his direction, may deliver the vehicle, or direct it to be delivered, into the custody of a person—

- (a) who is identified in accordance with prescribed rules, and
- (b) who agrees to accept delivery in accordance with arrangements agreed between that person and the Department,

and the arrangements may include provision as to the payment of a sum to the person into whose custody the vehicle is delivered.

(3) The regulations may make provision for such persons as may be prescribed to be informed that a vehicle has been removed and delivered into a person's custody and may, in particular, include provision requiring—

- (a) the publication by an authorised person of such notices as may be prescribed, and
- (b) the giving of notice by an authorised person to such persons as may be prescribed.

(4) The regulations may provide that the person into whose custody the vehicle is delivered may dispose of it, and may in particular make provision as to—

- (a) the time at which the vehicle may be disposed of, and
- (b) the manner in which it may be disposed of.

(5) The regulations may make provision allowing a person to take possession of the vehicle if—

- (a) he claims it before it is disposed of, and
- (b) any prescribed conditions are fulfilled.

(6) The regulations may provide for a sum of an amount arrived at under prescribed rules to be paid to a person if—

- (a) he claims after the vehicle's disposal to be or to have been its owner or to have been the person in charge of the vehicle when it was removed,
- (b) the claim is made within a prescribed time of the disposal, and
- (c) any other prescribed conditions are fulfilled.

(7) The regulations may provide that (whether or not a claim is made under provision made under sub-paragraph (5) or (6))—

- (a) the Department, or
- (b) a person into whose custody the vehicle is delivered under the regulations,

may recover from the vehicle's owner or the person in charge of the vehicle such charges as may be prescribed in respect of all or any of its release, removal, custody and disposal.

(8) In sub-paragraph (7) "person in charge" and "owner", in relation to a vehicle, means the person who was in charge of the vehicle or was the vehicle's owner when it was removed.

(9) The conditions prescribed under sub-paragraph (5) may include conditions as to—

- (a) satisfying the person with custody that the claimant is the vehicle's owner or was the person in charge of the vehicle when it was removed,
- (b) the payment of prescribed charges in respect of the vehicle's release, removal and custody, and

Status: This is the original version (as it was originally made).

- (c) the production of such evidence as may be prescribed establishing that the prohibition has been removed.

(10) The regulations may in particular include provision for purposes corresponding to those of Articles 51 to 54 of the [Road Traffic Regulation \(Northern Ireland\) Order 1997 \(NI 2\)](#) (disposal and charges) subject to such additions, omissions or other modifications as the Department thinks fit.

Offences as to securing possession of vehicles

5.—(1) The regulations may provide that a person who fails to comply within a reasonable time with a direction under provision made under subparagraph (1) or (2) of paragraph 4 is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The regulations may provide that where—

- (a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of a person in accordance with provision made under paragraph 4,
- (b) the declaration is that the prohibition has been removed, and
- (c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

(3) The regulations may provide that a person guilty of an offence for which provision is made under sub-paragraph (2) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or both.

Disputes

6. The regulations may make provision about the proceedings to be followed where a dispute occurs as a result of the regulations, and may in particular make provision—

- (a) for an application to be made to a court of summary jurisdiction, or
- (b) for a court to order a sum to be paid by the Department.

Authorised persons

7. As regards anything falling to be done under the regulations (such as receiving payment of a charge or other sum) the regulations may provide that it may be done—

- (a) by an authorised person, or
- (b) by an authorised person or a person acting under his direction.

Application of Offenders Order

8. The regulations may make provision for the application of any or all of Articles 5, 10, 14 and 15(1) of the Offenders Order to an offence for which provision is made by the regulations.

Interpretation

9. References in this Schedule to a vehicle include references to any trailer drawn by the vehicle.

10.—(1) This paragraph makes provision about the meaning of “authorised person” for the purposes of this Schedule.

(2) Where the driving of the vehicle has been prohibited under Article 84 of the Order of 1981 “authorised person” means an authorised officer within the meaning of Part VII of the Order of 1981.

(3) Where the driving of the vehicle has been prohibited under Article 77 of the Order of 1995 “authorised person” means a vehicle examiner (within the meaning of Part III of that Order).

(4) Where the driving of the vehicle has been prohibited under Article 79 of the Order of 1995 “authorised person” means—

- (a) a vehicle examiner (within the meaning of Part III of that Order); or
- (b) a constable authorised to act for the purposes of paragraph (1) of that Order by or on behalf of the Chief Constable.

(5) Where the driving of the vehicle has been prohibited under Article 91E of the Offenders Order, “authorised person” means—

- (a) a vehicle examiner (within the meaning of Part III of that Order); or
- (b) a constable.

11. In this Schedule—

- (a) references to an immobilisation device are to a device or appliance which is—
 - (i) designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion; and
 - (ii) of a type approved by the Department for use for that purpose; and
- (b) references to an immobilisation notice are to a notice fixed to a vehicle in accordance with the regulations.

12. In this Schedule “prescribed” means prescribed by the regulations.

13.—(1) The regulations may make provision as to the meaning for the purposes of the regulations of “owner” as regards a vehicle.

(2) In particular, the regulations may provide that for the purposes of the regulations the owner of a vehicle is taken to be the person in whose name it is then registered under the Vehicle Excise and Registration Act 1994 (c. 22).

SCHEDULE 2

Article 16

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

1. Part IV of the Offenders Order (fixed penalties) is amended as follows.
2. In Article 55(1) (interpretation), after the definition of “proceedings” insert—
““vehicle examiner” means an examiner appointed under Article 74 of the Order of 1995.”.
3. In Article 58(3)(c) (fixed penalty notice must state to whom and where fixed penalty may be paid) for “the clerk of petty sessions” substitute “the person to”.
4. In Article 60 (notices on-the-spot or at a police station)—
 - (a) in the heading, for “or at a police station” substitute “etc.”;

Status: This is the original version (as it was originally made).

- (b) in paragraph (1), after “uniform” insert “, or a vehicle examiner who produces his authority.”;
 - (c) in paragraph (2), after “constable” insert “or vehicle examiner”;
 - (d) in paragraph (3), after “constable” in each place, insert “or vehicle examiner”;
 - (e) in paragraph (4)–
 - (i) after “constable” in the first 3 places, insert “or vehicle examiner”;
 - (ii) for “, within 7 days after the notice is given, he produces” substitute “he delivers”; and
 - (iii) for the words from “person to” to “person concerned)” substitute “accordance with paragraph (4A)”;
 - (f) after that paragraph insert–
 - “(4A) Delivery must–
 - (a) if the notice is given by a constable, be made in person, within 7 days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
 - (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within 14 days after the notice is given, to the Department at the place specified in the notice.”;
 - (g) in paragraph (5)–
 - (i) for “produces” substitute “delivers”;
 - (ii) for the words from “person to a” to “to him” substitute “accordance with paragraph (4A)”;
 - (iii) in sub-paragraph (a) and in the words following sub-paragraph (b), for “constable or authorised person” substitute “person to whom the notice under paragraph (4) is delivered”;
 - (iv) omit “he surrenders”; and
 - (v) for “to the constable or authorised person” substitute “are delivered”;
 - (h) in paragraph (7)–
 - (i) after “surrendered” insert “or delivered”; and
 - (ii) insert at the end “if the fixed penalty notice was given by a constable or authorised person”.
- 5. In Article 62 (licence receipts)–**
- (a) in paragraph (1)–
 - (i) for “constable or authorised person” substitute “person”; and
 - (ii) after “surrenders” insert “or delivers”;
 - (b) in paragraph (2)–
 - (i) for “The” substitute “Where the duty in Article 60(7) applies, the”; and
 - (ii) after “surrendered” insert “or delivered”;
 - (c) in paragraph (3)–
 - (i) for “by a constable or authorised person” substitute “under paragraph (1)”;
 - (ii) for “by the fixed penalty clerk” substitute “under paragraph (2)”.
- 6. In Article 63 (endorsement of licences without hearings)–**

- (a) in paragraph (1), for the words from “has surrendered” to “Article 60”, substitute “has been given a fixed penalty notice under Article 60 in respect of an offence involving obligatory endorsement”;
 - (b) in paragraph (3), for “fixed penalty clerk” substitute “person to whom it is paid”;
 - (c) in paragraph (4) for “fixed penalty clerk” substitute “person to whom the fixed penalty is required to be paid”;
 - (d) in paragraph (6)–
 - (i) for “On endorsing” substitute “Where the endorsement of”; and
 - (ii) after “Article” insert “is made by the fixed penalty clerk”.
- 7.** In Article 66 (fixed penalty notice mistakenly given: exclusion of fixed penalty procedures)–
- (a) in paragraph (1)–
 - (i) for “sent to him under Article 60(7)” substitute “surrendered or delivered under Article 60”; and
 - (ii) after “clerk” insert “or the Department”;
 - (b) in paragraph (2)–
 - (i) omit “fixed penalty clerk must not endorse the”;
 - (ii) before “under” insert “must not be endorsed”; and
 - (iii) after “but” insert “if it was sent to the fixed penalty clerk he”.
- 8.** In Article 67(1) (fixing notices to vehicles), after “constable” insert “or a vehicle examiner”.
- 9.** In Article 68 (service of notice to owner if penalty not paid)–
- (a) in paragraph (2), for “Chief Constable” substitute “relevant person”;
 - (b) after that paragraph insert–
 - “(2A) In this Article “the relevant person” means–
 - (a) if the fixed penalty notice was fixed by a constable, the Chief Constable; and
 - (b) if it was fixed by a vehicle examiner, the Department.”;
 - (c) in paragraph (4)(c), for “Chief Constable” substitute “relevant person”.
- 10.** In Article 71 (hired vehicles)–
- (a) in paragraph (1)(c), for “Chief Constable” substitute “relevant person”;
 - (b) in paragraph (5), for “Chief Constable” substitute “person”;
 - (c) in paragraph (8), after the definition of “hiring agreement” insert–
 - ““relevant person” means–
 - (a) if the fixed penalty notice was fixed by a constable, the Chief Constable; and
 - (b) if it was fixed by a vehicle examiner, the Department.”.
- 11.** In Article 73(4) (meaning of “official form”), after “Chief Constable” insert “or the Department”.
- 12.** In Article 74 (payment of penalty)–
- (a) in paragraph (1), for “Payment of a fixed penalty under this Part” substitute “Where a fixed penalty notice has been given or fixed by a constable or authorised person under this Part, payment of the fixed penalty”;
 - (b) after that paragraph insert–

Status: This is the original version (as it was originally made).

“(1A) Where a fixed penalty notice has been given or fixed by a vehicle examiner, or given by the Department, under this Part, payment of the fixed penalty must be made to the Department.”;

(c) in paragraph (3), after “clerk” insert “, or the Department,”.

13. In Article 75 (registration certificates)–

(a) in paragraph (2), for “Chief Constable” substitute “relevant person”;

(b) after that paragraph insert–

“(2A) In paragraph (2) “the relevant person” means–

(a) if the fixed penalty notice in question was given or fixed by a constable or given by an authorised person, the Chief Constable, and

(b) if it was given or fixed by a vehicle examiner or given by the Department, the Department.”;

(c) in paragraph (3), for “the Chief Constable, or a person authorised by him to act in that behalf,” substitute “a person”.

14. In Article 77 (notices on-the-spot or at a police station: when registration and endorsement invalid)–

(a) in the heading, for “or at a police station” substitute “etc.”;

(b) in paragraph (4), after “surrendered” insert “or delivered”.

15. In Article 78 (notices fixed to vehicles: when registration invalid)–

(a) in paragraph (4) for “Chief Constable” in both places substitute “relevant person”;

(b) after that paragraph insert–

“(4A) In paragraph (4) “the relevant person” means–

(a) if the fixed penalty notice was fixed by a constable, the fixed penalty clerk, and

(b) if it was fixed by a vehicle examiner, the Department.”;

(c) in paragraph (5), omit–

(i) “by or on behalf of the Chief Constable”; and

(ii) “such”;

(d) in paragraph (7)–

(i) omit “by or on behalf of the Chief Constable”; and

(ii) for “he” substitute “the person by whom it is served”.

16. In Article 80 (issue of conditional offer)–

(a) after paragraph (1) insert–

“(1A) Where–

(a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and

(b) no fixed penalty notice in respect of the offence has been given under Article 60 or fixed to a vehicle under Article 67,

a notice under this Article may be sent to the alleged offender by the Department.”;

(b) in paragraph (3), for “person issues a conditional offer” substitute “conditional offer is issued by a person under paragraph (1)”;

(c) in paragraph (5) for–

- (i) “the fixed penalty clerk”, and
 - (ii) “that clerk”, in both places,substitute “the appropriate person”;
 - (d) after paragraph (6) insert–
 - “(7) In this Article and Articles 81 and 82 “the appropriate person” means–
 - (a) where the conditional offer was issued under paragraph (1), the fixed penalty clerk, and
 - (b) where the conditional offer was issued under paragraph (1A), the Department.”;
- 17. In Article 81 (effect of offer and payment of penalty)–**
- (a) in paragraph (1), for “sent” substitute “issued”;
 - (b) for paragraphs (2) to (5) substitute–
 - “(2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless paragraph (3) applies.
 - (3) This paragraph applies where–
 - (a) it appears to the appropriate person, on inspecting the licence and its counterpart, that the alleged offender would be liable to be disqualified under Article 40 if he were convicted of the offence to which the conditional offer relates;
 - (b) the appropriate person returns the payment to the alleged offender together with his licence and its counterpart; and
 - (c) where the appropriate person is not the Department, the appropriate person gives notice that he has done so to the Chief Constable.
 - (4) Where the requirements specified in the conditional offer in accordance with heads (i) and (ii) of Article 80(5)(a) have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates–
 - (a) until the end of the period of 28 days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and
 - (b) where the appropriate person is not the Department, unless the appropriate person notifies the Chief Constable that proceedings may be brought by virtue of this paragraph.”;
 - (c) in paragraph (6), for “(4)(b)” substitute “(3)(a)”;
 - (d) in paragraph (7), for–
 - (i) “the fixed penalty clerk”; and
 - (ii) “that clerk”,substitute “the appropriate person”;
- 18. In Article 82 (endorsement where penalty paid)–**
- (a) in sub-paragraph (a) of paragraph (1), for–
 - (i) “the fixed penalty clerk”; and
 - (ii) “the clerk”,substitute “the appropriate person”;
 - (b) for sub-paragraph (b) of that paragraph substitute–

Status: This is the original version (as it was originally made).

- “(b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by Article 81.”;
 - (c) in the words following that sub-paragraph, for “clerk” substitute “appropriate person”;
 - (d) in paragraph (2)–
 - (i) in sub-paragraph (a), for “fixed penalty clerk” substitute “appropriate person”;
 - (ii) in sub-paragraph (b), for “the fixed penalty clerk” substitute “unless the appropriate person is the Department, the appropriate person”;
 - (e) in paragraph (3), for “after a notice has been given in pursuance of paragraph (2)(b)” substitute “where paragraph (2) applies”;
 - (f) in paragraph (5), for “The fixed penalty clerk” substitute “Where the appropriate person is the fixed penalty clerk, he”.
- 19.** In Article 84 (statements by constables)–
 - (a) in paragraph (1)–
 - (i) after “constable”, in the first place, insert “or vehicle examiner”;
 - (ii) for “constable's” substitute “relevant”; and
 - (iii) omit “constable or authorised”;
 - (b) in paragraph (2)–
 - (i) for “constable's” substitute “relevant”; and
 - (ii) after “Policing Board” insert “or on behalf of the Department”;
 - (c) in paragraphs (4) and (5), for “constable's” substitute “relevant”;
 - (d) in paragraph (6)(b) for “production of the notice under Article 60(5) at a police station in accordance with that Article” substitute “delivery of the notice”.
- 20.** In Article 85 (certificates about payment), for “fixed penalty clerk”, in both places, substitute “person to whom it was required to be paid”.
- 21.** In Article 87 (powers of court where clerk deceived)–
 - (a) in the heading, for “where clerk deceived” substitute “in cases of deception”;
 - (b) in paragraph (1)–
 - (i) in sub-paragraph (a), after “fixed penalty clerk” insert “or the Department”; and
 - (ii) in sub-paragraph (b), for the words from “the fixed penalty clerk” to “the counterpart” substitute “the appropriate person is deceived as to whether proceedings against the person are excluded by Article 81”.
- 22.** In Article 88(1) (regulations) for “or 80(1)” substitute “80(1) or (1A) or 81(3)(c) or (4)(b)”.

Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)

- 23.** In Article 4 (surrender of licences)–
 - (a) in paragraph (3)–
 - (i) in sub-paragraph (a)–
 - (A) after “Offenders Order” insert “, retained by a vehicle examiner under that Article”; and
 - (B) for “fixed penalty clerk”, in the second place where it occurs, substitute “appropriate person”;

- (ii) in sub-paragraphs (c), (d) and (f), for “fixed penalty clerk” substitute “appropriate person”;
 - (b) in paragraph (4)–
 - (i) omit “, the fixed penalty clerk”;
 - (ii) in sub-paragraph (a), insert at the beginning “the appropriate person”; and
 - (iii) in sub-paragraph (b), insert at the beginning “unless the appropriate person is the Department, he”;
 - (c) in paragraph (5), omit “by the fixed penalty clerk”;
 - (d) after paragraph (6) insert–
 - “(7) In this Article and Article 5–
“the appropriate person”, in relation to a fixed penalty notice, means–
 - (a) if it was given by a constable or an authorised person, the fixed penalty clerk;
and
 - (b) if it was given by a vehicle examiner or the Department, the Department; and“the appropriate person”, in relation to a conditional offer, means–
 - (a) where the conditional offer was issued under Article 80(1) of the Offenders Order, the fixed penalty clerk; and
 - (b) where it was issued under paragraph (1A) of that Article, the Department.”.
- 24.** In Article 5 (revocation of licences)–
- (a) in paragraph (1) for “(4)” substitute “(4)(b)”;
 - (b) after that paragraph insert–
 - “(1ZA) Where Article 4(4)(a) applies but the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued, revoke that person’s licence.”;
 - (c) in paragraph (1A), after “paragraph (1)” insert “or (1ZA)”;
 - (d) in paragraph (1B), after “section 3(1)” insert “or (1ZA)”;
 - (e) in paragraph (2), for “paragraph (1) or (1B)” substitute “this Article”.
- 25.** In Schedule 1 (newly qualified drivers holding test certificates)–
- (a) in paragraph 1, after sub-paragraph (2) insert–
 - “(2A) In this Schedule “the appropriate person” has the same meaning as in Articles 4 and 5.”;
 - (b) in paragraph 3(4)–
 - (i) in head (a), for “fixed penalty clerk” in both places substitute “appropriate person”;
 - (ii) in head (c), for “fixed penalty clerk” substitute “appropriate person”; and
 - (iii) in the words following head (c), for “fixed penalty clerk to whom the payment is made” substitute “appropriate person”;
 - (c) in paragraph 4(3)–
 - (i) in head (b), for “fixed penalty clerk” substitute “appropriate person”; and
 - (ii) for the words following head (c) substitute “Article 4(4) does not apply but if the appropriate person is the fixed penalty clerk sub-paragraph (4) applies instead.”;
 - (d) in paragraph 5–

- (i) after sub-paragraph (1) insert–
 - “(1ZA) Where Article 4(4) is disapplied by paragraph 4(3) and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s test certificate.”;
- (ii) in sub-paragraph (1A), after “sub-paragraph (1)” insert “or (1ZA)”;
- (iii) in sub-paragraph (1B), after “paragraph 5(1)” insert “or (1ZA)”;
- (iv) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”;
- (e) in paragraph 6(1), after “paragraph 5(1)” insert “or (1ZA)”;
- (f) in paragraph 7–
 - (i) in sub-paragraph (3)(b), for “fixed penalty clerk” substitute “appropriate person”;
and
 - (ii) in sub-paragraph (4)–
 - (A) for “fixed penalty clerk” substitute “appropriate person”; and
 - (B) at the beginning of head (b) insert “unless the appropriate person is the Department,”;
- (g) in paragraph 8–
 - (i) after sub-paragraph (1) insert–
 - “(1ZA) Where paragraph 7(4) applies and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s licence and test certificate.”;
 - (ii) in sub-paragraph (1A), after “sub-paragraph (1)” insert “or (1ZA)”;
 - (iii) in sub-paragraph (1B), after “paragraph 8(1)” insert “or (1ZA)”;
 - (iv) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”;
- (h) in paragraph 9, after “paragraph 8(1)” insert “or (1ZA)”;
- (i) in paragraph 10(a), after–
 - (i) “paragraph 5(1)”; and
 - (ii) “paragraph 8(1)”,
insert “or (1ZA)”.

SCHEDULE 3

Article 25.

NEW SCHEDULE 2A TO THE ORDER OF 1981

“SCHEDULE 2A

OFFENCE OF KEEPING VEHICLE WHICH DOES NOT MEET INSURANCE
REQUIREMENTS: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

Immobilisation

1.—(1) Regulations may make provision with respect to any case where an authorised person has reason to believe that, on or after such date as may be prescribed, an offence under Article 91A is being committed as regards a vehicle which is stationary on a road or other public place.

(2) The regulations may provide that the authorised person or a person acting under his direction may—

- (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary, or
- (b) move it from that place to another place on the same or another road or public place and fix an immobilization device to it in that other place.

(3) The regulations may provide that on any occasion when an immobilisation device is fixed to a vehicle in accordance with the regulations the person fixing the device must also fix to the vehicle a notice—

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device,
- (b) specifying the steps to be taken to secure its release, and
- (c) giving such other information as may be prescribed.

(4) The regulations may provide that a vehicle to which an immobilisation device has been fixed in accordance with the regulations—

- (a) may only be released from the device by or under the direction of an authorised person, but
- (b) subject to that, must be released from the device if the first and second requirements specified below are met.

(5) The first requirement is that such charge in respect of the release as may be prescribed is paid in any manner specified in the immobilisation notice.

(6) The second requirement is that, in accordance with instructions specified in the immobilisation notice, there is produced such evidence as may be prescribed establishing—

- (a) that any person who proposes to drive the vehicle away will not in doing so be guilty of an offence under Article 90, and
- (b) that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under Article 91A as regards the vehicle.

(7) The regulations may provide that they do not apply in relation to a vehicle if—

- (a) a current disabled person’s badge is displayed on the vehicle, or
- (b) such other conditions as may be prescribed are fulfilled,

and “disabled person’s badge” means a badge issued, or having effect as if issued, under any regulations for the time being in force under section 14 of the Chronically Sick and Disabled Persons

(Northern Ireland) Act 1978 or a recognised badge within the meaning given by section 14A of that Act.

(8) The regulations may provide that an immobilisation notice is not to be removed or interfered with except by or on the authority of a person falling within a prescribed description.

Offences connected with immobilisation

2.—(1) The regulations may provide that a person contravening provision made under paragraph 1(8) is guilty of an offence.

(2) The regulations may provide that a person who, without being authorised to do so in accordance with provision made under paragraph 1, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with the regulations is guilty of an offence.

(3) The regulations may provide that where they would apply in relation to a vehicle but for provision made under paragraph 1(7)(a) and the vehicle was not, at the time it was stationary, being used—

- (a) in accordance with regulations under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978, and
- (b) in circumstances falling within section 14B(1)(b) of that Act (use where a disabled person's concession would be available),

the person in charge of the vehicle at that time is guilty of an offence.

(4) The regulations may provide that where—

- (a) a person makes a declaration with a view to securing the release of a vehicle from an immobilisation device purported to have been fixed in accordance with the regulations,
- (b) the declaration is that no offence under Article 91A is or was being committed as regards the vehicle, and
- (c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

Removal and disposal of vehicles

3.—(1) The regulations may make provision with respect to any case where—

- (a) an authorised person has reason to believe that an offence under Article 91A is being committed as regards a vehicle which is stationary on a road or other public place, and such conditions as may be prescribed are fulfilled, or
- (b) an authorised person has reason to believe that such an offence was being committed as regards a vehicle at a time when an immobilisation device which is fixed to the vehicle was fixed to it in accordance with the regulations, and such conditions as may be prescribed are fulfilled.

(2) The regulations may provide that the authorised person, or a person acting under his direction, may remove the vehicle and deliver it into the custody of a person—

- (a) who is identified in accordance with prescribed rules, and
- (b) who agrees to accept delivery in accordance with arrangements agreed between that person and the Department,

and the arrangements may include provision as to the payment of a sum to the person into whose custody the vehicle is delivered.

(3) The regulations may provide that the person into whose custody the vehicle is delivered may dispose of it, and may in particular make provision as to—

- (a) the time at which the vehicle may be disposed of, and
- (b) the manner in which it may be disposed of.

(4) The regulations may make provision allowing a person to take possession of the vehicle if—

- (a) he claims it before it is disposed of, and
- (b) any prescribed conditions are fulfilled.

(5) The regulations may provide for a sum of an amount arrived at under prescribed rules to be paid to a person if—

- (a) he claims after the vehicle's disposal to be or to have been its owner,
- (b) the claim is made within a prescribed time of the disposal, and
- (c) any other prescribed conditions are fulfilled.

(6) The regulations may provide that—

- (a) the Department, or
- (b) a person into whose custody the vehicle is delivered under the regulations,

may recover from the vehicle's owner (whether or not a claim is made under provision made under sub-paragraph (4) or (5)) such charges as may be prescribed in respect of all or any of the following, namely its release, removal, custody and disposal; and "owner" means the person who was the owner when the vehicle was removed.

(7) The conditions prescribed under sub-paragraph (4) may include conditions as to—

- (a) satisfying the person with custody that the claimant is the vehicle's owner,
- (b) the payment of prescribed charges in respect of the vehicle's release, removal and custody,
- (c) the production of such evidence as may be prescribed establishing that in driving the vehicle away the claimant will not be guilty of an offence under Article 90, and
- (d) the production of such evidence as may be prescribed establishing that the person in whose name the vehicle is registered under the Vehicle Excise and Registration Act 1994 is not guilty of an offence under Article 91A as regards the vehicle.

(8) The regulations may in particular include provision for purposes corresponding to those of Articles 51 to 54 of the Road Traffic Regulation (Northern Ireland) Order 1997 (disposal and charges) subject to such additions, omissions or other modifications as the Department thinks fit.

Offences as to securing possession of vehicles

4. The regulations may provide that where—

- (a) a person makes a declaration with a view to securing possession of a vehicle purported to have been delivered into the custody of a person in accordance with provision made under paragraph 3,
- (b) the declaration is that no offence under Article 91A is or was being committed as regards the vehicle, and
- (c) the declaration is to the person's knowledge either false or in any material respect misleading,

he is guilty of an offence.

Status: This is the original version (as it was originally made).

Disputes

5. The regulations may make provision about the proceedings to be followed where a dispute occurs as a result of the regulations, and may in particular make provision—
- (a) for an application to be made to a court of summary jurisdiction, or
 - (b) for a court to order a sum to be paid by the Department.

Authorised persons

6. As regards anything falling to be done under the regulations (such as receiving payment of a charge or other sum) the regulations may provide that it may be done—
- (a) by an authorised person, or
 - (b) by an authorised person or a person acting under his direction.

Application of Offenders Order

7. The regulations may make provision for the application of any or all of Articles 5, 10, 14 and 15(1) of the Offenders Order to an offence for which provision is made by the regulations.

Interpretation

8.—(1) The regulations may make provision as to the meaning for the purposes of the regulations of “owner” as regards a vehicle.

(2) In particular, the regulations may provide that for the purposes of the regulations the owner of a vehicle is taken to be the person in whose name it is then registered under the Vehicle Excise and Registration Act 1994.

9.—(1) The regulations may make provision as to the meaning in the regulations of “authorised person”.

(2) In particular, the regulations may provide that—

- (a) references to an authorised person are to a person authorised by the Department for the purposes of the regulations,
- (b) an authorised person may be a constable or some other person, and
- (c) different persons may be authorised for the purposes of different provisions of the regulations.

10. In this Schedule—

- (a) references to an immobilisation device are to a device or appliance which is—
 - (i) designed or adapted to be fixed to a vehicle for the purpose of preventing it from being driven or otherwise put in motion; and
 - (ii) of a type approved by the Department for use for that purpose;
- (b) references to an immobilisation notice are to a notice fixed to a vehicle in accordance with the regulations.

11. In this Schedule “regulations” means regulations made by the Department under Article 103.”.

SCHEDULE 4

Article 39

ENDORSEMENT: UNLICENSED AND FOREIGN
DRIVERS: CONSEQUENTIAL AMENDMENTS

The Child Support (Northern Ireland) Order 1991 (NI 23)

1. In Article 37A(9) (disqualification from driving: further provision), for “the driving” substitute “any driving”.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

2. In Article 30(3) (penalty points to be attributed to an offence) for “or 82(4)” substitute “, 63A(6), 82(4) and 82A(6)”.

3. In Article 31(1)(b) (penalty points to be taken into account on conviction) after “him” insert “or on his driving record”.

4. In Article 32 (penalty points: modification where fixed penalty also in question)–

(a) in paragraph (1)(b)–

(i) after “licence” insert “or his driving record”, and

(ii) for “or 82” substitute “, 63A, 82 or 82A”;

(b) in paragraph (2)(b)–

(i) after “licence” insert “or on his driving record”, and

(ii) for “or 82” substitute “, 63A, 82 or 82A”.

5. For Article 33 (court may take particulars endorsed on licence into consideration) substitute–

“Court may take particulars endorsed into consideration

33. Where a person is convicted of an offence involving obligatory or discretionary disqualification–

(a) any existing endorsement on the counterpart of his licence or on his driving record is prima facie evidence of the matters endorsed, and

(b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.”.

6. In Article 41 (disqualification until test passed) after paragraph (10) insert–

“(10A) Where a person’s driving record is endorsed with particulars of a disqualification under this Article, it shall also be endorsed with the particulars of any test of competence to drive that he has passed since the order of disqualification was made”.

7. In Article 47 (removal of disqualification)–

(a) in paragraph (6), for sub-paragraph (a) substitute–

“(a) must–

(i) if particulars of the disqualification were previously endorsed on the counterpart of any licence previously held by the applicant, cause particulars of the order to be endorsed on that counterpart, and

(ii) if particulars of the disqualification were previously endorsed on the driving record of the applicant, send notice of the order to the Department,”;

(b) in paragraph (7), for “(6)(a)” substitute “(6)(a)(i)”;

- (c) after that paragraph insert—
 - “(7A) If the disqualification was imposed in respect of an offence involving obligatory endorsement, the Department must, on receiving notice of an order under paragraph (6)(a)(ii), make any necessary adjustments to the endorsements on the person’s driving record to reflect the order.”;
- (d) In paragraph (8), after “paragraph” insert “(6)(a)(ii) or”.
- 8. In Article 50 (effect of endorsement)—
 - (a) in the heading, insert at the end “of counterparts”;
 - (b) in paragraph (1) omit the words “, whether he is at the time the holder of a licence or not,”.
- 9. After Article 50 insert—

“Effect of endorsement of driving records

50A.—(1) An order that any particulars or penalty points are to be endorsed on a person’s driving record shall operate as an order that his driving record is to be so endorsed until the end of the period for which the endorsement remains effective.

(2) At the end of the period for which the endorsement remains effective the Department must remove the endorsement from the person’s driving record.

(3) On the issue of a new licence to a person, any particulars ordered to be endorsed on his driving record shall be entered on the counterpart of the licence unless he has become entitled under paragraph (4) to have a licence issued to him with its counterpart free from those particulars or penalty points.

(4) A person the counterpart of whose licence has been endorsed under paragraph (3) is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective a new licence with a counterpart free from the endorsement if he applies for a new licence in pursuance of Article 13(1) of the Order of 1981, surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part II of that Order and satisfies the other requirements of Article 13(1) of that Order.

(5) The period for which an endorsement remains effective is determined in accordance with Article 50(4) to (6).”.

- 10. In Article 51 (combination of disqualification and endorsement with certain other orders)—
 - (a) in paragraph (1), for “or 49” substitute “,49 or 49A”;
 - (b) in paragraph (2)(b), insert at the end “or on his driving record”.
- 11. In Article 52 (supplementary provisions as to disqualification and endorsements)—
 - (a) in paragraph (3), after “licence” insert “or driving record”;
 - (b) after that paragraph insert—
 - “(3A) On receiving such a notice in relation to a person who is not the holder of a licence, the Department must make any necessary adjustments to the endorsements on the person’s driving record to reflect the outcome of the appeal.”.
- 12. In Article 53(1)(b) and (2)(b) (exemption from disqualification and endorsement for certain construction and use offences) after “him” insert “or on his driving record”.
- 13. In Article 60 (notices on-the-spot etc.)—
 - (a) in paragraph (2), for “paragraph (3)” substitute “the following provisions of this Article”;
 - (b) in paragraph (3), after “endorsement” insert “, and the person is the holder of a licence”;
 - (c) in paragraph (4)—

- (i) for the word “and” at the end of sub-paragraph (a) substitute—
“(aa) the person concerned is the holder of a licence, and”;
 - (ii) in sub-paragraph (b), for “the person concerned” substitute “he”;
 - (d) in paragraph (6), after “paragraph (4)” insert “or (5C)”;
 - (e) in paragraph (9), for “paragraphs (3)(b) and (5)(a)” substitute “this Article”.
14. In Article 63 (endorsement of licenses without hearings)—
- (a) in the heading, for “licences” substitute “counterparts”;
 - (b) in paragraph (1), after “a person” insert “who is the holder of a licence”.
15. In Article 64 (effect of endorsement without hearing) in the heading, after “endorsement” insert “of counterpart”.
16. After Article 64 insert—

“Effect of endorsement of driving record without hearing

64A.—(1) Where a person’s driving record is endorsed under Article 63A he shall be treated for the purposes of Articles 16(4), 30, 31 and 50A of this Order and of the Rehabilitation of Offenders (Northern Ireland) Order 1978 as if—

- (a) he had been convicted of the offence,
- (b) the endorsement had been made in pursuance of an order made on his conviction by a court under Article 49, and
- (c) the particulars of the offence endorsed by virtue of Article 63A(6)(a) were particulars of his conviction of that offence.

(2) In relation to any endorsement of a person’s driving record under Article 63A, the references in Article 16(4) to any order made on a person’s conviction are to be read as references to the endorsement itself.”.

17. In Article 66 (fixed penalty notice mistakenly given: exclusion of fixed penalty procedures) in the heading, after “given” insert “to licence holder”.
18. After Article 66 insert—

“Fixed penalty notice mistakenly given to unlicensed person: exclusion of fixed penalty procedures

66A.—(1) This Article applies where, on accessing information held on the driving record of a person to whom a fixed penalty notice was given under Article 60, but who is not the holder of a licence, it appears to the fixed penalty clerk or the Department that the person would be liable to be disqualified under Article 40 if he were convicted of the offence in respect of which the fixed penalty notice was given.

(2) The person’s driving record must not be endorsed under Article 63A.

(3) In a case where the fixed penalty is required to be paid to the fixed penalty clerk he must not send notice to the Department under Article 63A but instead must notify the Chief Constable that the person to whom the fixed penalty notice was given would be liable to be disqualified under Article 40 if he were convicted of the offence in respect of which the fixed penalty notice was given.

(4) Nothing in this Part prevents proceedings being brought in respect of the offence in respect of which the fixed penalty notice was given where those proceedings are commenced

before the end of the period of 6 months beginning with the date on which that notice was given.

(5) Where proceedings in respect of that offence are commenced before the end of that period, the case is from then on to be treated in all respects as if no fixed penalty notice had been given in respect of the offence.

(6) Accordingly, where proceedings in respect of that offence are so commenced, any action taken in pursuance of this Part by reference to that fixed penalty notice shall be void (including, but without prejudice to the generality of the preceding provision—

- (a) the registration under Article 76 of any sum, determined by reference to the fixed penalty for that offence, for enforcement against the person to whom the fixed penalty notice was given, and
- (b) any proceedings for enforcing payment of any such sum within the meaning of Articles 78 and 79 (defined in Article 79(5)).

(7) In determining for the purposes of paragraph (1) whether a person convicted of an offence would be liable to disqualification under Article 40, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I or Part II of Schedule 1, that the number of penalty points to be attributed to the offence would be the lowest in the range.”

19. In Article 74(5) (payment of penalty) for “82” substitute “82A”.

20. In Article 77 (notices on-the-spot etc.: when registration and endorsement invalid)—

(a) After paragraph (4) insert—

“(4A) Where in any case within paragraph (2)(a) the driving record of the person to whom the relevant fixed penalty notice was given was endorsed under Article 63A in respect of the offence in respect of which the notice was given, the endorsement shall be void.”;

(b) in paragraph (5)(a), after “63” insert “or 63A”;

(c) after paragraph (6) insert—

“(6A) The clerk of petty sessions must send notice to the Department of any endorsement of a person’s driving record that is void by virtue of this Article and the Department must adjust the endorsements on that record accordingly.”.

21. In Article 80 (issue of conditional offer)—

(a) in paragraph (2), for “and 82” substitute “, 82 and 82A”;

(b) in paragraph (3), for “and 82” substitute “, 82 and 82A”;

(c) in paragraph (5), after “conditional offer” insert “sent to an alleged offender who is the holder of a licence”;

(d) after that paragraph insert—

“(5A) A conditional offer sent to an alleged offender who is not the holder of a licence must indicate that if the following conditions are fulfilled, that is—

- (a) within the period of 28 days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender makes payment of the fixed penalty to the appropriate person, and
- (b) the appropriate person is satisfied, on accessing information held on the driving record of the alleged offender, that if he were convicted of the offence, he would not be liable to be disqualified under Article 40,

any liability to conviction of the offence shall be discharged.”;

- (e) in paragraph (6)–
 - (i) for “condition” substitute “conditions”; and
 - (ii) after “(5)(b)” insert “and (5A)(b)”;
 - (f) in paragraph (7), for “and 82” substitute “, 82 and 82A”.
- 22.** In Article 81 (effect of offer and payment of penalty)–
- (a) in paragraph (3)–
 - (i) in sub-paragraph (a), after “counterpart” insert “or (where the alleged offender is not the holder of a licence) accessing information held on his driving record”, and
 - (ii) in sub-paragraph (b), after “with” insert “(where he is the holder of a licence)”;
 - (b) in paragraph (4), after “80(5)(a)” insert “or (5A)(a)”.
- 23.** In Article 82 (endorsement where penalty paid)–
- (a) in the heading, after “endorsement” insert “of counterparts”;
 - (b) in paragraph (1)(a), after “a person” insert “who is the holder of a licence”.
- 24.** After Article 82 insert–

“Endorsement of driving records where penalty paid

82A.—(1) Where–

- (a) in pursuance of a conditional offer issued under Article 80(1) a person who is not the holder of a licence (referred to in this Article as the “alleged offender”) makes payment of the fixed penalty to the fixed penalty clerk, and
- (b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by Article 81,

the fixed penalty clerk must forthwith send to the Department notice of the relevant particulars to be endorsed on the alleged offender’s driving record.

- (2) The Department must endorse the relevant particulars on a person’s driving record–
 - (a) on receiving notice under paragraph (1), or
 - (b) if, in pursuance of a conditional offer issued under Article 80(1A), a person who is not the holder of a licence (also referred to in this Article as the “alleged offender”) makes payment of the fixed penalty to it and proceedings against the alleged offender are excluded by Article 81.
- (3) Subject to paragraph (4), where a cheque tendered in payment is subsequently dishonoured–
 - (a) any endorsement made by the Department under paragraph (2) remains effective notwithstanding that the alleged offender is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and
 - (b) unless the appropriate person is the Department, the appropriate person must upon expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person required to be notified that no payment has been made.
- (4) When proceedings are brought against an alleged offender where paragraph (3) applies, the court–
 - (a) must order the removal of the fixed penalty endorsement from the driving record of the alleged offender,

Status: This is the original version (as it was originally made).

- (b) may, on finding the alleged offender guilty, make any competent order of endorsement or disqualification and pass any competent sentence, and
- (c) must send to the Department notice of any order made under sub-paragraph (a) or (b).

(5) On receiving a notice under paragraph (4)(c), the Department must make any necessary adjustments to the endorsements on the alleged offender's driving record.

(6) The references in paragraphs (1) and (2) to the relevant particulars are to—

- (a) particulars of the offence, including the date when it was committed, and
- (b) the number of penalty points to be attributed to the offence.

(7) Where a person's driving record is endorsed under this Article, he shall be treated for the purposes of Articles 16(4), 30, 31 and 50A of this Order and of the Rehabilitation of Offenders (Northern Ireland) Order 1978 as if—

- (a) he had been convicted of the offence,
- (b) the endorsement had been made in pursuance of an order made on his conviction by a court under Article 49 of this Order, and
- (c) the particulars of the offence endorsed by virtue of paragraph (6)(a) were particulars of his conviction of that offence.

(8) In relation to any endorsement of a person's driving record under this Article, the references in Article 16(4) to any order made on a person's conviction are to be read as references to the endorsement itself.”

25. In Article 87 (powers of court in cases of deception)—

(a) after paragraph (1) insert—

“(1A) This Article also applies where—

- (a) particulars are endorsed on a person's driving record under Article 63A because the fixed penalty clerk or the Department is deceived as to whether endorsement under that Article is excluded by Article 66A(2) by virtue of the fact that the person to whom the fixed penalty notice was given would be liable to be disqualified under Article 40 if he were convicted of the offence, or
- (b) particulars are endorsed on a person's driving record under Article 82A because the appropriate person or court is deceived as to whether proceedings against the person are excluded by Article 81 by virtue of the fact that the person to whom the conditional offer is issued would be liable to be disqualified under Article 40 if he were convicted of the offence.”.

(b) in paragraph (2)—

- (i) in sub-paragraph (a), for “licence holder” substitute “person to whom the fixed penalty notice was given or conditional offer was issued”;
- (ii) in sub-paragraph (b), for “licence holder” substitute “he”;
- (iii) after “63” insert “or 63A”; and
- (iv) after “82” insert “or 82A”.

26. In Article 88(1)(a) (regulations) after “60(4)” insert “ or (5C)”.

27. After Article 88 insert—

“Notices to Department

88A. Any notice sent to the Department under this Part must be sent in such manner and to such address and contain such particulars as the Department may determine.”.

28. In Article 92ZA(1) (application to Great Britain licence holders)–

- (a) in sub-paragraph (h), after “49(1)” insert “and (2A)”;
- (b) in sub-paragraph (j), for “and (3)” substitute “, (3) and (3A)”.

29. In Article 92A(1) (application to Community licence holders)–

- (a) after “49(1)” insert “and (3A)”;
- (b) after “52(3)” insert “and (3A)”.

SCHEDULE 5

Article 40

ENDORSEMENT: ALL DRIVERS: CONSEQUENTIAL AMENDMENTS

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

1. In Article 4(8) (requirement for driving licence: exceptions) omit “, counterparts of licences”.
2. In Article 9(7B)(a) and (10) (requirements as to physical fitness of drivers) omit “and its counterpart”.
3. In Article 10 (revocation of licence because of disability or prospective disability)–
 - (a) in paragraphs (2)(b) and (3) omit “and its counterpart”;
 - (b) in paragraph (4)(a)–
 - (i) omit “and its counterpart”; and
 - (ii) for “them” substitute “it”;
 - (c) in paragraph (4)(b)–
 - (i) for “them” substitute “it”; and
 - (ii) for “their” substitute “its”.
4. In Article 13 (grant of licences)–
 - (a) in paragraph (1)(c)–
 - (i) in head (i) omit “and its counterpart”;
 - (ii) in head (ia) omit the words from “together” to the end; and
 - (iii) in head (ii) omit “and its counterpart (if any) issued to him”;
 - (b) in paragraph (1AA) omit–
 - (i) “together with the counterparts mentioned in paragraph (ia)”;
 - (ii) “and its Great Britain counterpart”.
5. In Article 14(1)(c) (form of licence) omit “or its counterpart”.
6. In Article 15 (duration of licences)–
 - (a) in paragraph (5)–
 - (i) omit sub-paragraph (b);
 - (ii) in sub-paragraph (c) omit “or in its counterpart”; and

Status: This is the original version (as it was originally made).

- (iii) omit “and its counterpart”;
 - (b) in paragraph (6) omit “and its counterpart”;
 - (c) in paragraph (7A)–
 - (i) omit “and its counterpart”, in both places;
 - (ii) for “them”, in both places, substitute “it”; and
 - (iii) for “their” substitute “its”;
 - (d) in paragraph (8) omit “and its counterpart”.
- 7.** In Article 15A (authorisation to drive in Northern Ireland) omit paragraphs (5) and (6).
- 8.** In Article 15B (information about resident Community licence holders)–
- (a) omit paragraph (3);
 - (b) in paragraph (4) for “paragraphs (1) and (3)” substitute “paragraph (1)”;
 - (c) in paragraph (5) for “a Community licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine” substitute “the driving record of a person who delivers to it a Community licence (whether or not in pursuance of this Article)”;
 - (d) omit paragraph (6);
 - (e) for paragraph (7) substitute–
 - “(7) Where the name of a Community licence holders as specified in his Community licence ceases to be correct, he must deliver his Community licence immediately to the Department and provide it with particulars of the alterations falling to be made in the name on it”;
 - (f) omit paragraph (8);
 - (g) in paragraph (9) after “endorse the Community licence” insert “and that person’s driving record”;
 - (h) in paragraph (11)(b) omit “(6) or”;
 - (i) omit paragraph (12).
- 9.** In Article 15C (revocation of authorisation conferred by Community licence because of disability or prospective disability)–
- (a) in paragraph (1) to (4) omit “and its counterpart (if any)” in each place;
 - (b) omit paragraph (5).
- 10.** In Article 19C (regulations)–
- (a) in paragraph (1A)–
 - (i) sub-paragraph (a) for “Community licences and counterparts of such licences” substitute “and Community licences”;
 - (ii) in sub-paragraph (e) omit “and counterparts of licences” and “or counterparts of licences”; and
 - (iii) omit sub-paragraph (ea);
- 11.** In Article 19A(7) (information on counterpart of licence of newly qualified drivers) for “the Department shall enter on or affix to the counterpart of the licence a notice or other indication to show” substitute “the licence shall specify (in such manner as the Department may determine)”.
- 12.** In Article 19D (interpretation)–
- (a) in paragraph (1) omit the definition of “counterpart” and “Great Britain counterpart”;

- (b) omit paragraph (3).
- 13.** In Article 19E (provisions about Great Britain driver’s licences) for paragraph (2) substitute—
 - “(2) For the purposes of this Order, any driver holding a Great Britain licence shall be under the same obligation to produce such a licence as if it had been a licence granted under this Part, and the provisions of this Order as to the production of licences granted under this Part shall apply accordingly.”.
- 14.** Article 19F (counterparts issued to Great Britain licence holders) is amended as follows—
 - (a) in the heading, for “Counterparts issued to” substitute “Information about”;
 - (b) for paragraphs (1) and (2) substitute—
 - “(1) The Department may endorse the driving record of a Great Britain licence holder who delivers to it a Great Britain licence together with the information specified in, or required under, paragraph (3) with any part of that information.”
 - (c) for paragraphs (4) and (5) substitute—
 - “(4) Where the name of a Great Britain licence holder as specified in his Great Britain licence ceases to be correct, he may deliver his Great Britain licence immediately to the Department and provide it with particulars of the alterations falling to be made in the name on it.
 - (5) On the delivery of a Great Britain licence by any person in pursuance of paragraph (4), the Department may endorse the Great Britain licence and that person’s driving record with the correct name and must return the Great Britain licence to that person.”.
- 15.** In Article 19G (revocation of authorisation conferred by Great Britain licence because of disability or prospective disability)—
 - (a) in paragraph (1) omit the words from “together” to the end;
 - (b) in paragraph (2)—
 - (i) in sub-paragraph (a) omit “together with the relevant counterparts”; and
 - (ii) in sub-paragraph (b) omit “and those counterparts”;
 - (c) in paragraph (4) omit “and the relevant counterparts”;
 - (d) omit paragraph (5);
 - (e) in paragraph (7) omit “and its Great Britain counterpart”.
- 16.** In Article 73A(1) (community licence holders: cessation of authorisation, etc.) omit “and its counterpart (if any)”.
- 17.** In Article 74A (community licences: disqualification, etc.) omit “and its counterpart (if any)” in both places.
- 18.** In Article 75 (revoked or suspended licences: surrender, return and endorsement)—
 - (a) in paragraph (1) omit “and its counterpart”;
 - (b) in paragraph (3) omit “and its counterpart”;
 - (c) omit paragraph (4).
- 19.** In Article 78 (interpretation) omit the definition of “counterpart”.
- 20.** In Article 79(3) (provisions as to Great Britain licences)—
 - (a) for “and its counterpart are” substitute “is”; and
 - (b) for “them” substitute “it”.

Status: This is the original version (as it was originally made).

21. In Article 174 (false statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure)–

- (a) in paragraph (2A)–
 - (i) in sub-paragraph (a) omit the words from “or” to the end; and
 - (ii) omit sub-paragraph (b); and
- (b) omit paragraph (2B).

22. In Article 180 (enforcement powers of constable)–

- (a) in paragraph (3B)–
 - (i) omit “and its counterpart”;
 - (ii) for “them” in each place where it occurs substitute “it”; and
 - (iii) for “their” substitute “its”;
- (b) in paragraph (3C)–
 - (i) omit “and its counterpart” in each place where it occurs;
 - (ii) for “their” substitute “its”; and
 - (iii) for “them” in both places where it occurs substitute “it”;
- (c) in paragraph (4AA)–
 - (i) omit “and its counterpart” in each place where it occurs; and
 - (ii) for “their” in both places substitute “its”;
- (d) in paragraph (8)–
 - (i) omit “or counterpart of any such licences” and
 - (ii) omit the reference to “counterpart”.

The Child Support (Northern Ireland) Order 1991 (NI 23)

23. In Article 37A (disqualification from driving: further provision)–

- (a) in paragraph (4) omit the words from “, and” to the end;
- (b) in paragraph (9)–
 - (i) omit “and its counterpart”;
 - (ii) for “their” substitute “its”.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

24. In Article 2 (interpretation)–

- (a) in paragraph (2)–
 - (i) in the definition of “the provisions connected with the licensing of drivers” for “92ZA to and 92B” substitute “92ZA and 92A”; and
 - (ii) in the words following the definition of “statutory provision” omit ““counterpart””;
- (b) omit paragraph (4).

25. In Article 10(3)(a)(ii) (time within which summary proceedings for certain offences must be commenced) omit “and counterpart”.

26. In Article 11 (duty of accused to provide licence) omit the words from “and the foregoing” to the end.

- 27.** In Article 28 (interim disqualification)–
- (a) in paragraph (4)–
 - (i) in sub-paragraph (a) omit “and its counterpart”; and
 - (ii) in sub-paragraph (b) omit “and counterpart”;
 - (b) in paragraph (5)–
 - (i) omit “and its counterpart”;
 - (ii) for “them” substitute “it” and
 - (iii) omit “and counterpart”;
 - (c) in paragraph (6)(b)–
 - (i) omit “and its counterpart”;
 - (ii) omit “and counterpart”; and
 - (iii) for “their” substitute “its”.
- 28.** In Article 29 (production of licence)–
- (a) omit “and its counterpart” in each place;
 - (b) in paragraph (1) for “them” substitute “it”;
 - (c) in paragraph (2)(b) for “are produced” substitute “is produced”; and
 - (d) in paragraph (3) for “their” substitute “its”.
- 29.** In Article 30(3) (penalty points to be attributed to an offence) for “63(5), 63A(6), 82(4)” substitute “63A(6)”.
- 30.** In Article 31(1)(b) (penalty points to be taken into account on conviction) omit “the counterpart of any licence held by him or on”.
- 31.** In Article 32 (penalty points: modification where fixed penalty also in question)–
- (a) in paragraph (1)(b)–
 - (i) omit “the counterpart of his licence or”, and
 - (ii) for “63, 63A, 82” substitute “63A”;
 - (b) in paragraph (2)(b)–
 - (i) omit “on the counterpart of his licence or”, and
 - (ii) for “63, 63A, 82” substitute “63A”.
- 32.** In Article 33(a) (court may take particulars endorsed into consideration) omit “the counterpart of his licence or on”.
- 33.** In Article 41 (disqualification until test is passed) omit paragraph (10).
- 34.** In Article 47 (removal of disqualification)–
- (a) in paragraph (6) for sub-paragraph (a) substitute–
 - “(a) must send notice of the order to the Department.”;
 - (b) omit paragraph (7);
 - (c) in paragraph (7A) for “(6)(a)(ii)” substitute “(6)(a)”;
 - (d) in paragraph (8) for “(6)(a)(ii) or (7)” substitute “(6)(a)”.
- 35.** Omit Article 50 (effect of endorsement of counterparts).
- 36.** In Article 50A (effect of endorsement of driving records) for paragraphs (3) to (5) substitute–

Status: This is the original version (as it was originally made).

“(3) An endorsement ordered on a person’s conviction of an offence remains effective (subject to paragraphs (4) and (5))–

- (a) if an order is made for the disqualification of the offender, until 4 years have elapsed since the conviction; and
- (b) if no such order is made, until either–
 - (i) 4 years have elapsed since the commission of the offence; or
 - (ii) an order is made for the disqualification of the offender under Article 40.

(4) Where the offence was one under Article 9 or 10 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving and dangerous driving), the endorsement remains in any case effective until 4 years have elapsed since the conviction.

(5) Where the offence was one–

- (a) under Article 14, 15(1) or 16(1)(a) of the Order of 1995 (driving offences connected with drink or drugs);
- (b) under Article 18(7) of that Order (failing to provide specimen) involving obligatory disqualification; or
- (c) under Article 18A(6) of that Order (failing to allow a specimen to be subjected to a laboratory test),

the endorsement remains effective until 11 years have elapsed since the conviction.”.

37. In Article 51(2)(b) (combination of disqualification and endorsement with probation orders and orders for discharge) omit “the counterpart of any licence held by him or on”.

38. In Article 52 (supplementary provisions as to disqualifications and endorsements)–

- (a) for paragraph (2) substitute–

“(2) Where a court orders the endorsement of a person’s driving record it may, and where a court orders a person to be disqualified for a period of 56 days or more it must, send any licence of the person that is produced to the court, to the Department”;
- (b) in paragraph (2A) omit “and its counterpart”;
- (c) in paragraph (3) omit “a licence or”;
- (d) in paragraph (3A) omit “in relation to a person who is not the holder of a licence”; and
- (e) in paragraph (4) omit “and the counterpart of a licence”.

39. In Article 53(1)(b) and (2)(b) (exemption from disqualification and endorsement for certain construction and use offences) omit “the counterpart of any licence held by him or on”.

40. In Article 62 (licence receipts)–

- (a) omit “and its counterpart” in each place; and
- (b) in paragraph (2) for “them” substitute “it”.

41. Omit Article 64 (effect of endorsement of counterpart without hearing).

42. Omit Article 66 (fixed penalty notice mistakenly given to licence holder: exclusion of fixed penalty procedures).

43. In Article 66A (fixed penalty notice given mistakenly to unlicensed person: exclusion of fixed penalty procedures)–

- (a) in the heading omit “to unlicensed person”;
- (b) in paragraph (1) omit “but who is not the holder of a licence,”; and

- (c) in paragraph (3) insert at the end “and send the Chief Constable any licence sent to him under Article 60(7)”.
- 44.** In Article 77 (notices on-the-spot etc.: when registration and endorsement invalid)–
 - (a) omit paragraph (4);
 - (b) in paragraph (5) omit “63 or”; and
 - (c) omit paragraph (6).
- 45.** In Article 80 (issue of conditional offer)–
 - (a) in paragraphs (2) and (3) for “82 and 82A” substitute “and 82A”;
 - (b) omit paragraph (5);
 - (c) in paragraph (5A)–
 - (i) omit “who is not the holder of a licence”; and
 - (ii) in sub-paragraph (a) for the words after “offender” substitute–
 - “(i) makes payment of the fixed penalty to the appropriate person, and
 - (ii) where he is the holder of a licence and the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence to the appropriate person, and”; and
 - (d) in paragraph (7) for “82 and 82A” substitute “and 82A”.
- 46.** In Article 81 (effect of offer and payment of penalty)–
 - (a) in paragraph (3)–
 - (i) in sub-paragraph (a), omit “inspecting the licence and its counterpart or (where the alleged offender is not the holder of a licence)” and for “his” substitute “the alleged offender's”; and
 - (ii) in sub-paragraph (b), omit “and its counterpart”;
 - (b) in paragraph (4) for “80(5)(a) or (5A)(a)” substitute “80(5A)”.
- 47.** Omit Article 82 (endorsement of counterparts where penalty paid).
- 48.** In Article 82A (endorsement of driving records where penalty paid)–
 - (a) in paragraph (1)–
 - (i) omit “who is not the holder of a licence”;
 - (ii) after “to the fixed penalty clerk” insert “and (if he is the holder of a licence) delivers his licence to the fixed penalty clerk”; and
 - (iii) insert at the end “together with any licence delivered under sub-paragraph (a)”;
 - (b) in paragraph (2)–
 - (i) after “record” insert “and return any licence delivered to it under this Article to the alleged offender”;
 - (ii) omit “who is not the holder of a licence”; and
 - (iii) after “to it” insert “and (if he is the holder of a licence) delivers his licence to it”.
- 49.** In Article 87 (powers of court in cases of deception)–
 - (a) omit paragraph (1);
 - (b) in paragraph (1A) omit “also”; and
 - (c) in paragraph (2) omit–
 - (i) “63 or”; and

(ii) “82 or”.

50. In Article 88(1)(a) (regulations for the purpose of this Part) for “60(4) or (5C)” substitute “60(5)”.

51. In Article 92ZA (application to Great Britain licence holders)–

(a) in paragraph (1)–

- (i) in sub-paragraph (b) omit “and (6)(b)”;
- (ii) omit sub-paragraphs (d) to (i);
- (iii) in sub-paragraph (j) omit “, (3) and (3A)”;
- (iv) omit sub-paragraph (k);

(b) omit paragraphs (3) to (6);

(c) in paragraph (7)–

- (i) omit “and its counterpart (if any)”;
- (ii) for “their” substitute “its”;

(d) in paragraph (8) omit “and its counterpart”;

(e) in paragraph (9)–

- (i) in sub-paragraph (a) for “paragraph (5)” substitute “Article 49A of an order for the endorsement of a person’s driving record”;
- (ii) in sub-paragraph (b)(i) after “licence” insert “, or a person normally resident in Great Britain who does not hold a licence,”.

52. Omit Article 92ZB (effect of endorsement on Great Britain licence holders).

53. In Article 92A (application to Community licence holders)–

(a) in paragraph (1) omit from “, 29” to “and 53”;

(b) omit paragraphs (2) to (4);

(c) in paragraph (5)–

- (i) omit “and its counterpart (if any)”;
- (ii) for “their” substitute “its”;

(d) omit paragraph (6);

(e) for paragraph (7) substitute–

“(7) Where–

(a) a notice is sent to the Department under Article 49A for the endorsement of a person’s driving record with any particulars or penalty points, and

(b) the particulars contained in the notice include–

- (i) particulars of an offence in respect of which the holder of a Community licence, or a person normally resident in another EEA state who does not hold a 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 sub-paragraph (b)(i) and (ii) to the licensing authority in the EEA state in respect of which the Community licence was issued or, where the person disqualified is not the holder of a licence, the licensing authority in the EEA state where the person is normally resident.

(7A) Where a Community licence has been sent to the Department in pursuance of paragraph (5), it must return the Community licence to the holder—

- (a) on the expiry of the period of disqualification, or
- (b) if earlier, on being satisfied that the holder has left Northern Ireland and is not normally resident there.”;

(f) omit paragraphs (8) to (10).

54. Omit Article 92B (effect of endorsement on Community licence holders).

55. In Part I of Schedule 1 (prosecution and punishment of offences)—

- (a) in the entry relating to Article 9(10) of the Order of 1981, omit “and counterpart”;
- (b) in the entry relating to Article 10(3) of that Order, omit “and counterpart”;
- (c) in the entry relating to Article 15(7) of that Order, omit “and its counterpart” and “and counterpart”;
- (d) in the entry relating to Article 15C(4) of that Order, omit “and its counterpart”;
- (e) in the entry relating to Article 75 of that Order, omit “and its counterpart”;
- (f) in the entry relating to Article 28 of the Offenders Order, omit “and counterpart”; and
- (g) in the entry relating to Article 29 of the that Order, omit “and counterpart”.

The Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)

56. In Article 4 (surrender of licences)—

(a) for paragraph (2) substitute—

“(2) Where this paragraph applies, the court must, together with the notice of the order referred to in paragraph (1)(d) required to be sent to the Department under Article 49A of the Offenders Order, send the person’s licence on its production to the court.”;

(b) in paragraph (3)—

(i) in sub-paragraph (a) for “and its counterpart have” substitute “has”;

(ii) in sub-paragraph (c)—

(A) omit “appropriate person endorses the number of”; and

(B) for “on the counterpart of the licence” substitute “are to be endorsed on the person’s driving record”; and

(iii) in sub-paragraph (f)—

(A) before “endorsed” insert “to be”; and

(B) for “counterpart of the licence” substitute “person’s driving record”;

(c) in paragraph (4)—

(i) in sub-paragraph (a)—

(A) omit “and its counterpart”; and

(B) for “63(3) or (4) or 82(1)” substitute “63A(3) or (4) or 82A(2)”; and

(ii) in sub-paragraph (b) insert at the end “together with the notice he is required to send under Article 63A or 82A of the particulars to be endorsed on the person’s driving record”.

57. In Article 5 (revocation of licences) for paragraph (1) substitute—

“(1) Where the Department receives—

- (a) a notice sent to it under Article 49A, 63A or 82A of the Offenders Order of particulars required to be endorsed on a person's driving record, and
 - (b) a person's licence sent to it in accordance with Article 4(2) or (4)(b),

the Department must by notice served on that person revoke the licence.”.
- 58.** In Article 12(2) (service of documents etc.) omit “and its counterpart” in both places.
- 59.** In Schedule 1 (newly qualified drivers holding test certificates)–
 - (a) in paragraph 3–
 - (i) in sub-paragraph (2) omit “and its counterpart”; and
 - (ii) in sub-paragraph (4)(a) omit “(with its counterpart)”;
 - (b) in paragraph 4–
 - (i) for sub-paragraph (2) substitute–

“(2) The court shall send to the Department, on its production to the court, the person's test certificate, together with the notice of the order referred to in Article 4(1)(d)”; and
 - (ii) in sub-paragraph (4) for the words following “Department” substitute “the person's test certificate together with the notice he is required to send under Article 63A or 82A of the particulars to be endorsed on the person's driving record.”;
 - (c) in paragraph 5(1)–
 - (i) for “paragraph 4 of” substitute “Article 49A, 63A or 82A of the Offenders Order of”;
 - (ii) for “or endorsed on the counterpart of a person's licence” substitute “on a person's driving record”; and
 - (iii) for “(4)(b)” substitute “(4)”;
 - (d) in paragraph 7–
 - (i) for sub-paragraph (2) substitute–

“(2) The court shall, together with the notice of the order referred to in Article 4(1)(d), send to the Department–

 - (a) on its production to the court, the person's licence, and
 - (b) on its production to the court, the person's test certificate.”; and
 - (ii) in sub-paragraph (4)–
 - (A) in paragraph (a), omit “and its counterpart”;
 - (B) in that paragraph, for “63(3) or (4) or 82(1)” substitute “63A(3) or (4) or 82A(2)”; and
 - (C) in paragraph (b), for “them” substitute “it” and insert at the end

“together with the notice he is required to send under Article 63A or 82A of the Offenders Order of the particulars to be endorsed on the person's driving record.”;
 - (e) in paragraph 8(1)(a)–
 - (i) for “paragraph 7(2)(a)” substitute “Article 49A, 63A or 82A of the Offenders Order”;
 - (ii) for “the counterpart of a person's licence” substitute “a person's driving record”;
 - (iii) omit “and its counterpart”; and
 - (iv) for “7(2)(b)” substitute “7(2)(a)”.

The Road Traffic (Northern Ireland) Order 2007 (NI)

60. In Article 46(5) (interpretation of that Part) omit “and “counterpart”, in relation to a Community licence”.

61. In Article 47 (expressions defined in that Part) omit “and counterpart”.

62. In Article 53(13) (registration of disabled persons) in paragraph (c) of the definition of “disabled person’s limited driving licence” omit “and a counterpart of that licence”.

SCHEDULE 6

Article 78

ENTRIES TO BE INSERTED IN PART I OF SCHEDULE 1 TO THE
OFFENDERS ORDER IN RESPECT OF DRIVING INSTRUCTION

(1) Provision Creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty points
Offences under Part V of the Road Traffic (Northern Ireland) Order 2007						
Article 49(1) and (2)	Giving of paid driving instruction and carrying on of business in provision of driving instruction, by unregistered persons.	Summarily	Level 4 on the standard scale.			
Article 49(4)	Giving of paid instruction, and carrying on of business in provision of driving instruction, without prescribed requirements relating to displaying of evidence of registration under Part	Summarily	Level 3 on the standard scale.			

Status: This is the original version (as it was originally made).

(1) Provision Creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty points
	V of Order of 2007.					
Article 53(4)	Failure, on application for registration as disabled driving instructor, to notify Registrar of onset of, or deterioration in, relevant or prospective disability	Summarily	Level 3 on the standard scale.			
Article 67(3)	Failure by registered disabled driving instructor to notify Registrar of onset of, or deterioration in, relevant or prospective disability.	Summarily	Level 3 on the standard scale.			
Article 68	Giving of paid driving instruction by disabled persons without emergency control certificate or in unauthorised motor vehicle.	Summarily	Level 3 on the standard scale.			
Article 70	Misuse of evidence of	Summarily	Level 4 on the standard scale.			

(1) Provision Creating offence	(2) General nature of offence	(3) Mode of prosecution	(4) Punishment	(5) Disqualification	(6) Endorsement	(7) Penalty points
	registration etc.					
Article 7	Failure of instructor to surrender to Registrar certificate etc.	Summarily	Level 3 on the standard scale.			
Article 72	Failing to produce certificate of registration etc. as driving instructor.	Summarily	Level 3 on the standard scale.			

SCHEDULE 7

Article 86

MINOR AND CONSEQUENTIAL AMENDMENTS

The Road Traffic (Northern Ireland) Order 1981 (NI 1)

1. In Article 2(2) (interpretation)–
 - (a) for the definition of “Community licence” substitute–

““Community licence” has the meaning assigned to it by Article 19D;”;
 - (b) insert in the appropriate place alphabetically–

““the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;”
 - (c) in the definition of “the Road Traffic Orders”–
 - (i) omit “and”; and
 - (ii) after “1997” insert “and the Order of 2007”.
2. In Article 15D(b) (application of provisions on information relating to disabilities to Community licences) for “(3)” in both places where it occurs substitute “(3B)”.
3. In Article 19H(c) (application of provisions on information relating to disabilities to Great Britain licences) for the words “after paragraph (3A) there shall be substituted” substitute the words “for paragraph (3B) there were substituted”.
4. In Article 73(7) (revocation or suspension of licences) for the words “paragraph (3)” substitute the words “paragraph (6)”.
5. In Article 78 (interpretation) for the words “this Article and Articles 70 to 77” substitute the words “this Article, Articles 70 to 77 and Article 180A”.

6. In Article 212 (application of Order to hovercraft and trolley vehicles) in paragraph (3) for the words “166 to 168” substitute “168A”.

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

7. In Article 26(2) (list of offences to which powers of summary arrest apply) for sub-paragraph (ee) substitute–

“(ee) offences under Article 168A(1)(c) of the Road Traffic (Northern Ireland) Order 1981 (driving while disqualified);”.

8. In Article 35(7) (limitations on police detention after arrest) for the words “under Article 17(5) of the Road Traffic (Northern Ireland) Order 1995” substitute the words “under Article 17D of the Road Traffic (Northern Ireland) Order 1995”.

The Road Traffic (Northern Ireland) Order 1995 (NI 18)

9. In Article 2(2) (interpretation)

(a) insert in the appropriate place alphabetically–

““the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;”

(b) in the definition of “the Road Traffic Orders”–

(i) omit “and”; and

(ii) after “1997” insert “and the Order of 2007”.

10. In Article 13(3) (interpretation) for the words “A person does not provide a specimen of breath for a preliminary breath test or for analysis unless the specimen” substitute the words “A person does not co-operate with a preliminary test or provide a specimen of breath for analysis unless his co-operation or the specimen”.

11. In Article 18(4) (provision of specimen for analysis) after sub-paragraph (bb) insert–

“(bc) as a result of the administration of a preliminary drug test, the constable making the requirement has reasonable cause to believe that the person required to provide a specimen of blood or urine has a drug in his body, or”.

12. In Article 20(1) (protection for hospital patients)–

(a) for the words “to provide a specimen of breath for a preliminary breath test or for analysis” substitute the words “to co-operate with a preliminary test”;

(b) in sub-paragraph (a) for the words “it shall be for the provision of a specimen at the hospital” substitute the words “it shall be for co-operation with a test administered, or for the provision of a specimen, at the hospital”.

13. In Article 21(1) (detention of persons affected by alcohol or drugs) after the words “a person required” insert the words “under Article 18”.

14. In Article 60(3) (special vehicle orders) at the beginning insert “Article 110(1) and ”.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

15. In Article 2(2) (interpretation)–

(a) after the definition of “clerk of petty sessions” insert–

““the Department” means the Department of the Environment;”;

(b) insert in the appropriate place alphabetically–

““the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;”

(c) in the definition of “the Road Traffic Orders”–

(i) omit “and”; and

(ii) after “1997” insert “and the Order of 2007”.

16. In Article 5(4) (requirement of warning etc. of prosecutions for certain offences) for sub-paragraph (a) substitute–

“(a) an offence under any of the following provisions of the Road Traffic Regulation (Northern Ireland) Order 1997–

(i) Article 7 (temporary traffic regulation) consisting in the contravention of a temporary speed limit under paragraph (3)(b) of that Article,

(ii) Article 43 (contravening speed limit);”.

17. In Article 10(3)(a) (time within which summary proceedings for certain offences under the Order of 1981 must be commenced)–

(a) before head (i) insert–

“(iz) Article 9(13) (driving after making false declaration as to physical fitness);”;

(b) after head (i) insert–

“(ia) Article 11(3B) (driving after such a failure),

(ib) Article 11A (driving after refusal of licence under Article 9(3) or revocation under Article 10(1) or (2));”;

(c) after head (iii) insert–

“(iiia) Article 168A(1) (applying for or obtaining a driving licence, or driving while disqualified);”.

18. For Article 22 (evidence by certificate as to registration of driving instructors and licences to give instruction) substitute–

“Evidence by certificate as to registration etc. of driving instructors

22.—(1) A certificate signed by the Registrar and stating that, on any date–

(a) a person was, or was not, registered;

(b) a person became registered or a person’s registration was terminated; or

(c) a person was, or was not, exempt from the prohibitions imposed by Article 48 of the Order of 2007 (requirement of registration) by virtue of provision made by regulations under Article 50,

shall be evidence of the facts stated in the certificate in pursuance of this Article.

(2) A certificate so stating and purporting to be signed by the Registrar shall be deemed to be so signed unless the contrary is proven.

(3) In this Article “Registrar”, “registered” and “registration” have the same meanings as in Part V of the Order of 2007.”.

19. For Article 41(11A) (expiration of disqualification until test passed) substitute–

“(11A) For the purposes of paragraph (11), “designated country or territory” means a country or territory designated by order under Article 19D(2) of the Order of 1981 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in Article 19D(1) of that Order.”.

Status: This is the original version (as it was originally made).

20. In Article 42(4) (person may obtain provisional licence and drive in accordance with that licence if disqualified until test is passed) for the words “entitled to obtain and to hold a provisional licence” substitute the words “entitled to apply for, obtain and to hold a provisional licence”.

21. In Part I of Schedule 1 (prosecution and punishment of offences)–

- (a) in the entry relating to offences under Article 3(1) of the Order of 1981, for the entry in column (2) substitute “Driving otherwise than in accordance with a licence.”;
- (b) in the entry relating to offences under Article 3(2) of the Order of 1981, in the entry in column (2) for the word “without” substitute the words “otherwise than in accordance with”;
- (c) after the entry relating to offences under Article 9(10) of the Order of 1981 insert–

“Article 9(13)	Driving after making false declaration as to physical fitness.	Summarily.	Level 4 on the standard scale.	Discretionary.Obligatory.	3–6”;
----------------	--	------------	--------------------------------	---------------------------	-------

(d) after the entry relating to offences under Article 11(3) of the Order of 1981 insert–

“Article 11(3B)	Driving after such a failure and that paragraph as applied by Article 15D(b) or 19H(c).	Summarily.	Level 3 on the standard scale.	Discretionary.Obligatory.	3–6
Article 11A	Driving after refusal of licence under Article 9(3), revocation under Article 10(1) or (2) or service of a notice under Article 15C or 19G	Summarily.	Level 5 on the standard scale or 6 months or both.	Discretionary.Obligatory.	3–6”;

(e) after the entry relating to offences under Article 154(2) of the Order of 1981 insert–

“Article 168A(1)(a) or (b)	Applying for or obtaining	Summarily.	Level 3 on the standard scale.		
----------------------------	---------------------------	------------	--------------------------------	--	--

	driving licence while disqualified.			
Article 168A(1)(c)	Driving while disqualified.	Summarily.	Level 5 on the standard scale or 6 months or both.	Discretionary.Obligatory. 6”;
<hr/>				
(f) in the entry relating to offences under Article 174(1) of the Order of 1981 for the words in column (2) substitute the words “Making certain false statements, furnishing certain false particulars or withholding certain material information etc.”;				
(g) in the entry relating to offences under Article 174(2) of the Order of 1981 for the words in column (2) substitute the words “Forgery, etc. of licences, test certificates, certificates of insurance and other documents and things”;				
(h) in the entry relating to offences under Article 17 of the Order of 1995 for the words in column (2) substitute the words “Failing to co-operate with a preliminary test.”;				
(i) after the entry relating to offences under Article 63 of the Order of 1995 insert–				
<hr/>				
“Article 63A	Using etc., vehicle without displaying required test certificate.	Summarily.	Level 1 on the standard scale.”	
<hr/>				

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 22.** In Article 2(2) (interpretation) in the definition of “the Road Traffic Orders”–
- (a) omit “and”; and
 - (b) after “this Order” insert “and the Road Traffic (Northern Ireland) Order 2007.”

SCHEDULE 8

Article 86

REPEALS

PART I

GENERAL

Short Title	Extent of repeal
The Transport Act (Northern Ireland) 1967 (c. 37).	In section 9(1) the words “, with the approval of the Ministry of Finance,”.

Status: This is the original version (as it was originally made).

Short Title	Extent of repeal
The Road Traffic (Northern Ireland) Order 1981 (NI 1).	In sections 16(2), 23(2), 25(2) and 25(4) the words “with the approval of the Ministry of Finance”.
	Article 3(3).
	In Article 5(5), sub-paragraph (b) and the word “and” immediately before it.
	Article 13(6).
	Article 14(6).
	Article 19C(1A)(b).
	Article 19C(3).
	In Article 66(1)(a) the words “, subject to the approval of the Department of Finance”.
	In Article 75(3) the words “or suspension”.
	In Article 79A(2) the words “with the approval of the Department of Finance and Personnel”.
The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26).	In Article 80 the words “, with the approval of the Department of Finance,”.
	Part XII.
	Articles 166 to 168.
	Article 174(6).
The Road Traffic (Amendment) (Northern Ireland) Order 1991 (NI 3).	In Article 180(2)(b) the words “or other public place”.
	In Part III of Schedule 6, paragraph 170.
The Road Traffic (Northern Ireland) Order 1995 (NI 18)	In Schedule 2, paragraphs 9 and 10.
	In Part I of Schedule 4, paragraphs 8 and 9.
	In Article 13(2) the definition of “preliminary breath test”.
	Article 13(5).
	In Article 17(8)(b)(i) the words “other than an offence under Article 132, 133, 136 or 137 of that Order”.

Short Title	Extent of repeal
	In Article 52(3)(b) the words from “the construction, improvement, maintenance or repair of roads” to the end.
	Article 52(3)(c).
The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10).	In Article 10(3)(a), heads(iv), (v) and (vi).
	Article 41(14).
	In Article 50(6), the word “or” at the end of paragraph (a).
	In Article 92(a), the words “Article 132 of that Order or”.
	In Part I of Schedule 1, the entries relating to Articles 13, 14, 132(3), 132(5), 133, 136, 137, 166 and 167 of the Order of 1981.
	In Part I of Schedule 3, paragraphs 14, 15, 16, 17, 18 and 29.
The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2).	In Schedule 8, paragraph 25(a).
The Road Traffic (Driving Disqualification) (Northern Ireland) Order 2003 (NI 16).	In Schedule 1, paragraph 6(a)(ii).
The Justice (Northern Ireland) Act 2004 (c. 4).	Section 15.

PART II

FALSE STATEMENTS, FORGERY ETC.

Short Title	Extent of repeal
The Road Traffic (Northern Ireland) Order 1981 (NI 1).	Article 174(6)
The Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)	In Schedule 3, paragraph 9.
The Road Traffic (Driving Disqualification) (Northern Ireland) Order 2003 (NI 16).	In Schedule 1, paragraph 9.

Status: This is the original version (as it was originally made).

PART III

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS

Short Title	Extent of repeal
The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10).	<p>In Article 60(5) the words “he surrenders”.</p> <p>In Article 66(2) the words “fixed penalty clerk must not endorse the”.</p> <p>In Article 78–</p> <p>(a) in paragraph (5) the words “by or on behalf of the Chief Constable” and “such”; and</p> <p>(b) in paragraph (7) the words “by or on behalf of the Chief Constable”.</p> <p>In Article 84(1) the words “constable or authorised”.</p>
The Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7).	<p>In Article 4–</p> <p>(a) in paragraph (4) the words “, the fixed penalty clerk”; and</p> <p>(b) in paragraph (5) the words “by the fixed penalty clerk”.</p>
The Road Traffic (Driving Disqualification) (Northern Ireland) Order 2003 (NI 16).	<p>In Schedule 1–</p> <p>(a) paragraph 19(b);</p> <p>(b) paragraph 26(b); and</p> <p>(c) paragraph 28(b).</p>

PART IV

ENDORSEMENT: UNLICENSED AND FOREIGN DRIVERS

Short Title	Extent of repeal
The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10).	In Article 50(1) the words “, whether he is at the time the holder of a licence or not,”.

PART V

ENDORSEMENT: ALL DRIVERS

Short Title	Extent of repeal
The Road Traffic (Northern Ireland) Order 1981 (NI 1).	<p>In Article 4(8) the words “, counterparts of licences”.</p> <p>In Article 9(7B)(a) and (10) the words “and its counterpart”.</p>

Short Title	Extent of repeal
	In Article 10–
	(a) in paragraphs (2)(b) and (3) the words “and its counterpart”; and
	(b) in paragraph (4)(a) the words “and its counterpart”.
	In Article 13–
	(a) in head (i) of sub-paragraph (c) of paragraph (1) the words “and its counterpart”;
	(b) in head (ia) of that sub-paragraph the words from “together” to the end;
	(c) in head (ii) of that sub-paragraph the words “and its counterpart (if any) issued to him”; and
	(d) in paragraph (1AA) the words “together with the counterparts mentioned in paragraph (ia)” and the words “and its Great Britain counterpart”.
	In Article 14(1)(c) the words “or its counterpart”.
	In Article 15–
	(a) in paragraph (5) the words “and its counterpart”;
	(b) paragraph (5)(b);
	(c) in paragraph (5)(c) the words “or in its counterpart”;
	(d) in paragraph (6) the words “and its counterpart”;
	(e) in paragraph (7A) the words “and its counterpart” in both places;
	(f) in paragraph (8) the words “and its counterpart”.
	Article 15A(5) and (6).
	In Article 15B–
	(a) paragraphs (3), (6) and (8);
	(b) in paragraph (11)(b) the words “(6) or”; and
	(c) paragraph (12).
	In Article 15C–
	(a) in paragraphs (1) to (4) the words “and its counterpart (if any)” in each place; and
	(b) paragraph (5).
	In Article 19C(1A)–

Status: This is the original version (as it was originally made).

Short Title	Extent of repeal
	<ul style="list-style-type: none"> (a) in sub-paragraph (e) the words “and counterparts of licences” and the words “or counterparts of licences”; and (b) sub-paragraph (ea).
	In Article 19D–
	<ul style="list-style-type: none"> (a) in paragraph (1) the definition of “counterpart” and “Great Britain counterpart”; and (b) paragraph (3).
	In Article 19G–
	<ul style="list-style-type: none"> (a) in paragraph (1) the words from “together” to the end; (b) in paragraph (2), in sub-paragraph (a) the words “together with the relevant counterparts” and, in sub-paragraph (b) the words “and those counterparts”; and (c) in paragraph (4) the words “and the relevant counterparts”; and (d) paragraph (5); and (e) in paragraph (7) the words “and its Great Britain counterpart”.
	In Article 73A(1) the words “and its counterpart (if any)”.
	In Article 74A the words “and its counterpart (if any)” in both places.
	In Article 75–
	<ul style="list-style-type: none"> (a) in paragraph (1) the words “and its counterpart”; and (b) in paragraph (3) the words “and its counterpart”; and (c) paragraph (4).
	In Article 78 the definition of “counterpart”.
	In Article 174–
	<ul style="list-style-type: none"> (a) in sub-paragraph (a) of paragraph (2A) the words from “or” to the end; (b) paragraph (2A)(b); and (c) paragraph (2B).
	In Article 180–
	<ul style="list-style-type: none"> (a) in paragraph (3B) the words “and its counterpart”; and (b) in paragraph (3C) the words “and its counterpart” in each place where it occurs;

Short Title	Extent of repeal
	<p>(c) in paragraph (4AA) the words “and its counterpart” in each place where it occurs;</p> <p>(d) in paragraph (8) the words “or counterpart of any such licences” and the reference to “counterpart”.</p>
The Child Support (Northern Ireland) Order 1991 (NI 23).	<p>In Article 37A–</p> <p>(a) in paragraph (4) the words from “, and” to the end;</p> <p>(b) in paragraph (9) the words “and its counterpart”.</p>
The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10).	<p>In Article 2–</p> <p>(a) in paragraph (2) the word ““counterpart””; and</p> <p>(b) paragraph (4).</p> <p>In Article 10(3)(a)(ii) the words “and counterpart”.</p> <p>In Article 11 the words from “and the foregoing” to the end.</p> <p>In Article 28 in paragraphs (4), (5) and (6)(b) the words “and its counterpart” and the words “and counterpart”.</p> <p>In Article 29 the words “and its counterpart” in each place.</p> <p>In Article 31(1)(b) the words “the counterpart of any licence held by him or on”.</p> <p>In Article 32–</p> <p>(a) in paragraph (1)(b) the words “the counterpart of his licence or”; and</p> <p>(b) in paragraph (2)(b) the words “on the counterpart of his licence or”.</p> <p>In Article 33(a) the words “the counterpart of his licence or on”.</p> <p>Article 41(10).</p> <p>Article 47(7).</p> <p>Article 49(2A).</p> <p>Article 50.</p> <p>In Article 51(2)(b) the words “the counterpart of any licence held by him or on”.</p>

Status: This is the original version (as it was originally made).

Short Title	Extent of repeal
	In Article 52–
	(a) in paragraph (2A) the words “and its counterpart”;
	(b) in paragraph (3) the words “a licence or”;
	(c) in paragraph (3A) the words “in relation to a person who is not the holder of a licence”; and
	(d) in paragraph (4) the words “and the counterpart of a licence”.
	In Article 53(1)(b) and (2)(b) the words “the counterpart of any licence held by him or on”.
	In Article 60(7) the words “and a counterpart of a licence”.
	In Article 62 the words “and its counterpart” in each place.
	Article 63.
	In Article 63A(1) the words “who is not the holder of a licence”.
	Article 64.
	Article 66.
	In Article 66A–
	(a) in the heading the words “to unlicensed person”; and
	(b) in paragraph (1) the words “but who is not the holder of a licence,”.
	In Article 77–
	(a) paragraph (4);
	(b) in paragraph (5) the words “63 or”; and
	(c) paragraph (6).
	In Article 80–
	(a) paragraph (5); and
	(b) in paragraph (5A) the words “who is not the holder of a licence”.
	In Article 81–
	(a) in sub-paragraph (a) of paragraph (3) the words “inspecting the licence and its counterpart or (where the alleged offender is not the holder of a licence)”;
	(b) in sub-paragraph (b) of that paragraph the words “and its counterpart”.

Short Title	Extent of repeal
	Article 82.
	In Article 82A(1) and (2) the words “who is not the holder of a licence”.
	In Article 87–
	(a) paragraph (1);
	(b) in paragraph (1A) the word “also”; and
	(c) in paragraph (2) the words “63 or” and the words “82 or”.
	In Article 92ZA–
	(a) in sub-paragraph (b) of paragraph (1) the words “and (6)(b)”;
	(b) sub-paragraphs (d) to (i) of that paragraph;
	(c) in sub-paragraph (j) of that paragraph the words “, (3) and (3A)”;
	(d) sub-paragraph (k) of that paragraph;
	(e) paragraphs (3) to (6);
	(f) in paragraph (7) the words “and its counterpart (if any)”;
	(g) in paragraph (8) the words “and its counterpart”.
	Art 92ZB.
	In Article 92A–
	(a) in paragraph (1) the words from “, 29” to “and 53”;
	(b) paragraphs (2) to (4);
	(c) in paragraph (5) the words “and its counterpart (if any)”;
	(d) paragraphs (6) and (8) to (10).
	Article 92B.
	In Part I of Schedule 1–
	(a) in the entry relating to Article 9(10) of the Order of 1981, the words “and counterpart”;
	(b) in the entry relating to Article 10(3) of that Order, the words “and counterpart”;
	(c) in the entry relating to Article 15(7) of that Order, the words “and its counterpart” and the words “and counterpart”;
	(d) in the entry relating to Article 15C(4) of that Order, the words “and its counterpart”;
	(e) in the entry relating to Article 75 of that Order, the words “and its counterpart”;

Status: This is the original version (as it was originally made).

Short Title	Extent of repeal
	<p>(f) in the entry relating to Article 28 of the Offenders Order, the words “and counterpart”; and</p> <p>(g) in the entry relating to Article 29 of the that Order, the words “and counterpart”.</p> <p>In Schedule 3, paragraph 9(a).</p>
The Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)	<p>In Article 4–</p> <p>(a) in paragraph (3)(c) the words “appropriate person endorses the number of”; and</p> <p>(b) in paragraph (4)(a) the words “and its counterpart”.</p> <p>In Article 12(2) the words “and its counterpart” in both places.</p> <p>In Schedule 1–</p> <p>(a) in paragraph 3(2) the words “and its counterpart”;</p> <p>(b) in paragraph 3(4)(a) the words “(with its counterpart)”;</p> <p>(c) in paragraph 7(4)(a) the words “and its counterpart”; and</p> <p>(d) in paragraph 8(1)(a) the words “and its counterpart”.</p> <p>In Schedule 3, paragraph 8.</p>
The Road Traffic (Driving Disqualification) (Northern Ireland) Order 2003 (NI 16).	<p>In Schedule 1–</p> <p>(a) paragraph 6(a)(iii);</p> <p>(b) paragraph 7;</p> <p>(c) paragraph 8(b);</p> <p>(d) paragraph 12(a).</p>
The Road Traffic (Northern Ireland) Order 2007 (NI)	<p>Article 15.</p> <p>Article 39(2)(b) and (4).</p> <p>In Article 46(5) the words “and “counterpart”, in relation to a Community licence”.</p> <p>In Article 47 the words “and counterpart”.</p> <p>In Article 53(13) in paragraph (c) of the definition of “disabled person’s limited driving licence” the words “and a counterpart of that licence”.</p> <p>In Schedule 2–</p> <p>(a) paragraph 4(d) to (g);</p> <p>(b) paragraph 6;</p>

Short Title	Extent of repeal
	<ul style="list-style-type: none"> (c) paragraph 7; (d) paragraph 14(b); (e) paragraph 16(c); (f) paragraph 18; (g) paragraph 21(b); (h) in paragraph 23(a)(ii) the word “(c)”; and (i) paragraph 24(a).
	<p>In Schedule 4—</p> <ul style="list-style-type: none"> (a) paragraph 7(a), (b) and (d); (b) paragraph 8; (c) paragraph 13(b), (c) and (d); (d) paragraph 14; (e) paragraph 15; (f) paragraph 17; (g) paragraph 21 (a) to (c) and (f); (h) paragraph 22(b); (i) paragraph 23; (j) paragraph 26; (k) paragraph 28; and (l) paragraph 29.