

2010 No. 226 (C. 13)

ROAD TRAFFIC AND VEHICLES

**The Road Traffic (2007 Order) (Commencement No. 5) Order
(Northern Ireland) 2010**

Made - - - -

28th June 2010

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 1(3) of the Road Traffic (Northern Ireland) Order 2007^(a).

Citation and interpretation

1.—(1) This Order may be cited as the Road Traffic (2007 Order) (Commencement No. 5) Order (Northern Ireland) 2010.

(2) In this Order “the Order” means the Road Traffic (Northern Ireland) Order 2007.

Appointed day

2. The day appointed for the coming into operation of the provisions of the Order listed in column 1 of the Schedule for the purposes of column 3 thereof shall be 2nd August 2010.

Sealed with the Official Seal of the Department of the Environment on 28th June 2010.



Deirdre Kenny
A senior officer of the
Department of the Environment

SCHEDULE

Article 2

Provisions coming into operation on 2nd August 2010

<i>Provisions of the Order</i>	<i>Subject Matter</i>	<i>Purposes</i>
Article 46	Interpretation of this part	For all purposes
Article 47	Expressions defined in this part	For all purposes
Article 48	Requirement of registration	For all purposes
Article 49	Paid driving instruction: offences	For all purposes
Article 50	Exemption from prohibitions imposed by Article 48	For all purposes
Article 51	Register	For all purposes
Article 52 (1) to (5)	Conditions of registration	For all purposes
Article 55 (1) to (4)	Duration of registration	For all purposes
Article 56	Extension of duration of registration	For all purposes other than those relating to the case of a disabled driving instructor
Article 57	Termination of registration by Registrar	For all purposes other than those relating to the case of a disabled driving instructor
Article 58	Power to give direction as to further applications	For all purposes
Article 59	Appeals to the Department	
Article 60	Appeals to court of summary jurisdiction	For all purposes
Article 61	Regulations in respect of appeals	For all purposes
Article 62	Examinations	For all purposes
Article 63	Review of examinations etc.	For all purposes
Article 69	Power to alter registration period	For all purposes
Article 70	Evidence of registration	For all purposes
Article 71	Surrender of certificates etc.	For all purposes
Article 72	Production of certificates etc. to constables and authorised persons	For all purposes
Article 73	Offences by corporations	For all purposes
Article 74	Service of notices	For all purposes

Article 75	Fees	For all purposes
Article 76	Regulations	For all purposes
Article 77	Application to Crown	For all purposes
Schedule 6 insofar as it relates to the entries for Articles 49(1) and (2), 49(4), 70, 71 and 72 of the Road Traffic (Northern Ireland) Order 2007 and Article 78 insofar as it relates to those entries.	Entries to be inserted in Part 1 of Schedule 1 to the Offenders Order in respect of driving instruction	For all purposes
In Part 1 of Schedule 8 the entry relating to Part XII of the Road Traffic (Northern Ireland) Order 1981, insofar as it relates to— Articles 132 to 134 and Articles 136 to 137A, and Article 86(2) insofar as it relates to those repeals.	Repeals	For all purposes other than those necessary for Article 135

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into operation on 2nd August 2010 the provisions of Part V of the Road Traffic (Northern Ireland) Order 2007 (“the Road Traffic Order”) specified in the Schedule which deal with driving instruction as outlined below.

Article 48 extends the registration requirement for Driving Instructors and states that evidence of registration should be displayed as required by regulation.

Article 49 makes it an offence for any person or operator to contravene any of the registration requirements.

Article 50 enables the Department of the Environment (the Department) to make regulations providing for exemptions from registration requirements, in particular, in relation to those training to be driving instructors.

Article 51 makes provision for the setting up of a new register of driving instructors.

Article 52 and Articles 55 to 58 deal with the registration process including the period for which registration is valid and applications for an extension of that period.

Articles 59 to 61 provide an appeals process from the decision of the Registrar.

Articles 62 and 63 deal with the requirements in relation to examinations.

Article 69 permits the Department to make regulations to alter the period when registration is terminated or extended, or when a further application to be registered may be entertained.

Article 70 permits regulations to prescribe the certificates or other items that may be displayed as evidence of registration.

Article 71 provides that where a person whose registration has been terminated fails to surrender his certificate or other item to the Registrar as required, he will be guilty of an offence.

Article 72 enables a constable or person authorised by the Department to seize certificates.

Article 73 provides that corporate bodies shall be liable for offences under Part V of the Road Traffic Order in the same way as individuals.

Article 74 clarifies for the purposes of serving notices that the address held on the registrar shall be treated as the person's usual or last known place of abode.

Article 75 enables the Department to make regulations to prescribe the fees to be paid in connection with registration and the repayment of fees.

Article 77 deals with the application of Part V of the Road Traffic Order to the Crown.

Article 78 provides for offences and penalties arising under Part V of the Road Traffic Order as set out in Schedule 6 to be added to Part I of Schedule 1 to the Road Traffic Offenders (Northern Ireland) Order 1996.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Road Traffic (Northern Ireland) Order 2007 have been brought into operation by commencement order before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.R. No.</i>
Article 3(a) (insofar as it relates to the amendment of the punishment for commission of the offence of driving a motor vehicle in contravention of regulations requiring the wearing of seat belts), (b) and (c), Articles 4 to 9, Article 17, Article 26, Article 28, Article 43, Articles 82 to 85, Article 86(1) and Schedule 7 (partially), Article 86(2) and Schedule 8 (partially).	27 th June 2007	2007 No. 302 (C.19)
Articles 14 and 15, Article 18(1) and (3), Articles 19 and 20, Article 27, Articles 29 to 35, Article 37, Articles 41 and 42, Article 44, Article 79, Article 86(1) and Schedule 7 (partially), Article 86(2) and Schedule 8 (partially).	15 th November 2007	2007 No. 454 (C.30)
Article 81	26 th May 2008	2008 No. 223 (C.9)
Article 21	9 th June 2008	2008 No. 244 (C.13)

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