
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART II

OFFENCES AND ENFORCEMENT

Miscellaneous

False statements, forgery and power of seizure in connection with certain documents

29.—(1) Article 174 of the Order of 1981 (false statements in connection with forgery of, and fraudulent use of, documents; issue of false insurance certificate and powers of seizure) is amended as follows.

(2) In paragraph (1)(a) for “application for any licence or a goods vehicle certificate under the Road Traffic Orders” substitute—

“application for—

- (i) any licence under the Road Traffic Orders;
- (ii) a goods vehicle test certificate under the Road Traffic Orders;
- (iii) an international road haulage permit;
- (iv) the entry or retention of a name in the register of driving instructors maintained under Part V of the Order of 2007;
- (v) a document evidencing the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;
- (vi) any certificate under Article 65 of the Order of 2007.”.

(3) After paragraph (1)(d) insert—

“(e) knowingly produces false evidence for the purposes of regulations under Article 72 of the Order of 1995 or knowingly makes a false statement in a declaration required to be made by those regulations;

(f) intentionally makes a false entry in any record required to be made or kept by regulations under Article 82 of the Order of 1995, or with intent to deceive, makes use of any such entry which he knows to be false.”.

(4) For paragraph (2) substitute—

“(2) A person who, with intent to deceive—

- (a) forges, alters or uses a document or other thing listed in paragraph (2A); or
- (b) lends to, or allows to be used by, any other person a document or other thing listed in paragraph (2A); or
- (c) makes or has in his possession any document or other thing so closely resembling a document or other thing listed in paragraph (2A) as to be calculated to deceive,

is guilty of an offence.

- (2A) The documents or other things referred to in paragraph (2) are—
- (a) any licence under the Road Traffic Orders or, in the case of a licence to drive, any counterpart of such a licence;
 - (b) any counterpart of a Great Britain licence or Community licence;
 - (c) any international road haulage permit;
 - (d) any document which, in pursuance of Article 5(3) of this Order, is issued as evidence of the result of a test of competence to drive;
 - (e) any certificate provided for by regulations under Article 13(3A) of this Order relating to the completion of a training course for motor cyclists;
 - (f) any certificate of conformity or Department's approval certificate within the meaning of Part IV of this Order;
 - (g) any certificate of insurance or certificate of security under Article 92 or 93 of this Order;
 - (h) any certificate required as a condition of any exception prescribed under Article 23 of the Order of 1995;
 - (i) any test certificate, goods vehicle test certificate, plating certificate or certificate of temporary exemption within the meaning of Part III of the Order of 1995;
 - (j) any seal required by regulations made under Article 55 of the Order of 1995 with respect to speed limiters;
 - (k) any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;
 - (l) any certificate evidencing the examination of a motor vehicle modified to be propelled using fuel stored under pressure under regulations made under Article 55 of the Order of 1995;
 - (m) any document evidencing the appointment of an examiner under Article 74 of the Order of 1995;
 - (n) any notice removing a prohibition under Article 77 (power to prohibit driving of unfit vehicles) or Article 79 (power to prohibit driving of overloaded vehicles) of the Order of 1995;
 - (o) any records required to be kept by virtue of Article 82 of the Order of 1995;
 - (p) a certificate of the kind referred to in Article 32B(1) (reduced penalty points for attendance on course) or Article 37(1) (reduced disqualification period for attendance on course) of the Offenders Order;
 - (q) any document produced as evidence of the passing of an appropriate driving test within the meaning of Article 41 of the Offenders Order;
 - (r) any document evidencing the passing of an examination (or part of an examination) required by regulations under Article 62 or the successful completion of training provided in accordance with regulations under Article 64 of the Order of 2007;
 - (s) any certificate under Article 65 of the Order of 2007;
 - (t) any certificate or other item prescribed under Article 70(1)(a) of the Order of 2007;

- (u) any document produced as evidence of insurance in pursuance of Regulation 6 of the European Communities (Motor Vehicles: Compulsory Insurance) (Northern Ireland) Regulations 1973.

(2B) In paragraph (2A), “Community licence”, “counterpart” and “Great Britain licence” have the same meanings as in Part II.”.

(5) In paragraph (3)—

- (a) for the words from the beginning to “is a document” substitute—

“If—

- (a) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that a document or other thing produced to him under this Order by the driver of a motor vehicle;
- (b) a constable or examiner appointed under Article 74 of the Order of 1995 has reasonable cause to believe that any plate containing particulars required to be marked on a vehicle by regulations made under Article 55 of the Order of 1995;
- (c) a constable or any person authorised in writing by the Department under Article 72 of the Order of 2007 has reasonable cause to believe that a certificate or other item produced to him under Article 72 of that Order by the driver of a motor vehicle,

is a document or other thing”,

- (b) after “document”, in each place where it occurs, insert “or other thing”.

(6) After that paragraph insert—

“(3A) For the purposes of paragraph (3) the power to seize includes a power to detach from a vehicle.”.