
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART III

DRIVER LICENSING

All drivers

40.—(1) The Offenders Order (as amended by Article 39 and Schedule 4) is amended as follows.

(2) In Article 49 (orders for endorsement)—

- (a) in paragraph (1), for “the counterpart of any licence held by him” substitute “his driving record”; and
- (b) omit paragraph (2A).

(3) In Article 60 (notices on-the-spot etc.)—

(a) for paragraphs (3) to (5E) substitute—

“(3) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, the constable or vehicle examiner may only give him a fixed penalty notice under paragraph (2) in respect of the offence if—

- (a) the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence, and
- (b) in the case of a person who is the holder of a licence, he produced it for inspection by the constable or vehicle examiner and surrenders it to him to be retained and dealt with in accordance with this Part.

(4) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, paragraph (5) applies if—

- (a) the constable or vehicle examiner is unable to satisfy himself, by accessing the information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence, or
- (b) in the case of a person who is the holder of a licence, he does not produce it for inspection by the constable or vehicle examiner.

(5) Where this paragraph applies, the constable or vehicle examiner may give the person a notice stating that if—

- (a) he delivers the notice and (if he is the holder of a licence) his licence in accordance with paragraph (5A), and
- (b) the requirements of paragraph (5B) are met,

he will then be given a fixed penalty notice in respect of the offence.

(5A) 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.

(5B) If a person to whom a notice has been given under paragraph (5) delivers the notice and (if he is the holder of a licence) his licence in accordance with paragraph (5A), and the following requirements are met, that is—

- (a) the person to whom the notice is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence, and
- (b) if he is the holder of a licence, it is delivered to be retained and dealt with in accordance with this Part,

the person to whom the notice is delivered must give him a fixed penalty notice in respect of the offence to which the notice under paragraph (5) relates.”;

- (b) in paragraph (6), for “(4) or (5C)” substitute “(5)”;
 - (c) in paragraph (7), omit “and a counterpart of a licence”.
- (4) Omit Article 63 (endorsement of counterparts without hearings).
- (5) In Article 63A (endorsement of driving records without hearings)—
- (a) in paragraph (1), omit “who is not the holder of a licence”;
 - (b) in paragraph (3), at the end insert “and return to that person any licence surrendered to him under Article 60”
 - (c) in paragraph (4), after “record” insert “and return to that person any licence surrendered by him under Article 60”.
- (6) Schedule 5 (which contains further amendments about the endorsement of driving records in the case of all drivers) shall have effect.