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DRAFT STATUTORY INSTRUMENTS

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**2007 No.**

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

**PART V**

**DRIVING INSTRUCTION**

*Appeals*

**Appeals to the Department**

**59.**—(1) A person who is aggrieved by a decision of the Registrar—

- (a) to refuse an application—
  - (i) for his registration, or
  - (ii) for the extension of his registration;
- (b) to terminate his registration;
- (c) to give him a direction under Article 58,

may by notice in writing appeal to the Department within the period of 28 days beginning with the day on which notice of the decision was given in accordance with this Part.

(2) On an appeal under paragraph (1) the Department may —

- (a) grant or refuse the application;
- (b) continue or terminate the registration; or
- (c) revoke or confirm the direction or alter the period specified in the direction,

(as the case may be) as it thinks fit.

(3) The Department must, on making a decision under paragraph (2), give notice in writing of the decision to the appellant including—

- (a) where it dismisses the appeal, particulars of the grounds of the decision;
- (b) where it gives a direction under paragraph (6), notice of that direction.

(4) A refusal or termination under paragraph (2)(a) or (b) shall take effect at the end of the period of 14 days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under Article 60 is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).

(5) But the Department may, when giving notice of its decision of a refusal or termination under paragraph (2)(a) or (b), direct that the decision shall instead take effect—

- (a) where no appeal under Article 60 is brought against the decision within the time limited for the appeal, on the expiration of that time;
- (b) where such an appeal is brought and is withdrawn, on the withdrawal of the appeal;
- (c) where such an appeal is brought and not withdrawn, if and when the appeal is dismissed, and not otherwise.

(6) A refusal or termination under paragraph (2)(a) or (b) may direct that an application by the appellant to be registered shall not be entertained before the expiration of such period, not exceeding 4 years beginning with the day on which the refusal or termination is made, as may be specified in the refusal or termination.

(7) If the Department considers that any evidence adduced on an appeal had not been adduced to the Registrar before he gave the decision to which the appeal relates, it may (instead of making a decision under paragraph (2)) remit the matter to the Registrar for him to reconsider the decision.

(8) A person who is aggrieved by a decision of the Registrar not to give a direction under Article 56(7) or 57(6) may by notice in writing appeal to the Department within the period of 10 days beginning with the day on which notice of the decision is given.

(9) The Department shall determine an appeal under paragraph (8) by either—

- (a) giving the direction concerned; or
- (b) dismissing the appeal,

within 14 days beginning with the day on which notice of the decision is given.

(10) The Department must, on making a decision under paragraph (9), give notice in writing of the decision to the appellant including, where it dismisses the appeal, particulars of the grounds of that dismissal.

(11) Where the Registrar has decided to refuse an application for the extension of a person's registration or to terminate a person's registration but either—

- (a) he gave a direction under Article 56(7) or 57(6); or
- (b) the Department has given such a direction on appeal,

he may by notice in writing apply to the Department for a direction that the decision is to take effect immediately.

(12) The Department shall determine the Registrar's application under paragraph (11) by either granting or refusing the application within 14 days beginning with the day on which notice of the decision is given .

(13) The Department may only grant the application if it considers that a failure to do so might prejudicially affect—

- (a) the well-being of any person to whom the person concerned may give instruction in the driving of a motor vehicle; or
- (b) the safety of road users.

(14) The Department must, on making a decision under paragraph (12), give notice in writing of the decision to the person concerned, including, where it grants the application, particulars of the grounds of that decision.