
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART V

DRIVING INSTRUCTION

General and supplemental

Power to alter registration period

- 69.**—(1) Regulations may alter—
- (a) the period at the end of which a person’s registration is terminated (unless extended or further extended);
 - (b) the period for which a person’s registration may be extended or further extended; and
 - (c) the period before the end of which it may be directed that any application by a person to be registered shall not be entertained.
- (2) Regulations under this Article may amend this Part.

Evidence of registration

- 70.**—(1) Regulations may prescribe—
- (a) certificates or other items that may be issued to registered persons to be displayed as evidence of their registration; and
 - (b) a title or other description which may be used as such evidence.
- (2) If at any time a person who is not registered—
- (a) displays a certificate or other item prescribed under paragraph (1);
 - (b) uses a title or other description prescribed under paragraph (1)(b); or
 - (c) uses a title or other description implying that he is registered,
- he is guilty of an offence unless he proves that he did not know, and did not have reasonable cause to believe, that he was not registered at that time.
- (3) If a person carrying on business in the provision of driving instruction at any time—
- (a) uses a title or other description prescribed under paragraph (1)(b) in relation to any relevant person who is not appropriately registered; or
 - (b) issues any advertisement or invitation calculated to mislead with respect to the extent to which relevant persons are appropriately registered,
- he is guilty of an offence unless he proves that he did not know, and did not have reasonable cause to believe, that the relevant person was, or relevant persons were, not appropriately registered at that time.
- (4) For the purposes of paragraph (3)—

- (a) a relevant person is a person who is employed by the person carrying on business to give driving instruction, or is a franchisee giving driving instruction under a driving instruction franchise under which that person is the franchisor; and
- (b) a relevant person is appropriately registered if he is registered in respect of the giving of the description of driving instruction which he is employed to give or which is given to him under the driving instruction franchise.

Surrender of certificates etc.

71. Where the registration of a person to whom a certificate or other item prescribed under Article 70(1)(a) has been issued is terminated, that person must, if so required by the Registrar by notice in writing, surrender the certificate or other item to the Registrar within the period of 14 days beginning with the day on which the notice is given and, if he fails to do so, he is guilty of an offence.

Production of certificates etc. to constables and authorised persons

72.—(1) A person to whom a certificate or other item prescribed under Article 70 is issued must, on being so required by a constable or any person authorised in writing by the Department in that behalf, produce the certificate or other item for examination.

(2) Where—

- (a) a person's registration is terminated; and
- (b) he fails to satisfy an obligation imposed on him by Article 71,

a constable or a person authorised in writing by the Department in that behalf may require him to produce any such certificate or other item issued to him, and upon its being produced may seize it and deliver it to the Registrar.

(3) A person who is required under paragraph (1) or (2) to produce a certificate or other item and fails to do so is, subject to paragraph (4), guilty of an offence.

(4) In proceedings against any person for an offence under paragraph (3), it shall be a defence for him to show that—

- (a) within 7 days beginning with the day following that on which the production of the certificate or other item was so required, it was produced—
 - (i) where the requirement was made by a constable, at a police station specified at the time the production was required by the person required to produce the certificate or other item;
 - (ii) where the requirement was made by a person other than a constable, at a place specified at that time by that person; or
- (b) the certificate or other item was produced at that police station or, as the case may be, place as soon as was reasonably practicable; or
- (c) it was not reasonably practicable for it to be produced at that police station or, as the case may be, place before the day on which the proceedings were commenced,

and for the purposes of this paragraph the service of a summons on the accused shall be treated as the commencement of the proceedings.

Offences by corporations

73. Section 20(2) and (3) of the Interpretation Act (Northern Ireland) 1954 (c. 33) (offences by corporations) shall apply to this Part as if the requirement for consent in subsection (3) were omitted.

Service of notices

74. For the purposes of section 24 of the Interpretation Act (Northern Ireland) 1954 (c. 33) (service of documents) a person's usual or last known place of abode or business shall be, in the case of a person whose name is included in the register, his address on the register.

Fees

75.—(1) Regulations may make provision for the payment of such fees (if any) as may be prescribed in connection with registration or extension of registration.

(2) Regulations may make provision for the repayment (in whole or in part) of any fee payable by virtue of any provision of this Part in such circumstances as may be prescribed.

Regulations

76. Regulations under any provision of this Part—

- (a) shall be subject to negative resolution;
- (b) may make incidental, supplementary, consequential or transitional provision or savings.

Application to Crown

77.—(1) Subject to paragraph (2), the provisions of this Part apply to vehicles and persons in the public service of the Crown.

(2) The Department may make regulations exempting from the provisions of this Part, or of any regulation made under this Part, vehicles and persons in the public service of the Crown.

Offences

78. The entries set out in Schedule 6 relating to offences under this Part shall be added at the end of Part I of Schedule 1 to the Offenders Order.