

## SCHEDULES

### SCHEDULE 2

#### GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

##### *Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)*

25. In Schedule 1 (newly qualified drivers holding test certificates)—
- (a) in paragraph 1, after sub-paragraph (2) insert—
    - “(2A) In this Schedule “the appropriate person” has the same meaning as in Articles 4 and 5.”;
  - (b) in paragraph 3(4)—
    - (i) in head (a), for “fixed penalty clerk” in both places substitute “appropriate person”;
    - (ii) in head (c), for “fixed penalty clerk” substitute “appropriate person”; and
    - (iii) in the words following head (c), for “fixed penalty clerk to whom the payment is made” substitute “appropriate person”;
  - (c) in paragraph 4(3)—
    - (i) in head (b), for “fixed penalty clerk” substitute “appropriate person”; and
    - (ii) for the words following head (c) substitute “Article 4(4) does not apply but if the appropriate person is the fixed penalty clerk sub-paragraph (4) applies instead.”;
  - (d) in paragraph 5—
    - (i) after sub-paragraph (1) insert—
      - “(1ZA) Where Article 4(4) is disapplied by paragraph 4(3) and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s test certificate.”;
    - (ii) in sub-paragraph (1A), after “sub-paragraph (1)” insert “or (1ZA)”;
    - (iii) in sub-paragraph (1B), after “paragraph 5(1)” insert “or (1ZA)”;
    - (iv) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”;
  - (e) in paragraph 6(1), after “paragraph 5(1)” insert “or (1ZA)”;
  - (f) in paragraph 7—
    - (i) in sub-paragraph (3)(b), for “fixed penalty clerk” substitute “appropriate person”; and
    - (ii) in sub-paragraph (4)—
      - (A) for “fixed penalty clerk” substitute “appropriate person”; and
      - (B) at the beginning of head (b) insert “unless the appropriate person is the Department,”;
  - (g) in paragraph 8—
    - (i) after sub-paragraph (1) insert—

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Road Traffic (Northern Ireland) Order 2007 No. 916*

“(1ZA) Where paragraph 7(4) applies and the appropriate person is the Department, the Department must by notice served on the person to whom the fixed penalty notice or conditional offer was given or issued revoke that person’s licence and test certificate.”;

- (ii) in sub-paragraph (1A), after “sub-paragraph (1)” insert “or (1ZA)”;
- (iii) in sub-paragraph (1B), after “paragraph 8(1)” insert “or (1ZA)”;
- (iv) in sub-paragraph (2), for “sub-paragraph (1) or (1B)” substitute “this paragraph”;
- (h) in paragraph 9, after “paragraph 8(1)” insert “or (1ZA)”;
- (i) in paragraph 10(a), after—
  - (i) “paragraph 5(1)”;
  - (ii) “paragraph 8(1)”,insert “or (1ZA)”.