

SCHEDULES

SCHEDULE 6

Article 217.

SAVINGS

Saving for certain provisions about minimum ages for driving

1. Notwithstanding the repeal by this Order of paragraph 1 of Schedule 2 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976

- (a) subsection (2)(*b*) and (*c*) of section 2 of the Road Traffic Act (Northern Ireland) 1970 as originally enacted (driving of tractors on roads by persons between the ages of 16 and 17 in certain circumstances) shall continue to have effect and shall be deemed to be contained (with the appropriate modification of references) in regulations made under^[F1] Article 17(2); and
- (b) regulations made under subsection (5) (motor cycles) or subsection (7) (road rollers and articulated vehicles) of the said section 2 as originally enacted shall have effect (with the appropriate adaptation of references) as if made under^[F2] Article 17(2),

and (in each case) may be varied or revoked accordingly.]]

F1 1991 NI 3

F2 1991 NI 3

Saving in relation to certain motor cars for holders of driving licences and similar persons

2.—(1) This paragraph applies to a person who immediately before 1st January 1976 fulfilled any of the following conditions, that is to say—

- (a) he held a driving licence or a provisional licence authorising him to drive a motor car;
- (b) he was entitled to obtain a driving licence authorising him to drive a motor car or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a motor car or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;
- (c) he would have been the holder of a valid driving licence or provisional licence authorising him to drive a motor car but for a current disqualification imposed by a conviction or order of a court.

(2) Subject to sub-paragraph (3), a person to whom this paragraph applies shall not, by reason only of^[F3] Article 17, be disqualified for holding or obtaining a driving licence or a provisional licence authorising him to drive motor vehicles falling within the class described in paragraph 5 or 6 of the Table set out in^[F4] Article 17(1).

(3) A person shall not be treated, by virtue of sub-paragraph (2), as entitled to the grant of a driving licence or a provisional licence authorising him to drive a goods vehicle the permissible maximum weight of which exceeds 10 tonnes or a motor vehicle constructed solely for the carriage

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Changes to legislation: Road Traffic (Northern Ireland) Order 1981, SCHEDULE 6 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

of passengers and their effects which is adapted to carry more than 15 passengers inclusive of the driver.

(4) This paragraph shall be construed as if it were contained in Part II, but in sub-paragraph (1) any reference to a driving licence or a provisional licence includes a reference to a corresponding licence granted under Part III of the Road Traffic Act 1972 .]]

F3 1991 NI 3

F4 1991 NI 3

Saving in relation to certain goods vehicles for holders of driving licences and similar persons

3.—(1) This paragraph applies to—

- (a) a goods vehicle which, by virtue of the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976 , became classified as a heavy goods vehicle, that is to say, a motor car which—
 - (i) became, by virtue of paragraph 11 of Schedule 1 to that Order, a heavy goods vehicle for the purposes of sections 66 to 72 and section 74 of the Road Traffic Act (Northern Ireland) 1970 (not having been a heavy goods vehicle for those purposes before the commencement of the said paragraph 11); and
 - (ii) was not an articulated goods vehicle (within the meaning of Article 79);
- (b) a person who, immediately before 12th April 1976, fulfilled any of the following conditions, that is to say,—
 - (i) he held a driving licence or a provisional licence authorising him to drive a goods vehicle to which this paragraph applies;
 - (ii) he was entitled to obtain a driving licence authorising him to drive a goods vehicle to which this paragraph applies or, having previously held a provisional licence, was entitled to obtain a provisional licence authorising him to drive a goods vehicle to which this paragraph applies or would have been (in either case) so entitled but for a current disqualification imposed by order of a court;
 - (iii) he would have been the holder of a valid driving licence authorising him to drive a goods vehicle to which this paragraph applies but for a current disqualification imposed by a conviction or order of a court.

(2) Nothing in Article 72(2) (restriction on grant of heavy goods vehicle drivers' licences) shall prevent the Department from granting a full licence to drive a heavy goods vehicle if—

- (a) the application for the grant of the licence was made during 1976 by a person to whom this paragraph applies; and
- (b) the Department is satisfied that in any 12 consecutive months between the beginning of 1975 and 12th August 1976 the applicant had been in the habit during any period or periods of, or amounting in the aggregate to, 6 months of driving a goods vehicle to which this paragraph applies of a qualifying weight;

but any licence which the Department grants by virtue of this sub-paragraph shall restrict the person to whom it is granted to the driving of a heavy goods vehicle which is not an articulated goods vehicle (within the meaning of Article 79) and the permissible maximum weight of which does not exceed 10 tonnes.

(3) The reference in sub-paragraph (2) to the driving of a goods vehicle in any period between the beginning of 1975 and 12th August 1976 does not include a reference to the driving of a goods vehicle of a prescribed class or of a goods vehicle while it is being used in prescribed circumstances.

(4) The Department may by regulations restrict the class of goods vehicle to which this paragraph applies for the driving of which a licence may be granted by virtue of sub-paragraph (2) by reference to the class of vehicle which the applicant for the licence was driving during any period between the beginning of 1975 and 12th August 1976.

(5) In this paragraph—

“driving licence” means a licence to drive a motor vehicle granted under Part II of this Order or under Part III of the Road Traffic Act 1972 ;

“permissible maximum weight” has the same meaning as it has in Articles 71 to 79;

“provisional licence” has the same meaning as it has in Part II of this Order or, as the case requires, in Part III of the Road Traffic Act 1972;

“qualifying weight”, in relation to a goods vehicle, means that the vehicle has an unladen weight of^{F5} 3,050 kilograms or less and a permissible maximum weight in excess of 7.5 tonnes.

(6) Any reference in this paragraph to a driving licence authorising a person to drive a goods vehicle to which this paragraph applies shall, in relation to a driving licence granted under Part III of the Road Traffic Act 1972, be construed as a reference to a licence so granted authorising him to drive a goods vehicle of a class which—

(a) is, by virtue of any provision having effect in Great Britain and corresponding with paragraph 11 of Schedule 1 to the Road Traffic (Drivers' Ages and Hours of Work) (Northern Ireland) Order 1976 , a heavy goods vehicle for the purposes of Part IV of the Road Traffic Act 1972 (not having been a heavy goods vehicle for those purposes before the coming into force of that provision); and

(b) is not an articulated goods vehicle within the meanings of the said Part IV.]

F5 SR 1982/422

Other savings

Para. 4 rep. by 1997 NI 2

5. Notwithstanding the repeal by this Order of section 14 of the Motor Vehicles (Traffic and Regulation) Act (Northern Ireland) 1926 , so much of section 11 of the Summary Jurisdiction (Ireland) Act 1851 and of section 4 of the Char-a-banc Regulation Act (Northern Ireland) 1924 as relates to the offences mentioned in paragraphs 1, 2 and 3 of section 11 of the Summary Jurisdiction (Ireland) Act 1851 shall not apply where any such offence is committed in connection with a public service vehicle.

6. Notwithstanding the repeal by this Order of the Road Traffic Act (Northern Ireland) 1970 and Articles 11(4) and 13(3) of the Roads and Road Traffic (Northern Ireland) Order 1978 , that Act shall apply in relation to the offences committed on or before 26th August 1978 as if it had not been amended by Articles 11 and 13 of, and Schedule 1 to, that Order.

7. The Driving Licences (Transfer of Functions) (Supplementary Provisions) Order (Northern Ireland) 1973 shall continue to have effect and to be deemed always to have had effect, as if Article 15 of the Road Traffic (Amendment) (Northern Ireland) Order 1973 had been in force when the first-mentioned order was made.

8. Article 99 shall have effect, where the accident giving rise to the death or bodily injury in respect of which a payment is made under that Article occurred before 1st April 1980, as if in paragraph (1) of that Article for £1,250 there were substituted “ £200 ”.

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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