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STATUTORY INSTRUMENTS

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**1996 No. 1320**

**The Road Traffic Offenders (Northern Ireland) Order 1996**

**PART II**

**TRIAL**

*Introductory*

**Power to join in indictment counts for certain summary offences**

**9.**—(1) A count charging a person with a summary offence to which this Article applies may be included in an indictment if the charge—

- (a) is founded on the same facts or evidence as a count charging an indictable offence; or
- (b) is part of a series of offences of the same or similar character as an indictable offence which is also charged,

but only if (in either case) the facts or evidence relating to the offence were disclosed in a preliminary<sup>F1</sup>... inquiry under the Magistrates' Courts (Northern Ireland) Order 1981.

(2) Where a count charging an offence to which this Article applies is included in an indictment, the offence shall be tried in the same manner as if it were an indictable offence; but the Crown Court may only deal with the offender in respect of it in a manner in which a court of summary jurisdiction could have dealt with him.

(3) This Article applies to—

- (a) an offence under either of the following provisions of the Order of 1981—
  - (i) Article 90 (using motor vehicle without insurance or security against third party risks),
  - (ii) Article 175(2) (failure to comply with duties on occurrence of accident caused by a mechanically propelled vehicle);
- (b) an offence under any of the following provisions of the Order of 1995—
  - (i) Article 15(1) or (2) (driving or attempting to drive, or being in charge of, a mechanically propelled vehicle when under influence of drink or drugs),
  - (ii) Article 16(1)(a) or (b) (driving or attempting to drive, or being in charge of, a motor vehicle with alcohol concentration above the prescribed limit),
  - (iii) Article 18 (failing to provide specimen for analysis or laboratory test);

(c) any summary offence specified under paragraph (4).

(4) The Secretary of State may by order specify for the purposes of this Article any summary offence—

- (a) which is mentioned in Schedule 1, and
- (b) which is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.

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**Changes to legislation:** *The Road Traffic Offenders (Northern Ireland) Order 1996, Section 9 is up to date with all changes known to be in force on or before 17 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) View outstanding changes*

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(5) For the purposes of this Article statements in writing admitted in evidence under Article 33 of the Magistrates' Courts (Northern Ireland) Order 1981 shall be treated as depositions taken in the presence of the accused before the magistrates' court which committed him for trial.

(6) An order made under this Article shall be subject to<sup>[F2]</sup> negative resolution].

(7) In this Article “summary offence” means an offence which, if committed by an adult, is punishable only on summary conviction.

**F1** Words in art. 9(1) repealed (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), **Sch. para. 13**; S.R. 2022/221, art. 2(d)

**F2** Words in art. 9(6) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(3), **Sch. 2 para. 16(2)** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

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**Modifications etc. (not altering text)**

**C1** **Art. 9** functions of the Secretary of State are transferred to the Department of Justice (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 4(1)(2), **Sch. 1 para. 18** (with arts. 28-31); S.I. 2010/977, **art. 1(2)**

**Changes to legislation:**

The Road Traffic Offenders (Northern Ireland) Order 1996, Section 9 is up to date with all changes known to be in force on or before 17 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.

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**Changes and effects yet to be applied to :**

- art. 9(1) words added by [2015 c. 9 \(N.I.\) Sch. 2 para. 9](#)
- art. 9(1) words substituted in earlier affecting provision [2015 c. 9 \(N.I.\), Sch. 2 para. 9](#) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(g\)](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(1) power to apply conferred by [SI 1981/154 \(N.I. 1\) Sch. 2A para. 7](#) (as inserted) by [S.I. 2007/916 \(N.I.\) Sch. 3](#)
- art. 31(3) inserted by [S.I. 2007/916 \(N.I.\) art. 10\(2\)](#)
- art. 35(1ZA)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- art. 35(3A) inserted by [2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- art. 36(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- art. 36(4A) inserted by [2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- art. 36(9)(b) word inserted by [2016 c. 11 \(N.I.\) s. 14\(5\)\(a\)](#)
- art. 36(9)(c) word repealed by [2016 c. 11 \(N.I.\) s. 14\(5\)\(b\)Sch. 2](#)
- art. 36(9)(d) repealed by [2016 c. 11 \(N.I.\) s. 14\(5\)\(c\)Sch. 2](#)
- art. 37(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- art. 38A(5A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)
- art. 38A(6A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(e\)](#)
- art. 42(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(7\)\(c\)](#)
- art. 47(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(b\)](#)
- art. 47(3B) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(c\)](#)
- art. 52(2ZA) inserted by [2009 c. 25 Sch. 21 para. 92\(9\)\(b\)](#)
- art. 54A inserted by [2016 c. 11 \(N.I.\) s. 15](#)
- art. 59(2A) inserted by [2016 c. 11 \(N.I.\) s. 8\(2\)](#)
- art. 59(4) added by [2016 c. 11 \(N.I.\) s. 8\(3\)](#)
- art. 59A-59C inserted by [2016 c. 11 \(N.I.\) s. 9\(1\)](#)
- art. 63A(7) added by [2016 c. 11 \(N.I.\) s. 11\(1\)\(d\)](#)
- art. 64B inserted by [2016 c. 11 \(N.I.\) s. 8\(5\)](#)