
STATUTORY INSTRUMENTS

1981 No. 154

Road Traffic (Northern Ireland) Order 1981

PART II

GENERAL PROVISIONS RELATING TO LICENSING OF DRIVERS OF VEHICLES

Requirement to hold licence

Drivers of motor vehicles to have driving licences

3.—(1) It is an offence under this Order for a person to drive on a road a motor vehicle of any class [^{F1}otherwise than in accordance with] a licence authorising him to drive a motor vehicle of that class.

(2) It is an offence under this Order for a person to cause or permit another person to drive on a road a motor vehicle of any class [^{F2}otherwise than in accordance with a licence authorising that other person] to drive a motor vehicle of that class.

(3) ^{F3}

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| F1 | Words in art. 3(1) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 30(a) ; S.R. 2007/454, art. 2 , Sch. |
| F2 | Words in art. 3(2) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 30(b) ; S.R. 2007/454, art. 2 , Sch. |
| F3 | Art. 3(3) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(2), Sch. 8 Pt. I ; S.R. 2007/454, art. 2 , Sch. |

Exceptions

4.—(1) Notwithstanding Article 3, a person may drive or cause or permit another person to drive a vehicle of any class if—

(a) the driver has held—

(i) a licence under this Part to drive vehicles of that or a corresponding class, or

[^{F4}(ia) a Community licence to drive vehicles of that or a corresponding class, or]

(ii) a Great Britain licence to drive vehicles of that or a corresponding class, or

(iii) a British external licence or British forces licence to drive vehicles of that or a corresponding class, or

(iv) an exchangeable licence to drive vehicles of that or a corresponding class, and

(b) either—

(i) a qualifying application by the driver for the grant of a licence to drive vehicles of that class for a period which includes that time has been received by the Department, or

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- [^{F5}(ii) a licence to drive vehicles of that class granted to him has been revoked or surrendered in pursuance of Article 15(5) or (6) otherwise than by reason of a current disqualification or of its having been granted in error and he has complied with any requirements imposed on him under Article 15(8B), and]
- (c) any conditions which by virtue of Article 13(3) or 14(2) apply to the driving under the authority of the licence of vehicles of that class are complied with.
- (2) An application for the grant of a licence to drive vehicles of any class is a qualifying application for the purposes of paragraph (1)(b)(i) if—
- (a) the requirements of sub-paragraphs (a), (b) so far as it relates to initial evidence and (c) of paragraph (1) of Article 13 have been satisfied;
- (b) the applicant—
- (i) is not subject to a current disqualification which is relevant to the licence he applies for, and
- (ii) is not prevented from obtaining it by Article 5[^{F6} of this Order or[^{F7} Article 6 of, or paragraph 6 or 9] of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998]; and
- (c) the declaration made in pursuance of Article 9(1) indicates that he is not suffering from a relevant disability.
- (3) A disqualification is relevant to a licence for which a person makes an application if—
- (a) in the case of an application made by virtue of any provision of paragraph (1)(a), the disqualification subsists under or by virtue of any provision of [the Road Traffic Orders][^{F9} or Chapter 1 of Part 3 of the Crime (International Co-operation) Act 2003][^{F10} or of the Offenders Order] and relates to vehicles of the class to which his application relates;
- [^{F4}(aa) in the case of an application made by virtue of paragraph (1)(a)(ia), the disqualification subsists under or by virtue of any provision of the law of an EEA State (other than the United Kingdom) and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;]
- (b) in the case of an application made by virtue of paragraph (1)(a)(ii), the disqualification subsists under or by virtue of any provision of the law of Great Britain and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- (c) in the case of an application made by virtue of paragraph (1)(a)(iii), the disqualification subsists under or by virtue of any provision of the relevant external law or, as the case may be, is a disqualification for holding or obtaining a British forces licence and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates; and
- (d) in the case of an application made by virtue of paragraph (1)(a)(iv), the disqualification subsists under or by virtue of any provision of the law of the^{F4} . . . country or territory under which the licence which he held was granted and relates to vehicles of the class, or of a class corresponding to the class, to which his application relates;
- but a disqualification which does not prevent the person disqualified from obtaining a provisional licence or, as the case may be, a licence corresponding to a provisional licence is relevant to a full licence but not to a provisional licence.
- (4) The benefit of paragraph (1) does not extend—

- (a) beyond the date when a licence is granted in pursuance of the application mentioned in paragraph (1)(b) or (as the case may be) in pursuance of Article 15(8)^{F5} or (8A)] in consequence of the revocation or surrender so mentioned, or
- (b) in a case where a licence is not in fact so granted, beyond the expiration of the period of one year or such shorter period as may be prescribed, beginning on the date on which the application is received by the Department or (as the case may be) the revocation or surrender mentioned in paragraph (1)(b), or
- (c) in a case where a licence is refused under Article 9(3) beyond the day on which the applicant receives notice of the refusal.
- (5) The Department may by regulations provide that paragraph (1) shall also apply (where the requirements of that paragraph are otherwise met) in the case of a person who has not previously held a licence to drive vehicles of the relevant class.
- (6) Regulations made by virtue of paragraph (5) shall, if not previously revoked, expire at the end of the period of one year beginning with the day on which they came into operation.
- (7) Regulations may provide that a person who becomes resident in Northern Ireland shall, during the prescribed period after he becomes so resident, be treated for the purposes of Article 3 as the holder of a licence authorising him to drive motor vehicles of the prescribed classes if—
- (a) he satisfies the prescribed conditions, and
- (b) he is the holder of a permit of the prescribed description authorising him to drive vehicles under the law of a country outside the United Kingdom.
- (8) Regulations made by virtue of paragraph (7) may provide for the application of any statutory provision relating to licences, counterparts of licences or licence holders, with or without modifications, in relation to any such permit and its holder respectively.
- (9) Notwithstanding Article 3—
- (a) a person who is not the holder of a licence may act as steersman of a motor vehicle which is controlled by a pedestrian and not constructed or adapted for use, or used, for the carriage of a driver or passenger^{F4} who—
- [^{F4}(i) is licensed in that behalf in accordance with the requirement of this Part and Part V, or
- (ii) is authorised by virtue of Article 15A(1) to drive in Northern Ireland such a motor vehicle, and]
- (b) a person may cause or permit another person who is not the holder of a licence so to act.
- (10) In this Part—
- “British external licence” means a licence granted in the Isle of Man or any of the Channel Islands under the relevant external law;
- “British forces licence” means a licence granted in the Federal Republic of Germany by the British authorities to members of the British forces or of the civilian components of those forces or their dependants; and
- “relevant external law” means the law for the time being in force in the Isle of Man or any of the Channel Islands which corresponds to this Part.

F4 SR 1996/426

F5 SR 2002/374

F6 1998 NI 7

F7 2003 NI 16

F8 1995 NI 18

F9 Words in art. 4(3)(a) inserted (28.1.2010) by [Crime \(International Co-operation\) Act 2003 \(c. 32\)](#), ss. 91(1), 94(1), Sch. 5 para. 6; S.I. 2008/3009, [art. 2](#)

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F10 1996 NI 10

Tests

Tests of competence to drive

5.—(1) A licence authorising the driving of motor vehicles of any class shall not be granted to any person unless he^{F11} meets the relevant residence requirement and satisfies the Department^{F12} (or, in the case of a test of competence passed under paragraph (a)(i) after a prescribed day, the Department is satisfied in such manner as may be prescribed)

^{F13}(a) that he has passed—

- (i) the test of competence to drive prescribed by virtue of paragraph (3) not earlier than the appointed day, or
- (ii) a Great Britain test of competence to drive which corresponds to such a test at some time during the period of 2 years ending with the date the application is made but not earlier than the appointed day, or
- (iii) a test of competence which under paragraph (7) is a sufficient test at some time during the period of 2 years ending with the date the application is made but not earlier than the appointed day;

or that, if it is available to him, he satisfies the alternative requirement of Article 6; or]

(b) that at some time not earlier than the appointed day he has held—

- (i) a full licence authorising the driving of vehicles of that class, or
- (ii) a full Great Britain licence authorising the driving of vehicles of a class corresponding to the class;

or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(c) that at some time during the period of 2 years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class^{F11} . . . for the purpose of obtaining a British forces licence; or

(d) that at some time not earlier than the appointed day he has held a full British external licence or a full British forces licence to drive vehicles of that or a corresponding class or that, if it is available to him, he satisfies the alternative requirement of Article 6; or

(e) that at some time during the period of 2 years ending with the date the application is made he has passed a test of competence to drive vehicles of that or a corresponding class conducted under the law^{F11} . . . of Gibraltar^{F11} . . . ; or

^{F11}(ea) that either at the time of the application for the licence he holds a Community licence authorising the driving of vehicles of that or a corresponding class or at any time he has held such a Community licence; or]

^{F11}(f) that, at the time of the application for the licence, he holds an exchangeable licence authorising the driving of vehicles of that or a corresponding class.]

This paragraph is subject to the provisions of this Part as to provisional licences and to the provisions of any regulations made by virtue of Article 19C(1)(g).

^{F11}(1A) An applicant meets the relevant residence requirement referred to in paragraph (1) if on the date the application for the licence is made—

- (a) in a case where he satisfies the Department in respect of paragraph (1)(ea), he is normally resident in the United Kingdom or has been attending a course of study in the United Kingdom during the period of six months ending on that date;

- (b) in a case where he satisfies the Department in respect of paragraph (1)(f), he is normally resident in Northern Ireland but has not been so resident for more than the prescribed period; and
 - (c) in any other case, he is normally resident in Northern Ireland]
- (2) For the purposes of paragraph (1)—
- [^{F11}(a) a licence which has been revoked under Article 15(5) or under any corresponding provision of—
 - (i) the law of Great Britain,
 - (ii) the relevant external law, or
 - (iii) the law of an EEA State other than the United Kingdom,as a licence granted in error shall be disregarded for the purposes of sub-paragraph (b), (d) or (ea) (as the case may be) or that paragraph;]
- Sub-para. (b) rep. by SR 1996/426*
- (c) a British external licence to drive any class of goods vehicle or any class of passenger-carrying vehicle is to be disregarded for the purposes of sub-paragraph (d) of that paragraph unless the Department, by order, designates the relevant external law under which it is granted as one which makes satisfactory provision for the granting of such licences.
- (3) Regulations may make provision with respect to—
- (a) the nature of tests of competence to drive for the purposes of this Article [^{F14} and Article 41 of the Offenders Order (disqualification)], [^{F15} and the administrative arrangements for submitting for such tests,]
 - (b) the qualifications, selection and appointment of persons by whom they may be conducted [^{F16} conditions which must be satisfied during the currency of an appointment, the charging of reasonable fees in respect of applications for appointment or appointments or in connection with any examination or assessment which may be required before appointment or during the currency of any appointment] and the revocation of an appointment,
 - [^{F17}(ba) the duty of a person submitting himself for a test to produce, and in prescribed circumstances surrender, any licence previously granted to him,]
 - (c) evidence of the results of such tests,
- and generally with respect to such tests.
- (4) In particular, regulations may, without prejudice to the generality of paragraph (3), provide—
- (a) for requiring a person submitting himself for a test to provide [^{F18}a safe and suitable vehicle] for the purposes of the test [^{F19}and for requiring that, if the vehicle is a vehicle of a prescribed description, it has been certified in the prescribed manner after a prescribed inspection as satisfying such requirements as may be prescribed,]
 - [^{F11}(aa) for requiring a person submitting himself for a test to have been normally resident in Northern Ireland or the United Kingdom for such period ending on the date of his appointment for the test as may be prescribed,]
 - [^{F20}(b) or the charging (whether on the making of an appointment for a test or otherwise) of reasonable fees for or in connection with the test and any inspection of a vehicle required by regulations under paragraph (a) in relation to the test,]
 - (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself for another test by the same or any other person before

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the expiration of a period specified in the regulations, except under an order made by a court under the power conferred by Article 7.

(5) If regulations make provision for a test of competence to drive to consist of separate parts, they may make for each part—

- (a) any provision that could be made for a test not consisting of separate parts, ^{F21} . . .
- (b) ^{F21}

[^{F22}(5ZA) Regulations under paragraph (3)(b) may in particular provide—

- (a) for the supply by the Department to persons by whom tests of competence to drive, or parts of such tests, may be conducted of forms for certificates evidencing the results of such tests or parts of such tests, and
- (b) for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Department by the regulations.]

(6) Regulations may prescribe cases in which persons are exempt from the requirements imposed by paragraph (3); and the regulations may—

- (a) limit the exemption to persons in prescribed circumstances;
- (b) limit the exemption to a prescribed period;
- (c) attach conditions to the exemption; and
- (d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from that requirement.

(7) For the purposes of paragraph (1)(a)(iii) or Article 6(2)(b)(iii), a test of competence shall be sufficient for the granting of a licence authorising the driving of—

- (a) vehicles of any class, if at the time the test was passed it authorised the granting of a licence to drive,
- (b) vehicles of all classes which are designated by regulations as a group for the purposes of paragraph (1)(a) if at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, and
- (c) vehicles of all classes included in another such group, if a person passing the test is treated by virtue of regulations made for the purposes of this sub-paragraph as competent also to drive vehicles of a class included in that other group.

(8) If vehicles of any classes are designated by regulations as a group for the purposes of paragraph (1)(b), a licence authorising the driving of vehicles of a class included in the group shall be deemed for the purposes of paragraph (1)(b)(i) or Article 6(4)(a) to authorise the driving of—

- (a) vehicles of all classes included in the group [^{F11} (except where regulations otherwise provide),] and
- (b) vehicles of all classes included in another such group, if a person holding the licence is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

The reference in this paragraph to a licence does not include a licence which has been revoked in pursuance of Article 15(5).

(9) For the purposes of this Article and Article 4(1), an exchangeable licence issued in respect of a ^{F11} . . . country or territory shall not be treated as authorising a person to drive a vehicle of any class if—

- (a) the licence is not for the time being valid for that purpose, or
- (b) it was issued in respect of that class for a purpose corresponding to that mentioned in Article 13(2).

(10) A test of competence falling within sub-paragraphs (a)(ii), (c) or (e) of paragraph (1) shall be sufficient for the granting of a licence authorising the driving of—

- (a) vehicles of all classes designated by regulations as a group for the purposes of paragraph (1)(a), if^{F11} (except where regulations otherwise provide)] at the time the test was passed it authorised the granting of a licence to drive vehicles of any class included in the group, or of any class corresponding to a class included in the group, and
- (b) vehicles of all classes included in another such group, if a person passing a test of competence authorising the granting of a licence to drive vehicles of a class included in the group mentioned in sub-paragraph (a) is treated by virtue of regulations as competent also to drive vehicles of a class included in that other group.

(11) A full Great Britain licence, a full British external licence, a full British forces licence^{F11}, a Community licence] or an exchangeable licence shall be treated for the purposes of sub-paragraph (b) (ii), (d)^{F11},(ea)] or (f) (as the case may be) of paragraph (1) as authorising the driving of—

- (a) [^{F11}(except where regulations otherwise provide)] vehicles of all classes designated by regulations as a group for the purposes of paragraph (1)(b), if the licence authorises the driving of vehicles of any class included in the group, or any class corresponding to a class included in the group, and
- (b) vehicles of all classes included in another such group, if by virtue of regulations a person holding a licence authorising him to drive vehicles of any class included in the group mentioned in subparagraph (a) is treated as competent also to drive vehicles of a class included in that other group.

Para. (12) rep. by SR 1996/426

- F11** SR 1996/426
- F12** Words in art. 5(1) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **31**; S.R. 2007/454, **art. 2**, Sch.
- F13** Art. 5(1)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **32**; S.R. 2007/454, **art. 2**, Sch.
- F14** 1996 NI 10
- F15** Words in art. 5(3)(a) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(1)(a)**; S.R. 2007/454, **art. 2**, Sch.
- F16** Words in art. 5(3)(b) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(1)(b)**; S.R. 2007/454, **art. 2**, Sch.
- F17** Art. 5(3)(ba) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(1)(c)**; S.R. 2007/454, **art. 2**, Sch.
- F18** Words in art. 5(4)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(2)(a)**; S.R. 2007/454, **art. 2**, Sch.
- F19** Words in art. 5(4)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(2)(b)**; S.R. 2007/454, **art. 2**, Sch.
- F20** Art. 5(4)(b) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(2)(c)**; S.R. 2007/454, **art. 2**, Sch.
- F21** Art. 5(5)(b) and preceding word repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 44(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
- F22** Art. 5(5ZA) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **44(4)**; S.R. 2007/454, **art. 2**, Sch.

The alternative requirements to those in Article 5

6.—(1) The alternative requirements referred to in Article 5(1) are the following.

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(2) The requirement which is alternative to that specified in Article 5(1)(a) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of paragraph (3)—

- (a) is available to that person if the application is made within the period of 10 years beginning with the appointed day, and
- (b) is that at some time before the appointed day and during the period of 10 years ending with the date the application is made he has passed—
 - (i) the test of competence to drive prescribed by virtue of Article 5(3) or a test of competence to drive which corresponds to such a test, or
 - (ii) a Great Britain test of competence to drive which corresponds to any test falling within (i), or
 - (iii) a test of competence which under Article 5(7) is a sufficient test or a test of competence to drive which corresponds to such a test.

(3) The requirement which is alternative to that specified in Article 5(1)(a) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this paragraph—

- (a) is available to that person if the application is made within the period of 5 years beginning with the appointed day, and
- (b) is that at some time before the appointed day and during the period of 5 years ending with the date the application is made he has passed—
 - (i) a test of competence to drive a heavy goods vehicle or public service vehicle of a class corresponding to the class of vehicle to which his application relates, or
 - (ii) a corresponding Great Britain test of competence to drive a heavy goods vehicle or public service vehicle of a class which corresponds to the class of goods vehicle or passenger-carrying vehicle to which his application relates.

(4) The requirement which is alternative to that specified in Article 5(1)(b) on an application by a person for a licence authorising the driving of motor vehicles of any class other than any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of paragraph (5) is that at sometime before the appointed day but not earlier than 1st January 1976 he has held—

- (a) a full licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates, or
- (b) a full Great Britain licence authorising the driving of vehicles of a class corresponding to the class of motor vehicle to which his application relates.

(5) The requirement which is alternative to that specified in Article 5(1)(b) on an application by a person for a licence authorising the driving of any class of goods vehicle or passenger-carrying vehicle prescribed for the purposes of this paragraph is that at some time before the appointed day but not earlier than the beginning of the period of 5 years ending on that date he has held—

- (a) a full heavy goods vehicle or a public service vehicle driver's licence authorising the driving of vehicles of a class corresponding to the class of vehicle to which his application relates, or
- (b) a full Great Britain licence to drive heavy goods vehicles of a class corresponding to the class of vehicle to which his application relates or a Great Britain licence to drive public service vehicles of a class corresponding to the class of vehicle to which his application relates.

(6) The requirement which is alternative to that specified in Article 5(1)(d) on an application by a person for a licence authorising the driving of motor vehicles of any class—

- (a) is available to that person if the application is made within the period of 10 years beginning with the appointed day, and
- (b) is that at some time before the appointed day and during the period of 10 years ending with the date the application is made he has held a full British external licence or a full British forces licence to drive vehicles of that or a corresponding class.

(7) In this Article “heavy goods vehicle” has the same meaning as it had for the purposes of Article 79 before its repeal by Article 4 of the Road Traffic (Amendment) (Northern Ireland) Order 1991.

Review of conduct of test

7.—(1) On the application of a person who has submitted himself for a test of competence to drive, a court of summary jurisdiction acting for the petty sessions district in which he resides may determine whether the test was properly conducted in accordance with regulations.

(2) The court may, if it appears that the test was not so conducted—

- (a) order that the applicant shall be eligible to submit himself for another test before the expiration of the period specified for the purposes of Article 5(4)(c), and
- (b) order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

(3) If regulations make provision for a test of competence to drive to consist of separate parts, this Article applies in relation to each part as well as in relation to the whole of the test.

Repayment of test fees

8. [^{F23}The whole or any part of a fee] paid in pursuance of regulations made by virtue of Article 5(4) on application for an appointment for a test may be repaid in the following cases and not otherwise—

- (a) if no such appointment is made, or an appointment made is subsequently cancelled by or on behalf of the Department;
- (b) if the person for whom the appointment is made gives such notice cancelling the appointment as may be prescribed for the purposes of this sub-paragraph by regulations;
- (c) if the person for whom the appointment is made keeps the appointment but the test does not take place, or is not completed, for reasons attributable neither to him nor to any vehicle provided by him for the purposes of the test; or
- (d) if an order for the repayment of the fee is made by the court under Article 7 pursuant to a finding that the test was not properly conducted in accordance with the regulations.

F23 Words in art. 8 substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 44(5); S.R. 2007/454, art. 2, Sch.

PROSPECTIVE

[^{F24}Approved test assistants

8A.—(1) The Department may make regulations permitting any person wishing to be accompanied at a relevant test by another person (a “test assistant”) to be so accompanied if—

- (a) he submits himself for the relevant test in any circumstances in which the Department considers it appropriate that he should be entitled to be so accompanied; and

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(b) the test assistant is approved in accordance with regulations made under this Article to accompany people at relevant tests in such circumstances in order to assist them in undergoing the relevant tests.

(2) The circumstances in which the Department considers it appropriate that a person should be entitled to be accompanied by a test assistant at a relevant test may include, for example, circumstances in which he is likely to have difficulty in hearing, understanding or responding to instructions or questions in the course of the relevant test without assistance.

(3) The regulations may make provision in relation to the approval of test assistants and may, in particular, include provision—

- (a) in relation to the making of applications for approval;
- (b) for the payment in respect of applications for approval, or in connection with approvals, of fees of a prescribed amount;
- (c) in relation to the period for which an approval is to have effect and withdrawing approval;
- (d) authorising the imposition of conditions on an approval;
- (e) for an appeal to lie to a court of summary jurisdiction acting for the petty sessions district in which the person resides against a refusal of an application for approval, the imposition of conditions on an approval or the withdrawal of approval;
- (f) prescribing circumstances in which an approved test assistant may not act as such;
- (g) as to the evidencing by persons of their status as approved test assistants;
- (h) authorising the Department to make available (with or without charge) information about approved test assistants.

(4) In this Article “relevant tests” means—

- (a) tests of competence to drive a motor vehicle prescribed by virtue of Article 5(3) of this Order or Article 41(5) of the Offenders Order;
- (b) examinations of ability and fitness (or continued ability and fitness) to give driving instruction for which provision is made by virtue of Article 62 of the Order of 2007;
- (c) emergency control assessments under Article 65 of the Order of 2007.]

F24 Art. 8A inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 45

Physical fitness

Requirements as to physical fitness of drivers

9.—(1) An application for the grant of a licence must include a declaration by the applicant, in such form as the Department may require, stating whether he is suffering or has at anytime (or, if a period is prescribed for the purposes of this paragraph, has during that period) suffered from any relevant disability or any prospective disability.

(2) In this Part—

“disability” includes disease^{F25} and the persistent misuse of drugs or alcohol, whether or not such misuse amounts to dependency],

“relevant disability” in relation to any person means—

- (a) any prescribed disability, and

- (b) any other disability likely to cause the driving of a vehicle by him in pursuance of a licence to be a source of danger to the public, and
- “prospective disability” in relation to any person means any other disability which—
- (a) at the time of the application for the grant of a licence or, as the case may be, the material time for the purposes of the provision in which the expression is used, is not of such a kind that it is a relevant disability, but
 - (b) by virtue of the intermittent or progressive nature of the disability, or otherwise, may become a relevant disability in course of time.
- (3) If it appears from the applicant's declaration, or if on inquiry the Department is satisfied from other information, that the applicant is suffering from a relevant disability, the Department must, subject to the following provisions of this Article, refuse to grant a licence.
- (4) The Department must not by virtue of paragraph (3) refuse to grant a licence—
- (a) on account of any relevant disability which is prescribed for the purposes of this subparagraph, if the applicant has at any time passed a relevant test and it does not appear to the Department that the disability has arisen or become more acute since that time or was, for whatever reason, not disclosed to the Department at that time,
 - (b) on account of any relevant disability which is prescribed for the purposes of this subparagraph, if the applicant satisfies such conditions as may be prescribed with a view to authorising the grant of a licence to a person in whose case the disability is appropriately controlled,
 - (c) on account of any relevant disability which is prescribed for the purposes of this subparagraph, if the application is for a provisional licence.
- (5) Where as a result of a test of competence to drive or of information obtained under the relevant powers the Department is satisfied that the person who took the test or in relation to whom the information was obtained is suffering from a disability such that there is likely to be a danger to the public—
- [^{F26}(a) if he drives any vehicle,
 - (b) if he drives a vehicle other than a vehicle of a particular class, or
 - (c) if he drives a vehicle except in accordance with particular conditions,]
- [^{F26}the Department must serve notice in writing to that effect on that person and must include in the notice a description of the disability.]
- (6) Where a notice is served in pursuance of paragraph (5)(a), then—
- (a) if the disability is not prescribed under paragraph (2), it shall be deemed to be so prescribed in relation to the person[^{F25} on whom the notice is served], and
 - (b) if the disability is prescribed for the purposes of paragraph (4)(c) it shall be deemed not to be so prescribed in relation to him.
- [^{F26}(7) Where a notice is served in pursuance of paragraph (5)(b), the Department may—
- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence limited to vehicles of the particular class specified in the notice or
 - (b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence limited to vehicles of that class,
- and, if the Department so directs in the notice, his entitlement to drive other classes of vehicle by virtue of Article 14(2) shall be limited as specified in the notice.
- (7A) Where notice is served in pursuance of paragraph (5)(c), the Department may—

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- (a) if the person on whom the notice is served is an applicant for a licence, grant him a licence authorising him to drive vehicles subject to the particular conditions specified in the notice, or
- (b) if he held a licence which is revoked by the Department and he complies with paragraph (7B), grant him a licence authorising him to drive vehicles subject to those conditions,

and, if the Department so directs in the notice, any entitlement which the person has to drive vehicles by virtue of Article 14(2) shall be subject to conditions as specified in the notice.

(7B) A person complies with this paragraph if—

- (a) he surrenders the existing licence and its counterpart, and
- (b) where the Department so requires, he provides evidence of his name, address, sex and date and place of birth and a photograph which is a current likeness of him.

(8) If it considers it appropriate to do so, the Department may, after serving a notice under any of the sub-paragraphs of paragraph (5), serve a further notice under that sub-paragraph or a notice under another of those sub-paragraphs; and on its serving the later notice the notice previously served shall cease to have effect and any licence previously granted in accordance with it shall be revoked by the later notice.]

(9) In paragraph (5) the references to a test of competence to drive and to information obtained under the relevant powers are references respectively to a test of competence prescribed for the purposes of Article 5 or so much of such a test as is required to be taken in pursuance of Article 11(5)(c) and to information obtained in pursuance of Article 11(5)(a) or (b).

(10) A person whose licence is revoked by virtue of paragraph (8) must deliver the licence and its counterpart to the Department forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence.

[^{F25}(10A) In paragraph (9) the references to Article 11 include references to that Article as applied by Article 15D[^{F27} or 19H].]

(11) In this Article “relevant test”, in relation to an application for a licence, means any such test of competence as is mentioned in Article 5 or a test as to fitness or ability in pursuance of Article 6 of this Order as originally enacted, being a test authorising the grant of a licence in respect of vehicles of the classes to which the application relates.

(12) Without prejudice to paragraph (11), for the purposes of paragraph (4)(a)—

- (a) an applicant shall be treated as having passed a relevant test if, and on the day on which, he passed a test of competence to drive which—
 - (i) under a provision of the law of Great Britain or a relevant external law corresponding to paragraphs (3) and (4) or (6) of Article 5, either is prescribed in relation to vehicles of classes corresponding to the classes to which the application relates or is sufficient under that law for the granting of a licence authorising the driving of vehicles of those classes, or
 - (ii) is sufficient for the granting of a British forces licence authorising the driving of vehicles of those classes, and
- (b) in the case of an applicant who is treated as having passed a relevant test by virtue of sub-paragraph (a), disclosure of a disability to his licensing authority shall be treated as disclosure to the Department.

[^{F28}(13) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if the declaration included in accordance with paragraph (1) in the application on which the licence was granted was one which he knew to be false.]

- F25** SR 1996/426
- F26** SR 2002/374
- F27** 2003 NI 16
- F28** Art. 9(13) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), **33(1)**; S.R. 2007/454, **art. 2**, Sch.

Revocation of licence because of disability or prospective disability

10.—(1) If the Department is at any time satisfied on inquiry—

- (a) that a licence holder is suffering from a relevant disability, and
- (b) that the Department would be required by virtue of Article 9(3)^{F29}. . . to refuse an application for the licence made by him at that time,

the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(2) If the Department is at any time satisfied on inquiry that a licence holder is suffering from a prospective disability, the Department may—

- (a) serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice, and
- (b) on receipt of the licence so revoked and its counterpart and of an application made for the purposes of this paragraph, grant to the licence holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).

[^{F30}(2A) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before granting a licence to him on application made for the purposes of paragraph (2)[^{F31} or paragraph (6)].]

(3) A person whose licence is revoked under paragraph (1) or (2) must deliver up the licence and its counterpart to the Department forthwith after the revocation and a person who, without reasonable excuse, fails to do so is guilty of an offence under this Order.

[^{F32}(4) Where a person whose licence is revoked under paragraph (1) or (2)—

- (a) is not in possession of his licence and its counterpart in consequence of the fact that he has surrendered them to a constable or an authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order, but
- (b) delivers them to the Department immediately on their return.

he is not in breach of the duty under paragraph (3).]

[^{F31}(5) Where the Department—

- (a) is at any time sent by the licensing authority in Great Britain a licence under section 109B of the Road Traffic Act 1988, and
- (b) by virtue of the reasons given by that authority for sending the licence is at that time satisfied as mentioned in paragraph (1)(a) and (b) or that the licence holder is suffering from a prospective disability,

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the Department may serve notice in writing on the licence holder revoking the licence with effect from such date as may be specified in the notice, not being earlier than the date of service of the notice.

(6) Where the reasons given by the licensing authority in Great Britain for sending the licence relate to a prospective disability of the holder, the Department may, on an application made for the purposes of this paragraph, grant to the holder, free of charge, a new licence for a period determined by the Department under Article 15(1)(c).]

F29 SR 1996/426

F30 SR 2002/374

F31 2003 NI 16

F32 1996 NI 10

Provision of information, etc., relating to disabilities

11.—(1) If at any time during the period for which his licence remains in force, a licence holder becomes aware—

- (a) that he is suffering from a relevant or prospective disability which he has not previously disclosed to the Department, or
- (b) that a relevant or prospective disability from which he has at any time suffered (and which has been previously so disclosed) has become more acute since the licence was granted,

the licence holder must forthwith notify the Department in writing of the nature and extent of his disability.

(2) The licence holder is not required to notify the Department under paragraph (1) if—

- (a) the disability is one from which he has not previously suffered, and
- (b) he has reasonable grounds for believing that the duration of the disability will not extend beyond the period of 3 months beginning with the date on which he first becomes aware that he suffers from it.

(3) A person who fails without reasonable excuse to notify the Department as required by paragraph (1) shall be guilty of an offence under this Order.

[^{F33}(3A) Proceedings for an offence under paragraph (3) are subject to Article 7 of the Offenders Order.]

[^{F34}(3B) A person who holds a licence authorising him to drive a motor vehicle of any class and who drives a motor vehicle of that class on a road is guilty of an offence if at any earlier time while the licence was in force he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.]

(4) If—

- (a) the prescribed circumstances obtain in relation to a person who is an applicant for, or the holder of, a licence; or
- (b) the Department has reasonable grounds for believing that a person who is an applicant for, or the holder of a licence may be suffering from a relevant or prospective disability;

paragraph (5) applies for the purpose of enabling the Department to satisfy itself whether or not that person may be suffering from that or any other relevant or prospective disability.

(5) The Department may by notice in writing served on the applicant or holder—

- (a) require him to provide the Department, within such reasonable time as may be specified in the notice, with such an authorisation as is mentioned in paragraph (6), or

- (b) require him, as soon as practicable, to arrange to submit himself for examination—
 - (i) by such registered medical practitioner or practitioners as may be nominated by the Department, or
 - (ii) with respect to a disability of a prescribed description, by such other person as may be so nominated,for the purpose of determining whether or not he suffers or has at any time suffered from a relevant or prospective disability, or
- (c) except where the application is for, or the licence held is, a provisional licence, require him to submit himself for such a test of competence to drive as the Department directs in the notice—
 - (i) of all or any of the classes to which the application relates, or
 - (ii) which he is authorised to drive (otherwise than by virtue of Article 14(2)) by the licence which he holds,as the case may be.
- (6) The authorisation referred to in paragraph (5)(a)—
 - (a) shall be in such form and contain such particulars as may be specified in the notice by which it is required to be provided, and
 - (b) shall authorise any registered medical practitioner who may at any time have given medical advice or attention to the applicant or licence holder concerned to release to the Department any information which he may have, or which may be available to him, with respect to the question whether, and if so to what extent, the applicant or licence holder concerned may be suffering, or may at any time have suffered, from a relevant or prospective disability.
- (7) If the Department considers it appropriate to do so in the case of any applicant or licence holder, the Department—
 - (a) may include in a single notice under paragraph (5) requirements under more than one sub-paragraph of that paragraph, and
 - (b) may at any time after the service of a notice under that paragraph serve a further notice or notices under that paragraph.
- (8) If any person on whom a notice is served under paragraph (5)—
 - (a) fails without reasonable excuse to comply with a requirement contained in the notice, or
 - (b) fails any test of competence which he is required to take as mentioned in sub-paragraph (c) of that paragraph,the Department may exercise its powers under Articles 9 and 10 as if it were satisfied that the applicant or licence holder concerned is suffering from a relevant disability which is not prescribed for the purposes of any sub-paragraph of Article 9(4) or, if the Department so determines, as if it were satisfied that the applicant or licence holder concerned is suffering from a prospective disability.
- (9) Except where the requirement is made in the circumstances prescribed for the purposes of paragraph (4), it shall be for the Department (and not for any other person) to defray any fees or other reasonable expenses of a registered medical practitioner in connection with—
 - (a) the provision of information in pursuance of an authorisation required to be provided under paragraph (5)(a), or
 - (b) any examination which a person is required to undergo as mentioned in paragraph (5)(b).

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F34 Art. 11(3B) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **33(2)**; S.R. 2007/454, **art. 2**, Sch.

[^{F35}Driving after refusal or revocation of licence

11A.—(1) A person who drives a motor vehicle of any class on a road otherwise than in accordance with a licence authorising him to drive a motor vehicle of that class is guilty of an offence if—

- (a) at any earlier time the Department—
 - (i) has in accordance with Article 9(3) refused to grant such a licence,
 - (ii) has under Article 10(1) or (2) revoked such a licence, or
 - (iii) has served a notice on that person in pursuance of Article 15C(1) or (2) or 19G requiring him to deliver to the Department a Community or Great Britain licence authorising him to drive a motor vehicle of that or a corresponding class, and
- (b) since that earlier time he has not been granted—
 - (i) a licence under this Part, or
 - (ii) a Community licence,
 authorising him to drive a motor vehicle of that or a corresponding class.

(2) Article 4 shall apply in relation to paragraph (1) of this Article as it applies in relation to Article 3.]

F35 Art. 11A inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **33(3)**; S.R. 2007/454, **art. 2**, Sch.

Notification of refusal of insurance on grounds of health

12.—(1) If an authorised insurer refuses to issue to any person such a policy of insurance as complies with the requirements of Part VIII on the ground that the state of health of that person is not satisfactory, or on grounds which include that ground, the insurer shall as soon as practicable notify the Department of that refusal and of the full name, address, sex and date of birth of that person as disclosed by him to the insurer.

[^{F36}(2) “Authorised insurer” means an insurer who is a member of the Motor Insurers Bureau (a company limited by guarantee and incorporated under the Companies Act 1929 on 14th June 1946).

- (3) “Insurer” means—
 - (a) a person who has permission under Part 4 of the Financial Services and Markets Act 2000 to effect or carry out relevant contracts of insurance; or
 - (b) an EEA firm of the kind mentioned in paragraph 5(d) of Schedule 3 to that Act, which has permission under paragraph 15 of that Schedule (as a result of qualifying for authorisation under paragraph 12 of that Schedule) to effect or carry out relevant contracts of insurance.
- (4) A contract is a relevant contract of insurance if the risk insured against relates to—
 - (a) the insured sustaining accidental injury or death as a result of travelling as a passenger;
 - (b) land vehicles;
 - (c) goods in transit; or
 - (d) motor vehicle liability.
- (5) This Article must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any order for the time being in force under that section; and
- (c) Schedule 2 to that Act.]

F36 SI 2001/3649

Granting of licences, their form and duration

Grant of licences

13.—(1) Subject to paragraph (2) and Article 9 and, in the case of licences to drive large goods vehicles or passenger-carrying vehicles, the special provisions of Articles 70 to 79, the Department must grant a licence to a person who—

- (a) makes an application for it in such manner and containing such particulars as the Department may specify, and pays the fee (if any) which is prescribed,
- (b) provides the Department with such evidence or further evidence in support of the application as the Department may require,
- ^{F37}(c) surrenders to the Department—
 - (i) any previous licence and its counterpart granted to him at some time during the period of 10 years ending on the date of receipt of the application by the Department,
[any Great Britain licence held by him together with its Great Britain counterpart and ^{F38}(ia) its counterpart (if any) issued to him under this Part,]
 - (ii) any Community licence and its counterpart (if any) issued to him, and
 - (iii) any British external licence or British Forces licence or exchangeable licence held by him,or provides the Department with an explanation for not surrendering them which the Department considers adequate, and]
- (d) is not in accordance with Article 4(3) subject to a current disqualification which is relevant to the licence he applies for and is not prevented from obtaining it by the provisions of Article 5^{F39} of this Order or^{F40} Article 6 of, or paragraph 6 or 9] of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998].

^{F41}(1A) The Department may under paragraph (1)(a) and (b) in particular require an applicant to provide a photograph which is a current likeness of him.]

^{F38}(1AA) Where a licence under this Part is granted to a person who surrenders under paragraph (ia) of paragraph (1)(c) his Great Britain licence together with the counterparts mentioned in paragraph (ia) to the Department—

- (a) that person ceases to be authorised by virtue of Article 19E to drive in Northern Ireland a motor vehicle of any class, and
- (b) the Department must send the Great Britain licence and its Great Britain counterpart to the licensing authority in Great Britain together with particulars of the class of motor vehicles to which the licence granted under this Part relates.]

(2) If the application for the licence states that it is made for the purpose of enabling the applicant to drive a motor vehicle with a view to passing a test of competence to drive, any licence granted in pursuance of the application shall be a provisional licence for that purpose, and nothing in Article 5 shall apply to such a licence.

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- (3) A provisional licence—
 - (a) shall be granted subject to prescribed conditions;
 - (b) shall, in any cases prescribed for the purposes of this paragraph, be restricted so as to authorise only the driving of vehicles of the classes so prescribed;
 - (c) may, in the case of a person appearing to the Department to be suffering from a relevant disability or a prospective disability, be restricted so as to authorise only the driving of vehicles of a particular construction or design specified in the licence.
 - ^{F42}(d) shall not authorise a person under the age of 21 years, before he has passed a test of competence to drive a motor bicycle,—
 - (i) to drive a motor bicycle without a sidecar unless it is a learner motor bicycle (as defined in paragraph (5)) or its first use (as defined in regulations) occurred before such date as may be prescribed and the cylinder of its engine does not exceed 125 cubic centimetres, or
 - (ii) to drive a motor bicycle with a sidecar unless its power to weight ratio is less than or equal to 0.16 kilowatts per kilogram.]

(4) Regulations may authorise or require the Department to refuse a provisional licence authorising the driving of a motor^{F37} bicycle]^{F41} or moped] of a prescribed class if the applicant had held such a provisional licence and the licence applied for would come into force within the prescribed period—

- (a) beginning at the end of the period for which the previous licence authorised (or would, if not surrendered or revoked, have authorised) the driving of such a motor^{F37} bicycle]^{F41} or moped], or
- (b) beginning at such other time as may be prescribed.

^{F43}(5) A learner motor^{F37} bicycle] is a motor^{F37} bicycle] which either is propelled by electric power or has the following characteristics—

- (a) the cylinder capacity of its engine does not exceed 125 cubic centimetres,
 - [the maximum net power output of its engine does to exceed 11 kilowatts.]

^{F42}(b) [^{F42}(5A) In this Article—

“maximum net power output”, in relation to an engine, means the maximum net power output measured under full engine load, and

“power to weight ratio”, in relation to a motor bicycle with a sidecar, means the ratio of the maximum net power output of the engine of the motor bicycle to the weight of the combination with—

- (a) a full supply of fuel in the tank,
- (b) an adequate supply of other liquids needed for its propulsion, and
- (c) no load other than its normal equipment, including loose tools.]]

(6) ^{F44}.....

F37	SR 1996/426
F38	2003 NI 16
F39	1998 NI 7
F40	2003 NI 16
F41	SR 2002/374

- F42** 1995 NI 18 as am. by SR 1996/426
- F43** 1995 NI 18
- F44** Art. 13(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

Form of licence

14.—^{F45}(1) A licence shall be in the form of a photocard of a description specified by the Department or such other form as it may specify and—

- (a) the licence shall state whether, apart from paragraph (2), it authorises its holder to drive motor vehicles of all classes or of certain classes only and, in the latter case, specify those classes,
- (b) the licence shall specify (in such manner as the Department may determine) the restrictions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 17 and any conditions on the driving of vehicles of any class in pursuance of the licence to which its holder is subject by virtue of Article 9(7A), and
- (c) in the case of a provisional licence, the licence or its counterpart shall specify (in such manner as the Department may determine) the conditions subject to which it is granted.]

(2) Subject to paragraphs (3) to (5), a person who holds a licence which authorises its holder to drive motor vehicles of certain classes only (not being—

- (a) a provisional licence, or
- (b) any other prescribed description of licence);

may drive motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those other classes.

(3) A licence shall not by virtue of paragraph (2) authorise a person to drive

- ^{F46}(a) a vehicle of a class for the driving of which he could not, by reason of Article 17, lawfully hold a licence^{F46} or]
- ^{F46}(b) unless^{F47} he has passed a test of competence to drive a motor bicycle] which, by virtue of Article 13(3)(d), a provisional licence would not authorise him to drive before he had passed that test^{F47}. . .]

(4) In such cases or as respects such classes of vehicles as the Department may prescribe, the provisions of paragraphs (2) and (3) shall not apply or shall apply subject to such limitations as it may prescribe.

(5) Paragraph (2) does not authorise a person on whom a notice under Article 9(5)(b) has been served to drive motor vehicles otherwise than in accordance with the limits specified in the notice.

(6) ^{F48}

- F45** SR 2002/374
- F46** 1995 NI 18
- F47** 1995 NI 18 as am. by SR 1997/241
- F48** Art. 14(6) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

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Duration of licences

15.—(1) In so far as a licence authorises its holder to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, it shall, unless revoked or surrendered and subject to paragraph (3), remain in force—

- (a) for a period of 10 years;
- (b) where the applicant is aged over 60 years, for a period ending on the seventieth anniversary of the applicant's birth or for a period of 3 years, whichever is the longer; or
- (c) if the Department so determines in the case of a licence granted to a person appearing to be suffering from a relevant or prospective disability for a period of not more than 3 years and not less than one year as the Department may determine;

and any such period shall begin with the date on which the licence is expressed to come into force.

(2) In so far as a licence authorises its holder to drive any prescribed class of goods vehicle or passenger-carrying vehicle, it shall, unless previously revoked, suspended or surrendered, remain in force—

- (a) except in a case falling within any of the following sub-paragraphs, for a period of 10 years or for a period ending on the forty-fifth anniversary of the applicant's date of birth, whichever is the shorter,
- (b) except in a case falling within sub-paragraph (d) or (e)—
 - (i) where the applicant's age at the date on which the licence is to come into force will exceed 40 but not 45 years, for a period of 5 years, or
 - (ii) where the applicant's age at the date on which the licence is to come into force will exceed 45 but not 65 years, for the period ending on the sixty-sixth anniversary of the applicant's date of birth or for a period of 5 years, whichever is the shorter,
- (c) except in a case falling within sub-paragraph (e), where the applicant's age at that date will exceed 65 years, for a period of one year,
- (d) except in a case falling within sub-paragraph (c) or (e), if the Department so determines in the case of a licence to be granted to a person appearing to it to be suffering from a relevant or prospective disability, for such period of not more than 3 years and not less than one year as the Department may determine, and
- (e) in the case of a licence granted in exchange for a subsisting licence and in pursuance of an application requesting a licence for the period authorised by this sub-paragraph, for a period equal to the remainder of that for which the subsisting licence was granted,

and any such period shall begin with the date on which the licence in question is expressed to come into force.

(3) Where a person, having been granted a provisional licence, is granted a full licence, the full licence shall, unless revoked or surrendered, remain in force for the unexpired period of the provisional licence.

(4) To the extent that a provisional licence authorises the driving of a motor^[F49 bicycle]^[F50 or moped] of a prescribed class it shall, unless previously surrendered or revoked, remain in force—

- (a) for such period as may be prescribed, or
- (b) if the licence is granted to the holder of a previous licence which was surrendered, revoked or treated as being revoked—
 - (i) for the remainder of the period for which the previous licence would have authorised the driving of such a motor^[F49 bicycle]^[F50 or moped], or
 - (ii) in such circumstances as may be prescribed, for a period equal to that remainder at the time of surrender or revocation.

(5) Where it appears to the Department—

- (a) that a licence granted by it to any person was granted in error or with an error or omission in the particulars specified in the licence, or
- (b) that the counterpart of a licence granted by it to any person is required to be endorsed in pursuance of any statutory provision or was issued with an error or omission in the particulars specified in the counterpart or required to be endorsed on it, or
- (c) that the particulars specified in a licence granted by the Department to any person or in its counterpart do not comply with any requirement imposed since the licence was granted by any provision made by or having effect under any enactment,

the Department may serve notice in writing on that person revoking the licence and requiring him to surrender the licence and its counterpart forthwith to the Department and it shall be the duty of that person to comply with the requirement.

[^{F51}(5A) Where—

- (a) the Department is sent under section 97(1AA) of the Road Traffic Act 1988 (c. 52) a licence granted under this Part to a person to drive a motor vehicle of any class, and
- (b) the Department is satisfied that a Great Britain licence to drive a motor vehicle of that or a corresponding class has been granted to that person,

the Department must serve notice in writing on that person revoking the licence granted under this Part.]

(6) Where the name or address of the licence holder as specified in a licence ceases to be correct, its holder must forthwith surrender the licence and its counterpart to the Department^{F50}

(7) A person who without reasonable excuse fails to comply with the duty under paragraph (5) or (6) is guilty of an offence under this Order.

[^{F52}(7A) Where a person who has a duty under this Article to surrender his licence and its counterpart is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order he does not fail to comply with that duty if he surrenders the licence and its counterpart to the Department immediately on their return.]

[^{F50}(8) On the surrender of a licence and its counterpart by a person in pursuance of paragraph (5) or (6), the Department must (subject to the following provisions of this Article) grant a new licence to that person and any licence granted under this paragraph shall be granted free of charge.

(8A) Where the surrendered licence was revoked—

- (a) because it was granted in error or in consequence of an error or omission appearing to the Department to be attributable to the fault of the licence holder; or
- (b) in consequence of a current disqualification,

paragraph (8) shall not apply but the Department may, if the person is not currently disqualified, grant a new licence to that person on payment of the fee (if any) which is prescribed.

(8B) The Department may require a person to provide—

- (a) evidence of his name, address, sex and date and place of birth, and
- (b) a photograph which is a current likeness of him,

before granting a new licence to him under paragraph (8) or (8A).

(9) A replacement licence granted pursuant to paragraph (8) or (8A) shall expire on the date on which the surrendered licence would have expired had it not been surrendered except that, where the period for which the surrendered licence was granted was based on an error with respect to the

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licence holder's date of birth such that (if that error had not been made) that licence would have been expressed to expire on a different date, the replacement licence shall expire on that different date.]

F49 SR 1996/426
F50 SR 2002/374
F51 2003 NI 16
F52 1996 NI 10

Community Licence Holders

Authorisation to drive in Northern Ireland

15A.—(1) A Community licence holder may drive, and a person may cause or permit a Community licence holder to drive, in Northern Ireland, a motor vehicle of any class, which—

- (a) he is authorised by his Community licence to drive, and
- (b) he is not disqualified for holding or obtaining a licence under this Part to drive,

notwithstanding that he is not the holder of a licence under this Part.

(2) Paragraphs (3) and (4) apply to a Community licence holder who is normally resident in Northern Ireland.

(3) In a case where the Community licence holder is authorised by his Community licence to drive motor vehicles of classes other than any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such classes of motor vehicle from—

- (a) the date on which he attains the age of 70 years, or
- (b) the expiry of the period of 3 years beginning with the relevant date,

whichever is the later.

(4) In a case where the Community licence holder is authorised by his Community licence to drive any prescribed class of goods vehicle or any prescribed class of passenger-carrying vehicle, he shall cease to be authorised by virtue of paragraph (1) to drive in Northern Ireland any such class of vehicle from—

- [^{F53}(a) except in a case falling within sub-paragraph (b) or (c)—
 - (i) the date on which he attains the age of 45 years, or
 - (ii) the expiry of the period of 5 years beginning with the relevant date, whichever is the later,]
- (b) where his age at the relevant date exceeds 45 but not 65 years—
 - (i) the date on which he attains the age of 66 years, or
 - (ii) the expiry of the period of 5 years beginning with the relevant date,
 whichever is the earlier, and
- (c) where his age at the relevant date exceeds 65 years, the expiry of one year beginning with that date.

(5) A Community licence holder—

- (a) to whom a counterpart of his Community licence is issued under Article 15B, and
- (b) who is authorised by virtue of paragraph (1) to drive in Northern Ireland motor vehicles of certain classes only,

may drive, in Northern Ireland, motor vehicles of all other classes subject to the same conditions as if he were authorised by a provisional licence to drive motor vehicles of those classes.

(6) Paragraphs (3) and (4) of Article 14 shall apply in relation to paragraph (5) as they apply in relation to paragraph (2) of that Article.

(7) For the purposes of this Part and Part V a Community licence shall not be treated as authorising a person to drive a vehicle of any class if it is not for the time being valid for that purpose in the EEA State in respect of which it was issued.

(8) In this Article “relevant date”, in relation to a Community licence holder who is normally resident in Northern Ireland, means—

- (a) in the case where he first became so resident on or before 1st January 1997, that date, and
- (b) in any other case, the date on which he first became so resident.

F53 SR 2002/374

Information about resident Community licence holders

15B.—(1) A Community licence holder who—

- (a) is normally resident in Northern Ireland, and
- (b) is authorised by his Community licence to drive medium-sized or large goods vehicles or passenger-carrying vehicles of any class,

shall, on or before the expiry of the period of twelve months beginning with the relevant date, deliver his Community licence to the Department and provide it with the information specified in, or required under, paragraph (4).

(2) Paragraph (1) shall not apply to a Community licence holder from whom the Department has received a qualifying application (within the meaning of Article 4(2)) for the grant of a licence under this Part.

(3) The Department may issued to any Community licence holder who—

- (a) is normally resident in Northern Ireland, and
- (b) has delivered his Community licence to the Department, and provided it with the information specified in, or required under, paragraph (4), (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Community licence as a “counterpart”) in such form and containing such information as the Department may determine but designed for the endorsement of particulars relating to the Community licence.

(4) The information referred to in paragraphs (1) and (3) is—

- (a) the name and address in Northern Ireland of the Community licence holder;
- (b) his date of birth;
- (c) the classes of vehicle which he is authorised by his Community licence to drive;
- (d) the period of validity of the Community licence in the EEA State in respect of which it was issued;
- (e) whether the licence was granted in exchange for a licence issued by a state other than an EEA State; and
- (f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.

(5) The Department—

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- (a) may endorse a Community licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine with any part of the information specified in, or required under, paragraph (4) or with information providing a means of ascertaining that information or any part of it, and
 - (b) must return the Community licence to the holder.
- (6) Where it appears to the Department that a counterpart of a Community licence—
- (a) is required to be endorsed in pursuance of any enactment or was issued with an error or omission in the information contained in it or in the particulars required to be endorsed on it, or
 - (b) does not comply with any requirement imposed since it was issued by any provision made by, or having effect under, any enactment,

the Department may serve notice in writing on the Community licence holder requiring him to surrender the counterpart immediately to the Department and it shall be the duty of the Community licence holder to comply with any such requirement.

(7) Where the name or address of a Community licence holder as specified in the counterpart of his Community licence issued to him under this Article ceases to be correct, the Community licence holder must surrender the counterpart and, in the case of a change of name, deliver his Community licence, immediately to the Department and provide it with particulars of the alterations falling to be made in the name or address.

(8) On the surrender of a counterpart of a Community licence by any person in pursuance of paragraph (6) or (7), the Department must issue to that person a new counterpart of the Community licence.

(9) On the delivery of a Community licence by any person in pursuance of paragraph (7), the Department may endorse the Community licence with the correct name and must return the Community licence to that person.

(10) Where a Community licence holder has not complied with paragraph (1), the Department may serve notice in writing on the holder requiring him to deliver his Community licence to the Department and to provide it with the information specified in, or required under, paragraph (4) within such period (not being less than 28 days from the date of service of the notice) as is specified in the notice.

(11) A person who drives a motor vehicle on a road is guilty of an offence if he fails without reasonable excuse—

- (a) to comply with a requirement contained in a notice served on him in pursuance of paragraph (10), or
- (b) to comply with a requirement imposed under paragraph (6) or (7).

(12) Where a Community licence holder who is required under paragraph (6) or (7) to surrender the counterpart of his Community licence or to deliver his Community licence is not in possession of it in consequence of the fact that he has surrendered it to a constable on receiving a fixed penalty notice given to him under Article 199, he does not fail to comply with that requirement if he surrenders the counterpart or delivers the Community licence immediately on its return.

(13) Proceedings for an offence by virtue of paragraph (11)(a) shall not be instituted except by the Department or by a constable.

(14) In this Article “relevant date” has the meaning given by Article 15A(8).

Revocation of authorisation conferred by Community licence because of disability or prospective disability

15C.—(1) If the Department is at any time satisfied on inquiry—

(a) that a Community licence holder who is normally resident in Northern Ireland at the time is suffering from a relevant disability, and

(b) that the Department would be required by virtue of Article 9(3) to refuse an application made by him at that time for a licence authorising him to drive a vehicle of the class in respect of which his Community licence was issued or a class corresponding to that class,

the Department may serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Department.

(2) If the Department is at any time satisfied on inquiry that a Community licence holder who is normally resident in Northern Ireland at that time is suffering from a prospective disability, the Department may—

- (a) serve notice in writing requiring the Community licence holder to deliver the Community licence and its counterpart (if any) immediately to the Department, and
- (b) on receipt of the Community licence and its counterpart (if any) grant to the Community licence holder, free of charge, a licence for a period determined by the Department under Article 15(1)(c).

(3) Where, in relation to a Community licence holder who is normally resident in Northern Ireland, the Department is at any time under a duty to serve notice on him in pursuance of Article 9(5), the Department may include in that notice a requirement that the Community licence holder deliver the Community licence and its counterpart (if any) immediately to the Department.

(4) A person who—

- (a) is required under any of paragraphs (1) to (3) to deliver his Community licence and its counterpart (if any) to the Department, but
- (b) without reasonable excuse, fails to do so,

is guilty of an offence.

(5) Where a Community licence holder to whom a counterpart of his Community licence is issued under Article 15B—

- (a) is required under any of paragraphs (1) to (3) to deliver his Community licence and its counterpart (if any) to the Department, and
- (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable on receiving a fixed penalty notice given to him under Article 199,

he does not fail to comply with any such requirement if he delivers the Community licence and its counterpart to the Department immediately on their return.

(6) Where a Community licence holder is served with a notice in pursuance of any paragraphs (1) to (3), he shall cease to be authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.

Information relating to disabilities etc.

15D. Article 11 shall apply to a Community licence holder who is normally resident in Northern Ireland as if—

- (a) in paragraph (1), for the words from the beginning to aware there were substituted “If a Community licence holder who is authorised by virtue Article 15A(1) to drive in Northern Ireland a motor vehicle of any class, is aware immediately before the relevant date (as defined by Article 15A(8)), or becomes aware on or after that date”,
- (b) for paragraph [^{F54}(3B)] there were substituted—

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[^{F54}(3B)] A person who is authorised by virtue of Article 15A(1) to drive in Northern Ireland a motor vehicle of any class and who drives on a road a motor vehicle of that class is guilty of an offence if at any earlier time while he was so authorised he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.”

- (c) in paragraph (4), the words “an applicant for, or”, in each place where they occur, were omitted,
- (d) in paragraph (5), the words “applicant or”, and the words from the beginning of subparagraph (c) to “provisional licence” were omitted,
- (e) in paragraph (6)(b), the words “applicant or” in each place where they occur, were omitted,
- (f) in paragraph (7), the words “applicant or”, where they occur, were omitted, and
- (g) in paragraph (8)—
 - (i) for “10” there were substituted “15C”, and
 - (ii) the words “applicant or”, in each place where they occur, were omitted.

F54 Word in [art. 15D\(b\)](#) substituted (15.11.2007) by [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), [arts. 1\(3\), 86\(1\)](#), [Sch. 7 para. 2](#); [S.R. 2007/454](#), [art. 2](#), [Sch.](#)

Return of Community licences delivered to Department

15E.—(1) This Article applies where a Community licence is delivered to the Department in pursuance of Article 15C or 73A.

(2) Subject to paragraph (3), the Department must, on or after the expiry of the relevant period, forward the Community licence to the licensing authority in the EEA state in respect of which it was issued and explain to them its reasons for so doing.

(3) Where the Department is satisfied that the Community licence holder has ceased to be normally resident in Northern Ireland before the expiry of the relevant period, the Department must return the Community licence to the holder.

(4) In this Article “relevant period” means—

- (a) in a case where the Community licence holder appeals under Article 16 or 76 against the requirement to surrender his Community licence, the period ending on the date on which the appeal is finally determined or abandoned, and
- (b) in any other case, the period of seven months beginning with the date on which the Department received the Community licence.

Appeals

Appeals relating to licences

16.—(1) A person who is aggrieved by the Department's—

- (a) refusal to grant or revocation of a licence in pursuance of Article 9 or 10,
- (b) determination under Article 15(1)(c) to grant a licence for three years or less, or
- (c) revocation of a licence in pursuance of Article 15(5)[^{F55} or (5A)],

or by a notice served on him in pursuance of Article 9(5)[^{F56} 15C or 19G] may, after giving to the Department notice of his intention to do so, appeal to a court of summary jurisdiction acting for the petty sessions district in which he resides.

(2) On any such appeal the court may make such order as it thinks fit and the order shall be binding on the Department.

(3) It is hereby declared that, without prejudice to Article 7, in any proceedings under this Article the court is not entitled to entertain any question as to whether the appellant passed a test of competence to drive if he was declared by the person who conducted it to have failed it.

F55 2003 NI 16

F56 2003 NI 16

Disqualification (otherwise than on conviction)

Disqualification of persons under age

17.—^{F57}(1) A person shall be disqualified for holding or obtaining a licence to drive a motor vehicle of a class specified in the following Table if he is under the age specified in relation to it in the second column of that Table.

[^{F58}TABLE]

[^{F58} Class of motor vehicle]	[^{F58} Age (in years)]
[^{F58} 1. Invalid carriage]	[^{F58} 16]
[^{F58} 2. Moped]	[^{F58} 16]
[^{F58} 3. Motor bicycle]	[^{F58} 17]
[^{F58} 4. Agricultural or forestry tractor]	[^{F58} 17]
[^{F58} 5. Small vehicle]	[^{F58} 17]
[^{F58} 6. Medium-sized goods vehicle]	[^{F58} 18]
[^{F58} 7. Other motor vehicle]	[^{F58} 21]

(2) The Department may by regulations provide that paragraph (1) shall have effect as if for the classes of vehicles and the ages specified in the Table thereto there was substituted different classes of vehicles and ages or different classes of vehicles or different ages.

(3) Subject to paragraph (4), the regulations may—

- (a) apply to persons of a class specified in or under the regulations;
- (b) apply in circumstances so specified;
- (c) impose conditions or create exemptions or provide for the imposition of conditions or the creation of exemptions;
- (d) contain such transitional and supplemental provisions (including provisions amending Article 19D or 78) as the Department considers necessary or expedient.

(4) For the purpose of defining the class of persons to whom, the class of vehicles to which, the circumstances in which or the conditions subject to which regulations under paragraph (2) are to apply where an approved training scheme for drivers is in force, it shall be sufficient for the regulations to refer to a document which embodies the terms (or any of the terms) of the scheme or to a document which is in force in pursuance of the scheme.

(5) In paragraph (4)—

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“approved” means approved for the time being by the Department for the purpose of the regulations;

“training scheme for drivers” means a scheme for training persons to drive vehicles of a class in relation to which the age which is in force under this Article (but apart from any such scheme) is 21 years.

(6) No approved training scheme for drivers shall be amended without the approval of the Department.

F57 mod. by SR 1994/365

F58 SR 1996/426

Disqualification to prevent duplication of licences

18. A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class so long as he is the holder of another licence authorising him to drive a motor vehicle of that class, whether the licence is suspended or not.

[^{F59}(2) A person is also disqualified for holding or obtaining a licence authorising him to drive a motor vehicle of any class so long as he is authorised by virtue of Article 19E(1) to drive a motor vehicle of that or a corresponding class.]

F59 2003 NI 16

[^{F60}Disqualification if disqualified in Great Britain, etc.

F60 2003 NI 16

Disqualification while disqualified in Great Britain, Isle of Man, Channel Islands or Gibraltar

18A.—(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Northern Ireland.

(2) For the purposes of this Article a person is subject to a relevant disqualification imposed outside Northern Ireland if, in respect of any offence—

- (a) a court in Great Britain disqualifies him for holding or obtaining a Great Britain licence,
- (b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or
- (c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.

(3) A certificate signed by the Department which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Northern Ireland shall be evidence of the matter so stated.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.]

Restrictions affecting certain vehicles and drivers

Speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences

19.—^[F61](1) ^[F61]Subject to paragraph (2)] any person who drives on a road, at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed by regulations made by the Department subject to affirmative resolution—

- (a) a motor vehicle on which a distinguishing mark is required to be displayed to indicate that it is being driven by the holder of a provisional licence, or
- (b) a motor vehicle displaying such a distinguishing mark, whether or not that distinguishing mark is required to be displayed,

shall be guilty of an offence under this Order.

^[F61](2) Paragraph (1) does not apply to a person who drives on a motorway a motor vehicle of such a class as may be prescribed by regulations.]

F61 1998 NI 7

^[F62]Restrictions on newly qualified drivers

19A.—(1) This Article applies to any person who becomes a qualified driver of a motor vehicle of such a class as may be prescribed by passing a test of competence prescribed by virtue of Article 5(3).

(2) After passing that test a person to whom this Article applies shall, for a period of 12 months or such lesser period as may be prescribed (the period of restriction), be subject to the specified restrictions.

(3) The specified restrictions shall apply to such a person while he is driving on a road a motor vehicle of such a class as may be prescribed, in respect of which he was not, immediately before he passed that test, entitled to hold or obtain a full licence.

(4) In determining the expiration of the period of restriction, any time during which a person is disqualified for holding or obtaining a licence, or holds a provisional licence only, shall be disregarded.

(5) The specified restrictions are—

- (a) a requirement that a distinguishing mark of such a nature as may be prescribed shall be displayed in such manner as may be prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the specified restrictions when driving that vehicle;
- (b) a prohibition on driving on any road at a speed exceeding 45 miles per hour, or such other speed as may be prescribed, any motor vehicle on which the distinguishing mark referred to in sub-paragraph (a) is required to be displayed.

(6) Any person who contravenes any of the specified restrictions shall be guilty of an offence under this Order.

(7) Where the Department grants or returns a licence to any person who, while driving a motor vehicle of any class specified in the licence, will for any period during the currency of the licence be subject to the specified restrictions, the Department shall enter on or affix to the counterpart of the licence a notice or other indication to show—

- (a) the period of restriction;

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- (b) the class of vehicles affected by the specified restrictions; and
 - (c) that the holder is subject for that period to the specified restrictions while driving vehicles of that class.
- (8) This Article does not apply—
- (a) to a person who is required to pass a test of competence by virtue of—
 - (i) an order under Article 41 of the Offenders Order, or
 - (ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998;
 - (b) to such extent and in such circumstances as may be prescribed, to a person holding a licence by reason of a test passed by him at a time when he held a licence or permit which, by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952, entitled him to drive motor vehicles in Northern Ireland; or
 - (c) to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or in such circumstances as may be prescribed.
- (9) In this Article—
- (a) “period of restriction” has the meaning given in paragraph (2);
 - (b) “the specified restrictions” means the restrictions specified in paragraph (5).

F62 1998 NI 7

Speed limit on certain vehicles displaying distinguishing mark referred to in Article 19A(3)

(a)

19B. Any person who drives on a road at a speed exceeding 45 miles per hour, or, as the case may be, such other speed as may be prescribed under Article 19A, a motor vehicle displaying such a distinguishing mark as is referred to in^{F63} paragraph (5)(a)] of that Article shall, where he is not subject to the^{F63} specified] restrictions within the meaning of that Article while driving that vehicle, be guilty of an offence under this Order.]

F62 1998 NI 7

F63 1998 NI 7

Miscellaneous

Regulations

19C.—^{F64}(1) The Department may make regulations for any purpose for which regulations may be made under the provisions of this Part and the relevant provisions of the Offenders Order and for prescribing anything which may be prescribed under any of those provisions, and otherwise for the purpose of carrying any of those provisions into effect.]

^{F64}(1A)] ^{F64}In particular, but without prejudice to the generality of paragraph (1), the regulations may make provision with respect to —]

- ^{F65}(a) licences under this Part^{F66} Great Britain licences,], Community licences and counterparts of such licences,
- (b) making any particulars with respect to any persons—
 - (i) who are disqualified,

- (ii) whose licences are suspended, or
- (iii) whose counterparts of licences under this Part^{F66}, of Great Britain licences] or of Community licences (as the case may be) are endorsed, available for use by the Royal Ulster Constabulary,]
- (c) preventing a person holding more than one licence,
- (d) facilitating identification of holders of licences,
- (e) providing for the issue, on payment of such fee^{F67}, and compliance with such requirements,] as may be prescribed, of^{F67} . . . licences and counterparts of licences in the place of licences or counterparts of licences lost or defaced,
- ^{F65}(ea) providing for the issue^{F68} on payment of such fee as may be prescribed] of new counterparts^{F66} of Great Britain licences or] of Community licences in the place of counterparts^{F66} of Great Britain licences or (as the case may be)] of Community licences that are lost or defaced,]
- ^{F69}(eb) providing for the issue, on payment of such fee, and compliance with such conditions, as may be prescribed, of confirmation in writing of a person's entitlement to drive,]
- (f) the correspondence^{F64} . . . of one class of motor vehicle with another class of motor vehicle or of one test of competence to drive with another (whatever the law under which the classification is made or the test conducted),
- (g) the effect of a change in the classification of motor vehicles^{F64} . . . on licences then in force or issued or on the right to or the subsequent granting of licences^{F65} or on^{F66} Great Britain licences or] Community licences then in force], and
- (h) enabling a person—
 - (i) whose entitlement to the grant of a licence to drive a class of motor vehicle is preserved by regulations made by virtue of sub-paragraph (g), and
 - (ii) who satisfies such conditions as may be prescribed, to drive (and be employed in driving) that class of motor vehicle while he applies for the licence to be granted to him.
- (2) The regulations may—
 - (a) provide for exemptions from any provision of the regulations, and
 - (b) contain such incidental and supplemental provisions as the Department considers expedient for the purposes of the regulations,

and nothing in the other provisions of this Part shall be construed as prejudicing the generality of the preceding provisions of this paragraph or section 17 of the Interpretation Act (Northern Ireland) 1954.

(3) ^{F70}

^{F64}(4) In this Article “the relevant provision of the Offenders Order” means the following provisions of that Order: Articles 6, 11, 12, 26 to 28, 29, 33, 35 to 38^{F71} 40 to 53 and 92ZA] .]

F64	1996 NI 10
F65	SR 1996/426
F66	2003 NI 16
F67	SR 2002/374
F68	SR 1997/241

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- F69** Art. 19C(1A)(eb) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), **34**; S.R. 2007/454, **art. 2**, Sch.
- F70** Art. 19C(3) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 79(3)(a), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.
- F71** 2003 NI 16

Interpretation

19D.—(1) In this Part—

[^{F72c}“agricultural or forestry tractor” means a motor vehicle which—

- (a) has two or more axles,
- (b) is constructed for use as a tractor for work off the road in connection with agriculture or forestry, and
- (c) is primarily used as such,]

“the appointed day” means the day appointed under Article 1(2) of the Road Traffic (Amendment) (Northern Ireland) Order 1991 for the coming into operation of Articles 3 to 6 of that Order;

“articulated goods vehicle” means a motor vehicle which is so constructed that a trailer designed to carry goods may by partial superimposition be attached to it in such manner as to cause a substantial part of the weight of the trailer to be borne by the motor vehicle, and “articulated goods vehicle combination” means an articulated goods vehicle with a trailer so attached;

“British external licence” and “British forces licence” have the meanings given by Article 4(10);

“Community licence” means a document issued in respect of [^{F72} an EEA State] other than the United Kingdom by an authority of that or [^{F72} another EEA State] (including the United Kingdom) authorising the holder to drive a motor vehicle, not being—

- (a) a document containing a statement to the effect that that or a previous document was issued in exchange for a document issued in respect of a State other than [^{F72} an EEA State], or
- (b) a document in any of the forms for an international driving permit annexed to the Paris Convention on Motor Traffic of 1926, the Geneva Convention on Road Traffic of 1949 or the Vienna Convention on Road Traffic of 1968; [^{F72} or]
- (c) [^{F72} a document issued for a purpose corresponding to that mentioned in Article 13(2)]

[^{F72c}“counterpart”

- (a) in relation to a licence under this Part, means a document in such form as the Department may determine, issued with the licence, containing such information as it determines and designed for the endorsement of particulars relating to the licence,^{F73} . . .
- (aa) [^{F74} in relation to a Great Britain licence, has the meaning given in Article 19F (except in the definition of Great Britain counterpart), and]
- (b) in relation to a Community licence, has the meaning given by Article 15B,]

“disability” has the meaning given by Article 9(2);

“disqualified” means disqualified for holding or obtaining a licence (or, in cases where the disqualification is limited, a licence to drive motor vehicles of the class to which the disqualification relates);

[^{F72}“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;]

[^{F75}“EEA State exchangeable licence” means a licence—

- (a) issued in respect of an EEA State other than the United Kingdom by an authority of that or another EEA State; and
- (b) issued in exchange for a British external licence or a document which was an exchangeable licence;]

[^{F76}“exchangeable licence” means an EEA State exchangeable licence or a document authorising a person to drive a motor vehicle (not being a document mentioned in subparagraph (b) of the definition of “Community licence”)—

- (a) issued in respect of Gibraltar by an authority of Gibraltar,
- (b) issued in respect of a country or territory which is designated without restriction by an order under paragraph (2)(a) by an authority of that country or territory, or
- (c) issued in respect of a country or territory which is designated by a restricted order under paragraph (2)(b) by an authority of that country or territory, being a document which is a licence of a description specified in that order,

and a licence of a description so specified as to which provision is made as mentioned in paragraph (2B) is only an exchangeable licence to the extent that it authorises its holder to drive vehicles of a class specified in the order;]

“full licence” means a licence other than a provisional licence;

“Great Britain driving licence” or “Great Britain licence” means a licence to drive a motor vehicle granted under the law of Great Britain[^{F74} and “Great Britain counterpart” means the document issued with the Great Britain licence as a counterpart under the law of Great Britain];

[^{F72}“large goods licence” has the meaning given by Article 78;]

“licence” (except where the context otherwise requires) means a licence to drive a motor vehicle granted under this Part^{F72}. . . ;

“maximum gross weight”, in relation to a motor vehicle or trailer, means the weight of the vehicle laden with the heaviest load which it is constructed or adapted to carry;

“maximum train weight”, in relation to an articulated goods vehicle combination, means the weight of the combination laden with the heaviest load which it is constructed or adapted to carry;

[^{F72}“medium-sized goods vehicle” means a motor vehicle—

- (a) which is constructed or adapted to carry or to haul goods,
- (b) which is not adapted to carry more than nine persons inclusive of the driver, and
- (c) the permissible maximum weight of which exceeds 3.5 but not 7.5 tonnes,

and includes a combination of such a motor vehicle and a trailer where the relevant maximum weight of the trailer does not exceed 750 kilograms;

“moped” means a motor vehicle which has fewer than four wheels and—

- (a) in the case of a vehicle the first use of which occurred before 1st September 1978, has a cylinder capacity not exceeding 50 cubic centimetres and is equipped with pedals by means of which the vehicle is capable of being propelled, and

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- (b) in any other case, has a maximum design speed not exceeding 50 kilometres per hour and, if propelled by an internal combustion engine, has a cylinder capacity not exceeding 50 cubic centimetres;

“motor bicycle” means a motor vehicle which—

- (a) has two wheels, and
- (b) has a maximum design speed exceeding^{F77} 45 kilometres per hour] and, if powered by an internal combustion engine, has a cylinder capacity exceeding 50 cubic centimetres, and includes a combination of such a motor vehicle and a side-car;]

[^{F78}“motorway” means a road to which Part III of Roads (Northern Ireland) Order 1993 applies;]

“passenger-carrying vehicle” has the meaning given by Article 78;

“permissible maximum weight”, in relation to a goods vehicle (of whatever description), means—

- (a) in the case of a motor vehicle which neither is an articulated goods vehicle nor is drawing a trailer, the relevant maximum weight of the vehicle,
- (b) in the case of an articulated goods vehicle—
- (i) when drawing only a semi-trailer, the relevant maximum train weight of the articulated goods vehicle combination,
- (ii) when drawing a trailer as well as a semi-trailer, the aggregate of the relevant maximum train weight of the articulated goods vehicle combination and the relevant maximum weight of the trailer,
- (iii) when drawing a trailer but not a semi-trailer, the aggregate of the relevant maximum weight of the articulated goods vehicle and the relevant maximum weight of the trailer,
- (iv) when drawing neither a semi-trailer nor a trailer, the relevant maximum weight of the vehicle,
- (c) in the case of a motor vehicle (not being an articulated goods vehicle) which is drawing a trailer, the aggregate of the relevant maximum weight of the motor vehicle and the relevant maximum weight of the trailer;

“prospective disability” has the meaning given by Article 9(2);

“provisional licence” means a licence granted by virtue of Article 13(2);

“regulations” means regulations made under Article 19C;

“relevant disability” has the meaning given by Article 9(2);

“relevant external law” has the meaning given by Article 4(10);

“relevant maximum weight”, in relation to a motor vehicle or trailer, means—

- (a) in the case of a vehicle which is required by regulations under^{F79} Article 55 of the Order of 1995] to have a maximum gross weight for the vehicle marked on a plate attached to the vehicle, the maximum gross weight marked on such a plate,
- (b) in the case of a vehicle on which a maximum gross weight is marked by the same means as would be required by regulations under^{F79} Article 55 of the Order of 1995] if those regulations applied to the vehicle, the maximum gross weight so marked on the vehicle,
- (c) in the case of a vehicle on which a maximum gross weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the vehicle, that is to say such

weight as is produced by multiplying the unladen weight of the vehicle by the number prescribed by the Department for the class of vehicle into which that vehicle falls;

“relevant maximum train weight”, in relation to an articulated goods vehicle combination, means—

- (a) in the case of an articulated goods vehicle which is required by regulations under^[F79] Article 55 of the Order of 1995] to have a maximum train weight for the combination marked on a plate attached to the vehicle, the maximum train weight marked on the motor vehicle,
- (b) in the case of an articulated goods vehicle on which a maximum train weight is marked by the same means as would be required by regulations under^[F79] Article 55 of the Order of 1995] if those regulations applied to the vehicle, the maximum train weight so marked on the motor vehicle,
- (c) in the case of an articulated goods vehicle on which a maximum train weight is not marked as mentioned in paragraph (a) or (b), the notional maximum gross weight of the combination, that is to say such weight as is produced by multiplying the sum of the unladen weights of the motor vehicle and the semi-trailer by the number prescribed by the Department of the class of articulated goods vehicle combination into which that combination falls;

“semi-trailer”, in relation to an articulated goods vehicle, means a trailer attached to it in the manner described in the definition of articulated goods vehicle;

^[F72]“small vehicle”, means a motor vehicle (other than an invalid carriage, moped or motor bicycle) which—

- (a) is not constructed or adapted to carry more than nine persons inclusive of the driver, and
 - (b) has a maximum gross weight not exceeding 3.5 tonnes,
- and includes a combination of such a motor vehicle and a trailer;]

Definitions rep. by SR 1996/426

“test of competence to drive” means such a test conducted under Article 5.

^[F80](2) The Department may by order designate a country or territory which neither is nor forms part of an EEA State for the purposes of the definition of “exchangeable licences” in paragraph (1)—

- (a) as respects all licences authorising the driving of motor vehicles granted under the law of that country or territory, where the Department is satisfied that satisfactory provision is made by that law for the granting of licences to drive motor vehicles;
- (b) as respects only licences authorising the driving of motor vehicles granted under the law of that country or territory of a description specified in the order, where the Department is satisfied that satisfactory provision is made by that law for the granting of licences of that description.

(2A) An order under paragraph (2)(b) may specify a description of licence by reference to any feature of the licences concerned (including in particular the circumstances in which they are granted, any conditions to which they are subject or the classes of vehicle which they authorise the holders to drive).”.

(2B) An order under paragraph (2)(b) may provide that a licence of a specified description shall only be an exchangeable licence in so far as it authorises its holder to drive vehicles of a class specified in the order.]

(3) In the application of this Part to licences granted before 1st January 1991—

- (a) any reference to a licence and its counterpart shall be construed as a reference to a licence only, and

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- (b) any reference to the counterpart of a licence shall be construed as a reference to the licence itself.

F72	SR 1996/426
F73	2003 NI 16
F74	2003 NI 16
F75	Art. 19D(1): definition of "EEA State exchangeable licence" inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)) , arts.1(3)(4), 35(a) ; S.R. 2007/454, art. 2 , Sch.
F76	Art. 19D(1): definition of "exchangeable licence" substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)) , arts. 1(3)(4), 35(b) ; S.R. 2007/454, art. 2 , Sch.
F77	SR 2002/374
F78	1998 NI 7
F79	1995 NI 18
F80	Art. 19D(2)-(2B) substituted (15.11.2007) for art. 19D(2) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)) , arts.1(3)(4), 35(c) ; S.R. 2007/454, art. 2 , Sch.

Provisions as to Great Britain drivers' licences

19E.—(1) The holder of a Great Britain driving licence may drive, and a person may cause or permit the holder of such a licence to drive, in Northern Ireland^{F81} in accordance with that licence,] a motor vehicle of any class which he is authorised by that licence to drive, and which he is not disqualified from driving under this Part or the special provisions set out in Articles 70 to 79, notwithstanding that he is not the holder of a licence under this Part.

(2) Any driver holding a Great Britain driving licence shall be under the like obligation to produce such a licence and its counterpart as if they had been a licence granted under this Part and the counterpart of such a licence;^{F82} and the provisions—

- (a) of this Order,^{F83} . . .

Sub-para. (b) rep. by 2003 NI 16

as to the production of licences and counterparts of licences granted under this Part shall apply accordingly.]

Paras. (3)-(5) rep. by 2003 NI 16

F81	2003 NI 16
F82	1996 NI 10
F83	2003 NI 16

^{F84}Counterparts issued to Great Britain licence holders

19F.—(1) The Department may issue to any Great Britain licence holder who—

- (a) has delivered his Great Britain licence to the Department, and
 (b) has provided the Department with the information specified in, or required under, paragraph (3) (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Great Britain licence as a counterpart).

(2) The counterpart must—

- (a) be in such form, and
 (b) contain such information,

designed for the endorsement of particulars relating to the Great Britain licence as the Department may determine.

- (3) The information referred to in paragraph (1) is—
- (a) the name and address (whether in Northern Ireland or Great Britain) of the Great Britain licence holder;
 - (b) his date of birth;
 - (c) the classes of vehicle which he is authorised by his Great Britain licence to drive;
 - (d) the period of validity of the licence;
 - (e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and
 - (f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.
- (4) The Department—
- (a) may endorse a Great Britain licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine—
 - (i) with any part of the information specified in, or required under, paragraph (3); or
 - (ii) with information providing a means of ascertaining that information or any part of it; and
 - (b) must return the Great Britain licence to the holder.
- (5) Paragraphs (6) to (9), (11) (with the omission of sub-paragraph (a)) and (12) of Article 15B apply for the purposes of this Article as if the references to a Community licence were references to a Great Britain licence.

F84 2003 NI 16

Revocation of authorisation conferred by Great Britain licence because of disability or prospective disability

- 19G.**—(1) If the Department is at any time satisfied on inquiry—
- (a) that a Great Britain licence holder is suffering from a relevant disability, and
 - (b) that the Department would be required by virtue of Article 9(3) to refuse an application made by the holder at that time for a licence authorising him to drive a vehicle of the class in respect of which his Great Britain licence was issued or a class corresponding to that class,
- the Department may serve notice in writing requiring the licence holder to deliver immediately to the Department his Great Britain licence together with its Great Britain counterpart and its counterpart (if any) issued to him under this Part (the relevant counterparts).
- (2) If the Department is satisfied on inquiry that a Great Britain licence holder is suffering from a prospective disability, the Department may—
- (a) serve notice in writing on the Great Britain licence holder requiring him to deliver immediately to the Department his Great Britain licence together with the relevant counterparts, and
 - (b) on receipt of the Great Britain licence and those counterparts and of an application made for the purposes of this paragraph, grant to the Great Britain licence holder, free of charge, a licence for a period determined by the Department under Article 15(1)(c).
- (3) The Department may require a person to provide—
- (a) evidence of his name, address, sex and date and place of birth, and

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- (b) a photograph which is a current likeness of him,
before granting a licence to him on an application for the purposes of paragraph (2).
- (4) A person who—
- (a) is required under, or by virtue of, this Article to deliver to the Department his Great Britain licence and the relevant counterparts, but
 - (b) without reasonable excuse, fails to do so,
- shall be guilty of an offence under this Order.
- (5) Where a Great Britain licence holder to whom a counterpart is issued under Article 19F—
- (a) is required under, or by virtue of, this Article to deliver his Great Britain licence and that counterpart to the Department, and
 - (b) is not in possession of them in consequence of the fact that he has surrendered them to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order,
- he does not fail to comply with any such requirement if he delivers them to the Department immediately on their return.
- (6) Where a Great Britain licence holder is served with a notice in pursuance of this Article, he shall cease to be authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class from such date as may be specified in the notice, not being earlier than the date of service of the notice.
- (7) Where a Great Britain licence is delivered to the Department in pursuance of this Article, the Department must—
- (a) send the licence and its Great Britain counterpart to the licensing authority in Great Britain, and
 - (b) explain to them its reasons for so doing.

F84 2003 NI 16

Information relating to disabilities, etc.

19H. Article 11 shall apply to a Great Britain licence holder who is normally resident in Northern Ireland as if—

- (a) in paragraph (1), for the words from the beginning to aware there were substituted “ If a Great Britain licence holder who is authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class, is aware immediately before the relevant date, or becomes aware on or after that date ”,
- (b) after that paragraph there were inserted—

“(1A) For the purposes of paragraph (1) relevant date means—

- (a) in the case where the licence holder first became normally resident in Northern Ireland on or before the date on which Article 6 of the Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003 comes into operation, that date; and
- (b) in any other case, the date on which he first became so resident.”
- (c) [^{F85}for paragraph (3B) there were substituted]—

“(3B) A person who—

- (a) is authorised by virtue of Article 19E(1) to drive in Northern Ireland a motor vehicle of any class, and
 - (b) drives on a road a motor vehicle of that class,
- is guilty of an offence if at any earlier time while he was so authorised he was required by paragraph (1) to notify the Department but has failed without reasonable excuse to do so.”,
- (d) in paragraph (4), the words an applicant for, or (in both places) were omitted,
 - (e) in paragraph (5), the words applicant or and the words from the beginning of subparagraph (c) to provisional licence were omitted,
 - (f) in paragraph (6)(b), the words applicant or (in both places) were omitted,
 - (g) in paragraph (7), the words applicant or were omitted, and
 - (h) in subsection (8)—
 - (i) for 10 there were substituted “ 19G ”, and
 - (ii) the words applicant or (in both places) were omitted.

F84 2003 NI 16

F85 Words in art. 19H(c) substituted (15.11.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), Sch. 7 para. 3; S.R. 2007/454, art. 2, Sch.

VALID FROM 06/02/2012

[^{F86} Access to driver licensing information

19I.—(1) The Department may make any information held by it for the purposes of this Part available to—

- (a) constables,
- (b) police support staff,
- (c) members of a police force in Great Britain,
- (d) persons employed by a police authority under section 15(1) of the Police Act 1996 who are under the direction and control of the chief officer of police of the police force maintained by that authority,
- (d) persons employed by a police authority under section 9(1) of the Police (Scotland) Act 1967 who are under the direction and control of the chief constable of the police force maintained for the authority's area,
- (e) persons employed by the British Transport Police Authority under section 27(1) of the Railways and Transport Safety Act 2003 who are under the direction and control of the Chief Constable of the British Transport Police,
- (f) members of the staff of the Serious Organised Crime Agency,
- (g) such other persons as may be prescribed.

(2) In respect of any information made available under paragraph (1) the Department may by regulations—

- (a) determine the purposes for which persons may be given access to the information,
- (b) determine the circumstances in which any of the information to which those persons have been given access may be further disclosed by them.

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(3) In this Article—

“information” means information held in any form;

“a police force in Great Britain” has the same meaning as in section 73(4) of the Police (Northern Ireland) Act 1998 (c. 32).]]

F84 2003 NI 16

F86 Art. 19I inserted (6.2.2012) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts.1(3)(4), 36 (with art. 84) ; S.R. 2011/433, art. 2

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