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STATUTORY INSTRUMENTS

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**1981 No. 154**

**Road Traffic (Northern Ireland) Order 1981**

**PART II**

**GENERAL PROVISIONS RELATING TO  
LICENSING OF DRIVERS OF VEHICLES**

*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—

- [<sup>F1</sup>(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

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(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.

<b>F1</b> SR 2002/374
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### 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;

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- (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—
- (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.

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(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 [F2(3B)] there were substituted—

[F2“(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.

**F2** 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.

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