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*Status: Point in time view as at 18/04/2016.*

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## STATUTORY INSTRUMENTS

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# 1996 No. 1320

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

### PART I

#### INTRODUCTORY

##### Title and commencement

1. This Order may be cited as the Road Traffic Offenders (Northern Ireland) Order 1996 and shall come into operation on such day or days as the head of the Department may by order appoint<sup>F1</sup>.

**F1** partly exercised by SRs. 1997/279;336;372

##### General interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“clerk of petty sessions” shall be construed in accordance with Article 2(4) of the Magistrates' Courts (Northern Ireland) Order 1981;

[<sup>F2</sup>“the Department” means the Department of the Environment;]

“disqualified” means disqualified for holding or obtaining a licence;

“licence” means a licence to drive a motor vehicle granted under Part II of the Order of 1981,<sup>F3</sup> . . .

“offence involving obligatory endorsement” has the meaning given in Article 3;

“offence involving obligatory disqualification” and “offence involving discretionary disqualification” have the meaning given in Article 4;

“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981;

“the Order of 1995” means the Road Traffic (Northern Ireland) Order 1995;

[<sup>F4</sup>“the Order of 2007” means the Road Traffic (Northern Ireland) Order 2007;]

“petty sessions district” has the same meaning as in the Magistrates' Courts (Northern Ireland) Order 1981;

“provisional licence” means a licence granted by virtue of Article 13(2) of the Order of 1981;

“the provisions connected with the licensing of drivers” means Articles 3, 4, 11, 12, 24, 27 to 31, 33, 35 to 38 [<sup>F3</sup> 40 to 53, [<sup>F5</sup> 92ZA to] and 92B,];

“the Road Traffic Orders” means the Order of 1981, the Order of 1995 [<sup>F6</sup> this Order <sup>F7</sup> . . . the Road Traffic Regulation (Northern Ireland) Order 1997] [<sup>F8</sup> <sup>F9</sup> . . . the Order of 2007 [<sup>F10</sup> and the Taxis Act (Northern Ireland) 2008];

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“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954<sup>F3</sup> and “Community licence”, “counterpart”<sup>F5</sup> [EEA State and Great Britain licence] have the same meanings as in Part II of the Order of 1981.]

(3) Except where it is otherwise provided or the context so requires, any expression for whose interpretation provision is made by Part I of the Order of 1995 is to be construed in accordance with that provision.

(4) In this Order—

- (a) any reference to a licence and its counterpart shall, in relation to licences granted before 1st January 1991, be construed as a reference to a licence only, and
- (b) any reference to the counterpart of a licence shall, in relation to such licences, be construed as a reference to the licence itself.

(5) Subject to any express exception, references in this Order to any Part of this Order include a reference to any Schedule to this Order so far as relating to that Part.

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| <b>F2</b>  | Art. 2(2): definition of "the Department" inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), <b>Sch. 7 para. 15(a)</b> ; S.R. 2007/454, <b>art. 2</b> , Sch. SR 1997/241                   |
| <b>F3</b>  | SR 1997/241   |
| <b>F4</b>  | Art. 2(2): definition of "the Order of 2007" inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), <b>Sch. 7 para. 15(b)</b> ; S.R. 2007/302, <b>art. 2</b> , Sch. 2003 NI 16                  |
| <b>F5</b>  | 2003 NI 16  |
| <b>F6</b>  | 1997 NI 2   |
| <b>F7</b>  | Word in art. 2(2) in definition of "the Road Traffic Orders" omitted (27.6.2007) by virtue of Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), <b>Sch. 7 para. 15(c)(i)</b> ; S.R. 2007/302, <b>art. 2</b> , Sch. |
| <b>F8</b>  | Words in art. 2(2) in definition of "the Road Traffic Orders" inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), <b>Sch. 7 para. 15(c)(ii)</b> ; S.R. 2007/302, <b>art. 2</b> , Sch.        |
| <b>F9</b>  | Art. 2(2): word in the definition of "the Road Traffic Orders" omitted (23.11.2009) by virtue of Taxis Act (Northern Ireland) 2008 (c.4), ss. 58(1), 59, <b>Sch. 2 para. 11(a)</b> ; S.R. 2009/352, <b>art. 2</b> , Sch.                                  |
| <b>F10</b> | Art. 2(2): words in the definition of "the Road Traffic Orders" added (23.11.2009) by Taxis Act (Northern Ireland) 2008 (c.4), ss. 58(1), 59, <b>Sch. 2 para. 11(b)</b> ; S.R. 2009/352, <b>art. 2</b> , Sch.   |

### Meaning of “offence involving obligatory endorsement”

3. For the purposes of this Order, an offence involves obligatory endorsement if it is an offence under a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or an offence specified in column 1 of Part II of that Schedule and either—

- (a) the word “obligatory” (without qualification) appears in column 6 (in the case of Part I) or column 3 (in the case of Part II) against the offence, or
- (b) that word appears there qualified by conditions relating to the offence which are satisfied.

### Meaning of “offence involving obligatory disqualification” and “offence involving discretionary disqualification”

4.—(1) For the purposes of this Order, an offence involves obligatory disqualification if it is an offence under a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or an offence specified in column 1 of Part II of that Schedule and either—

- (a) the word “obligatory” (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

(2) For the purposes of this Order, an offence involves discretionary disqualification if it is an offence under a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or an offence specified in column 1 of Part II of that Schedule and either—

(a) the word “discretionary” (without qualification) appears in column 5 (in the case of Part I) or column 2 (in the case of Part II) against the offence, or

(b) that word appears there qualified by conditions or circumstances relating to the offence which are satisfied or obtain.

### [<sup>F11</sup>Meaning of “driving record”

**4A.**—(1) In this Order “driving record”, in relation to a person, means a record in relation to the person maintained by the Department and designed to be endorsed with particulars relating to—

- (a) offences under the Road Traffic Orders;
- (b) an offence under Article 20 of the Roads (Northern Ireland) Order 1993; and
- (c) the offence of manslaughter by the driver of a motor vehicle

committed by the person.

(2) The Department may make arrangements for the following persons to have access, by such means as the Department may determine, to information held on a person's driving record—

- (a) courts;
- (b) constables;
- (c) fixed penalty clerks;
- (d) examiners appointed under Article 74 of the Order of 1995;
- (e) the person in respect of whom the record is maintained and persons authorised by him; and
- (f) such other persons as may be prescribed by regulations made by the Department subject to negative resolution.]

**F11** Art. 4A inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 38; S.R. 2010/370, art. 2(2), Sch. Pt. II

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