
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART II

TRIAL

Trial

Mode of trial

13. An offence against a provision of the Road Traffic Orders specified in column 1 of Part I of Schedule 1 or against regulations made under such a provision (the general nature of which offence is indicated in column 2) shall be punishable as shown against the offence in column 3 (that is, on summary conviction or on indictment or in either one way or the other).

Evidence by certificate as to driver, user or owner

14.—(1) In any proceedings for an offence under the Road Traffic Orders or any other statutory provision for the time being in force relating to the use of vehicles on roads, a certificate purporting to be signed by a member of the Royal Ulster Constabulary or a traffic warden and certifying that a person specified in the certificate stated to that member of the Royal Ulster Constabulary or to that traffic warden, as the case may be—

- (a) that a particular mechanically propelled vehicle was being driven or used by, or was in the charge of, or belonged to, that person on a particular occasion; or
- (b) that a particular mechanically propelled vehicle on a particular occasion was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement a partner or an employee; or
- (c) that a particular mechanically propelled vehicle on a particular occasion was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used, or in whose charge it was, or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in paragraph (1) makes a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in paragraph (1) makes a certificate admissible as evidence in proceedings for an offence—

- (a) unless a copy of the certificate has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; or
- (b) if that person, not later than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the complainant or his solicitor requiring the attendance at the trial of the person who signed the certificate.

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Modifications etc. (not altering text)

- C1** Art. 14 power to apply conferred (23.4.2012) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 13, **Sch. 1 para. 8**; S.R. 2012/16, **art. 2**, Sch.
- C2** Art. 14 power to apply conferred by S.I. 1981/154 (N.I. 1), Sch. 2A para. 7 (as inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 25(3), **Sch. 3**)
- C3** Art. 14 applied (23.4.2012) by Road Traffic (Immobilisation, Removal and Disposal of Vehicles) Regulations (Northern Ireland) 2012 (S.R. 2012/ 19), {reg. 21(c)}

Proof, in summary proceedings, of identity of driver of vehicle

15. Where in the summary trial for an offence to which Article 177 of the Order of 1981 (identification of drivers, etc. of vehicles) applies—

- (a) it is proved to the satisfaction of the court, on oath or in the manner prescribed by magistrates' courts rules, that a requirement under Article 177 of that Order^[F1] or Article 14(8) of the Road Traffic Regulation (Northern Ireland) Order 1997] to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the complaint relates has been served on the accused; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

F1 1997 NI 2

Modifications etc. (not altering text)

- C4** By Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 13, **Sch. 1 para. 8** it is provided that in art. 15(1) there is power to apply conferred (23.4.2012); S.R. 2012/16, **art. 2**, Sch.
- C5** By S.I. 1981/154 (N.I. 1), Sch. 2A para. 7 (as inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 25(3), **Sch. 3**) it is provided that in art. 15(1) there is power to apply conferred.
- C6** Art. 15 applied (23.4.2012) by Road Traffic (Immobilisation, Removal and Disposal of Vehicles) Regulations (Northern Ireland) 2012 (S.R. 2012/ 19), {reg. 21(d)}

Admissibility of records as evidence

16.—(1) This Article applies to a statement contained in a document purporting to be—

- (a) a part of the records maintained by the Department in connection with any functions exercisable by the Department by virtue of the Road Traffic Orders or a part of any other records maintained by the Department with respect to vehicles; or
- (b) a copy of a document forming part of those records; or
- (c) a note of any information contained in those records;

and to be authenticated by a person authorised in that behalf by the Department.

(2) A statement to which this Article applies shall be admissible in any proceedings as evidence of any fact stated therein to the same extent as oral evidence of that fact is admissible in those proceedings.

[^{F2}(3) In paragraphs (1) and (2)—

“document” means anything in which information any description is recorded;

“copy”, in relation to a document, means anything onto which information recorded in the document has been copied, by what ever means and whether directly or indirectly; and

“statement” means any representation of fact, however made.]

(4) In any case where—

(a) a statement to which this Article applies is produced to a court of summary jurisdiction in any proceedings for an offence involving obligatory or discretionary disqualification,

(b) the statement specifies an alleged previous conviction of an accused person of any such offence or any order made on the conviction,

(c) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by magistrates' courts rules, that not less than 7 days before the statement is so produced a notice was served on the accused, in such form and manner as may be so prescribed, specifying the previous conviction or order and stating that it is proposed to bring it to the notice of the court in the event of or, as the case may be, in view of his conviction, and

(d) the accused is not present in person before the court when the statement is so produced,

the court may take account of the previous conviction or order as if the accused had appeared and admitted it.

(5) Nothing in this Article shall enable evidence to be given with respect to any matter other than a matter of a description prescribed by magistrates' courts rules.

F2 1997 NI 21

Use of records kept by operators of goods vehicles

17. In any proceedings for an offence under Article 54 of the Order of 1995 or for a contravention of construction and use (I requirements (within the meaning of Part III of that Order) or regulations under Article 82 of that Order, any record purporting to be made and authenticated in accordance with regulations under that Article shall be evidence of the matters stated in the record and of its due authentication.

Use of specimens in proceedings for an offence under Articles 14 to 16 of the Order of 1995

18.—(1) This Article and Article 19 apply in respect of proceedings for an offence under Articles 14 to 16 of the Order of 1995 (driving offences connected with drink or drugs); and expressions used in this Article and Article 19 have the same meaning as in Articles 14 to 21 of that Order.

(2) Evidence of the proportion of alcohol or any drug in a specimen of breath, blood or urine provided by^[F3] or taken from] the accused shall, in all cases (including cases where the specimen was not provided^[F3] or taken] in connection with the alleged offence) be taken into account; and, subject to paragraph (3), it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen.

(3) That assumption shall not be made if the accused proves—

(a) that he consumed alcohol before he provided the specimen^[F3] or had it taken from him] and—

(i) in relation to an offence under Article 14, after the time of the alleged offence, and

(ii) otherwise, after he had ceased to drive, attempt to drive or be in charge of a vehicle on a road or other public place, and

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- (b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if it is alleged that he was unfit to drive through drink, would not have been such as to impair his ability to drive properly.
- (4) A specimen of blood shall be disregarded^[F3] unless—
- ^[F3](a) it was taken from the accused with his consent and either—
- (i) in a police station by a medical practitioner or a registered health care professional; or
 - (ii) elsewhere by a medical practitioner; or
- (b) it was taken from the accused by a medical practitioner under Article 18A of the Order of 1995 and the accused subsequently gave his permission for a laboratory test of the specimen.]
- (5) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be provided with such a specimen, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—
- (a) the specimen in which the alcohol or drug was found is one of 2 parts into which the specimen provided by the accused was divided at the time it was provided, and
 - (b) the other part was supplied to the accused.
- ^[F3](6) Where a specimen of blood was taken from the accused under Article 18A of the Order of 1995, evidence of the proportion of alcohol or any drug found in the specimen is not admissible on behalf of the prosecution unless—
- (a) the specimen in which the alcohol or drug was found is one of two parts into which the specimen taken from the accused was divided at the time it was taken; and
 - (b) any request to be supplied with the other part which was made by the accused at the time when he gave his permission for a laboratory test of the specimen was complied with.]

F3 2005 NI 15

Documentary evidence as to specimens in such proceedings

19.—(1) Evidence of the proportion of alcohol or a drug in a specimen of breath, blood or urine may, subject to paragraphs (3) and (4) and to Article 18(5)^[F4] and (5A)], be given by the production of a document or documents purporting to be whichever of the following is appropriate, that is to say—

- (a) a statement automatically produced by the device by which the proportion of alcohol in a specimen of breath was measured and a certificate signed by a constable (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement, and
- (b) a certificate signed by an authorised analyst as to the proportion of alcohol or any drug found in a specimen of blood or urine identified in the certificate.

(2) Subject to paragraphs (3) and (4); evidence that a specimen of blood was taken from the accused with his consent by a medical practitioner^[F4] or a registered health care professional] may be given by the production of a document purporting to certify that fact and to be signed by that medical practitioner^[F4] or a registered health care professional].

(3) Subject to paragraph (4)—

- (a) a document purporting to be such a statement or such a certificate (or both such a statement and such a certificate) as is mentioned in paragraph (1)(a) is admissible in evidence on behalf of the prosecution in pursuance of this Article only if a copy of it either has been

handed to the accused when the document was produced or has been served on him not later than 7 days before the hearing, and

(b) any other document is so admissible only if a copy of it has been served on the accused not later than 7 days before the hearing.

(4) A document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than 3 days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the complainant or his solicitor requiring the attendance at the hearing of the person by whom the document purports to be signed.

(5) A copy of a certificate required by this Article to be served on the accused or a notice required by this Article to be served on the complainant or his solicitor may be served personally or sent by registered post or recorded delivery service.

(6) In this Article “authorised analyst” means—

(a) any person possessing the qualifications prescribed under Article 36 of the Food (Northern Ireland) Order 1989 as qualifying persons for appointment as public analysts; and

(b) any other person authorised by the Department to make analyses for the purposes of this Article;

and a certificate signed by an authorised analyst for the purposes of paragraph (1)(b) shall also be evidence of his qualification as such.

F4 2005 NI 15

Provisions as to proceedings for certain offences in connection with the construction and use of vehicles and equipment

20.—(1) If in any proceedings for an offence under Article 54,56, 57 or 58 of the Order of 1995 (using vehicle in dangerous condition or contravention of construction and use regulations)—

(a) any question arises as to a weight of any description specified in the plating certificate for a goods vehicle; and

(b) a weight of that description is marked on the vehicle,

it shall be assumed, unless the contrary is proved, that the weight marked on the vehicle is the weight so specified.

(2) If, in any proceedings for an offence—

(a) under Part III of the Order of 1995, except Articles 63 and 83, or

(b) under Article 174 of the Order of 1981;

any question arises as to the date of manufacture of a vehicle, a date purporting to be such a date and marked on the vehicle in pursuance of regulations under Part III of the Order of 1995 shall be evidence that the vehicle was manufactured on the date so marked.

(3) If in any proceedings for the offence of driving a vehicle on a road, or causing or permitting a vehicle to be so driven, in contravention of a prohibition under Article 79(2) of the Order of 1995 any question arises whether a weight of any description has been reduced to a limit imposed by construction and use requirements, or so that it has ceased to be excessive the burden of proof shall lie on the accused.

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Evidence of declaration for obtaining licence

21. In any proceedings the fact that a licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified for holding or obtaining the licence.

Evidence by certificate as to registration of driving instructors and licences to give instruction

- 22.—**(1) A certificate signed by or on behalf of the Department and stating that, on any date—
- (a) a person's name was, or was not, on the register of approved driving instructors;
 - (b) the entry of a person's name was made in that register or a person's name was removed from that register;
 - (c) a person was, or was not, the holder of a current licence under Article 135 of the Order of 1981 (licences to give driving instruction for payment); or
 - (d) a licence under Article 135 of that Order granted to a person came into force or ceased to be in force;

shall be evidence of the facts stated in the certificate in pursuance of this Article.

(2) A certificate so stating and purporting to be signed by or on behalf of the Department shall be deemed to be so signed unless the contrary is proved.

- (3) In this Article—
- (a) “current licence” has the meaning given in Article 133(5) of the Order of 1981; and
 - (b) “register of approved driving instructors” means the register maintained by the Department under Article 132 of that Order.

Speeding offences etc: admissibility of certain evidence

23^{F5}.—^{F6}(1) Evidence of a fact relevant to proceedings for an offence to which this Article applies may be given by the production of—

- (a) a record produced by a prescribed device, and
- (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised by or on behalf of the Chief Constable;

but subject to the following provisions of this Article.

(2) This Article applies to—

- [^{F7}(az) an offence under Article 7 of the Road Traffic Regulation (Northern Ireland) Order 1997 consisting in the contravention of a temporary speed restriction under paragraph (3)(b) of that Article;]
- (a) an offence under [^{F8} Article 43 of the Road Traffic Regulation (Northern Ireland) Order 1997 (contravening speed limit)];
 - (c) an offence under Article [^{F8} 50] of the Order of 1995 consisting in the failure to comply with an indication given in a light signal that vehicular traffic may not proceed;
 - (d) an offence under paragraph (4) of Article 20 of the Roads (Northern Ireland) Order 1993 consisting in the contravention of a restriction on the speed of vehicles imposed under that Article.

[^{F9}(e) an offence under paragraph (4) of Article 20 of the Roads (Northern Ireland) Order 1993 consisting in the contravention of any regulations under that Article relating to the use of the hard shoulder of a motorway.]

[^{F10}(f) an offence under section 29(1) of the Vehicle Excise and Registration Act 1994 (using or keeping an unlicensed vehicle on a public road).]

(3) The Department may by order amend paragraph (2) by making additions to or deletions from the list of offences for the time being set out there; and an order under this paragraph may make such transitional provision as appears to it to be necessary or expedient.

(4) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings for an offence to which this Article applies unless—

- (a) the device is of a type approved by the Department, and
- (b) any conditions subject to which the approval was given are satisfied.

(5) Any approval given by the Department for the purposes of this Article may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(6) In proceedings for an offence to which this Article applies, evidence—

- (a) of a measurement made by a device, or of the circumstances in which it was made, or
- (b) that a device was of a type approved for the purposes of this Article, or that any conditions subject to which an approval was given were satisfied,

may be given by the production of a document which is signed as mentioned in paragraph (1) and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(7) For the purposes of this Article a document purporting to be a record of the kind mentioned in paragraph (1) or to be a certificate or other document signed as mentioned in that paragraph or in paragraph (6), shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(8) Nothing in paragraph (1) or (6) makes a document admissible as evidence in proceedings for an offence unless a copy of it has, not less than 7 days before the hearing or trial, been served on the person charged with the offence; and nothing in those paragraphs makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than 3 days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice on the complainant requiring attendance at the hearing or trial of the person who signed the document.

(9) In this Article “prescribed device” means a device of a description prescribed in an order made by the Department.

(10) Orders made under paragraphs (3) and (9) shall be subject to negative resolution.

F5 mod. by SR 1999/435

F6 mod. by SR 2001/375

F7 [Art. 23\(2\)\(az\)](#) inserted (27.6.2007) by [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), arts. 1(3), 5; S.R. 2007/302, [art. 2](#), Sch.

F8 [1997 NI 2](#)

F9 SR 1999/435

F10 SR 2001/375

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Notification of disability

24.—(1) If in any proceedings for an offence committed in respect of a motor vehicle it appears to the court that the accused may be suffering from any relevant disability or prospective disability (within the meaning of Part II of the Order of 1981) the court must notify the Department.

(2) A notice sent by a court to the Department in pursuance of this Article must be sent in such manner and to such address and contain such particulars as the Department may determine.

Saving as to offence provisions etc.

25.—(1) Except as provided by paragraph (2), nothing in this Order shall exclude the application to any of the offences to which the Road Traffic Orders relate of any enactment or rule of law—

- (a) authorising the summary trial of young offenders for indictable offences; or
- (b) restricting the power of a court to imprison young offenders; or
- (c) authorising an offender to be dealt with in any manner not authorised by the enactments specially relating to his offence; or
- (d) authorising a jury to find a person guilty of an offence other than that with which he is charged.

(2) Where under or in consequence of any provision of this Order a magistrates' court has power to impose imprisonment for a term exceeding 6 months or to order a person to be imprisoned in respect of the non-payment of a fine or in default of sufficient distress to satisfy the amount of that fine, for a term in addition and succession to a term of imprisonment imposed for the same offence as the fine, nothing in Article 56 of the Magistrates' Courts (Northern Ireland) Order 1981, or in any enactment other than this Order shall operate to limit the aggregate period of any 2 or more consecutive terms so imposed or ordered.

Alternative verdicts

26.—(1) Where—

- (a) a person charged with an offence under a provision of the Order of 1995 specified in the first column of the Table below (where the general nature of the offences is also indicated) is found not guilty of that offence, but
- (b) the allegations in the indictment or complaint amount to or include an allegation of an offence under one or more of the provisions specified in the corresponding entry in the second column,

he may be convicted of that offence or of one or more of those offences.

(1) Offence charged	(2) Alternative
Article 9 (causing death, or grievous bodily injury, by dangerous driving) inconsiderate, driving)	Article 10 (dangerous driving) Article 12 (careless, and inconsiderate, driving)
Article 10 (dangerous driving)	Article 12 (careless, and inconsiderate, driving)
Article 14 (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs)	Article 12 (careless, and inconsiderate, driving) Article 15(1) (driving when unfit to drive through drink or drugs) Article 16(1)(a) (driving with excess alcohol in breath, blood or urine) Article 18(7) (failing to provide specimen)

Article 15(1) (driving or attempting to drive when unfit to drive through drink or drugs)	Article 15(2) (being in charge of a vehicle when unfit to drive through drink or drugs)
Article 16(1)(a) (driving or attempting to drive with excess alcohol in breath, blood or urine)	Article 16(1)(b) (being in charge of a vehicle with excess alcohol in breath, blood or urine)
Article 42 (dangerous cycling)	Article 43 (careless, and inconsiderate, cycling)

(2) Where the offence with which a person is charged is an offence under Article 14 of the Order of 1995, paragraph (1) shall not authorise his conviction of any offence of attempting to drive.

(3) Where a person is charged with having committed an offence under Article 15(1) or 16(1) (a) of the Order of 1995 by driving a vehicle, he may be convicted of having committed an offence under the provision in question by attempting to drive.

(4) Where by virtue of this Article a person is convicted before the Crown Court of an offence triable only summarily, the court shall have the same powers and duties as a court of summary jurisdiction would have had on convicting him of that offence.

(5) This Article has effect without prejudice to section 6(2) of the Criminal Law Act (Northern Ireland) 1967 (alternative verdicts on trial on indictment).

Information as to date of birth and sex

27.—(1) If on convicting a person of an offence involving obligatory or discretionary disqualification or of such other offence as may be prescribed by regulations made under Article 19C of the Order of 1981 the court does not know his date of birth, the court must order him to give that date to the court in writing.

(2) If a court convicting a person of such an offence in a case where—

- (a) notification has been given to the clerk of petty sessions in pursuance of Article 24(2) of the Magistrates' Courts (Northern Ireland) Order 1981 (written pleas of guilty), and
- (b) the notification did not include a statement of the person's sex,

does not know the person's sex, the court must order the person to give that information to the court in writing.

(3) A person who knowingly fails to comply with an order under paragraph (1) or (2) is guilty of an offence.

(4) Where a person has given his date of birth in accordance with this Article or Article 12, the Department may serve on that person a notice in writing requiring him to provide the Department—

- (a) with such evidence in that person's possession or obtainable by him as the Department may specify for the purpose of verifying that date, and
- (b) if his name differs from his name at the time of his birth, with a statement in writing specifying his name at that time.

(5) A person who knowingly fails to comply with a notice under paragraph (4) is guilty of an offence.

Interim disqualification

28.—(1) Where a court—

- (a) defers passing sentence on an offender under Article 11 of the Treatment of Offenders (Northern Ireland) Order 1989 in respect of an offence involving obligatory or discretionary disqualification, or

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(b) adjourns after convicting an offender of such an offence but before dealing with him for the offence,

it may order the offender to be disqualified until he has been dealt with in respect of the offence.

(2) An order under paragraph (1) shall cease to have effect at the end of the period of 6 months beginning with the day on which it is made, if it has not ceased to have effect before that time.

(3) Where a court orders a person to be disqualified under paragraph (1) (“the first order”), no court shall make a further order under that paragraph in respect of the same offence or any offence in respect of which an order could have been made under that paragraph at the time the first order was made.

(4) Where a court makes an order under paragraph (1) in respect of any person it must—

- (a) require him to produce to the court any licence held by him and its counterpart, and
- (b) retain the licence and counterpart until it deals with him.

(5) If the holder of the licence has not caused it and its counterpart to be delivered, or has not posted them, in accordance with Article 11 and does not produce the licence and counterpart as required under paragraph (4), then he is guilty of an offence.

(6) Paragraph (5) does not apply to a person who—

- (a) satisfies the court that he has applied for a new licence and has not received it, or
- (b) surrenders to the court a current receipt for his licence and its counterpart issued under Article 62, and produces the licence and counterpart to the court immediately on their return.

(7) Where a court makes an order under paragraph (1) in respect of any person, Articles 49(1)^{F11}, 52(2)^{F12} and 92ZA(7) and 92(5) of this Order shall not apply in relation to the order, but—

- (a) the court must send notice of the order to the Department, and
- (b) if the court which deals with the offender determines not to order him to be disqualified under Article 35 or 40, it must send notice of the determination to the Department.

(8) A notice sent by a court to the Department in pursuance of paragraph (7) must be sent in such manner and to such address and contain such particulars as the Department may determine.

(9) Where on any occasion a court deals with an offender—

- (a) for an offence in respect of which an order was made under paragraph (1), or
- (b) for 2 or more offences in respect of any of which such an order was made,

any period of disqualification which is on that occasion imposed under Article 35 or 40 shall be treated as reduced by any period during which he was disqualified by reason only of an order made under paragraph (1) in respect of any of those offences.

(10) Any reference in this Order or in any other statutory provision (including any provision made after this Order) to the length of a period of disqualification shall, unless the context otherwise requires, be construed as a reference to its length before any reduction under this Article.

F11 SR 1997/241

F12 2003 NI 16

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