
Status: Point in time view as at 01/01/2006.

Changes to legislation: The Road Traffic Offenders (Northern Ireland) Order 1996, Cross Heading: General is up to date with all changes known to be in force on or before 18 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART III

SENTENCE

General

Combination of disqualification and endorsement with probation orders and orders for discharge

51.—(1) Notwithstanding anything in section 8(2) of the Probation Act (Northern Ireland) 1950 (conviction of offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court which on convicting a person of an offence involving obligatory or discretionary disqualification makes—

- (a) a probation order, or
- (b) an order discharging him absolutely or conditionally,

may on that occasion also exercise any power conferred, and must also discharge any duty imposed, on the court by Articles 35, 40, 41 or 49.

(2) A conviction—

- (a) in respect of which a court has ordered a person to be disqualified, or
- (b) of which particulars have been endorsed on the counterpart of any licence held by him,

is to be taken into account, notwithstanding anything in section 8(1) of the Probation Act (Northern Ireland) 1950 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), in determining his liability to punishment or disqualification for any offence involving obligatory or discretionary disqualification committed subsequently.

Supplementary provisions as to disqualifications and endorsements

52.—(1) In any case where a court exercises its power under Article 35, 40 or 49 not to order any disqualification or endorsement or to order disqualification for a shorter period than would otherwise be required, it must state the grounds for doing so in the order of the court.

(2) Where a court orders the endorsement of the counterpart of any licence held by a person it may, and where a court orders the holder of a licence to be disqualified for a period of 56 days or more it must, send the licence and its counterpart, on their being produced to the court, to the Department; and if the court orders the endorsement but does not send the licence and its counterpart to the Department it must send it notice of the endorsement.

[^{F1}(2A) Paragraph (2) is subject to Article 4(2) of, and paragraph 7(2) of Schedule 1 to, the Road Traffic (New Drivers)(Northern Ireland) Order 1998 (obligation of court to send licence and its counterpart to the Department).]

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(3) Where on an appeal against an order for the endorsement of a licence or the disqualification of a person the appeal is allowed, the court by which the appeal is allowed must send notice of that fact to the Department.

(4) 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, and a licence and the counterpart of a licence so sent in pursuance of this Article must be sent to such address as the Department may determine.

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Exemption from disqualification and endorsement for certain construction and use offences

53.—(1) Where a person is convicted of an offence under Article 54 of the Order of 1995 (using vehicle in dangerous condition etc.) the court must not—

- (a) order him to be disqualified, or
- (b) order any particulars or penalty points to be endorsed on the counterpart of any licence held by him,

if he proves that he did not know, and had no reasonable cause to suspect, that the use of the vehicle involved a danger of injury to any person.

(2) Where a person is convicted of an offence under Article 56 of the Order of 1995 (breach of requirement as to brakes, steering-gear or tyres) the court must not—

- (a) order him to be disqualified, or
- (b) order any particulars or any penalty points to be endorsed on the counterpart of any licence held by him,

if he proves that he did not know, and had no reasonable cause to suspect, that the facts of the case were such that the offence would be committed.

Offender escaping consequences of endorsable offence by deception

54.—(1) This Article applies where in dealing with a person convicted of an offence involving obligatory endorsement a court was deceived regarding any circumstances that were or might have been taken into account in deciding whether or for how long to disqualify him.

- (2) If—
- (a) the deception constituted or was due to an offence committed by that person, and
 - (b) he is convicted of that offence,

the court by or before which he is convicted shall have the same powers and duties regarding an order for disqualification as had the court which dealt with him for the offence involving obligatory endorsement but must, in dealing with him, take into account any order made on his conviction of the offence involving obligatory endorsement.

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