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STATUTORY INSTRUMENTS

2007 No. 916 (N.I. 10)

NORTHERN IRELAND

The Road Traffic (Northern Ireland) Order 2007

*Made - - - - 21st March 2007
Coming into operation in accordance with Article
1(2) to (5)*

THE ROAD TRAFFIC (NORTHERN IRELAND) ORDER 2007

PART I

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1. Title and commencement
2. Interpretation

PART II

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Increase in penalty points

3. Offences concerning the wearing of seat belts
4. Failure to give information for purposes of identification to police
5. Contravention of temporary speed restriction
6. Breach of requirements as to control of vehicle, mobile telephones etc.

Increase in other penalties

7. Increase in penalty for careless, and inconsiderate, driving
8. Increase in penalty where child not wearing seat belt in rear
9. Disqualification for using vehicle in dangerous condition

Attendance on courses

10. Reduced penalty points for attendance on course
11. Reduced disqualification period for attendance on course

Deposits and prohibition on driving

12. Financial penalty deposits
13. Prohibition on driving: immobilisation, removal and disposal of vehicles

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Testing for drink and drugs

14. Testing for drink and drugs
15. Period of endorsement for failure to allow specimen to be tested

Powers of enforcement

16. Giving of fixed penalty notices by vehicle examiners
17. Extension of powers of vehicle examiners
18. Power of arrest in relation to failure to stop a vehicle
19. Production of certain documents
20. Seizure of licences

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21. Power to seize etc. vehicles driven without insurance

Graduated fixed penalties

22. Graduated fixed penalties
23. Graduated fixed penalty points
24. Graduated fixed penalty points for speeding offences

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25. Offence of keeping vehicle which does not meet insurance requirements
26. Seat belts: delivery drivers
27. Disqualification until test passed
28. Notice of prosecution for certain offences
29. False statements, forgery and power of seizure in connection with certain documents

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30. Driving otherwise than in accordance with a licence
31. Power to remove requirement to apply for licence after passing of test
32. Removal of two year period from passing of test in which to apply for licence
33. Physical fitness
34. Payment of fee for confirmation in writing of person's entitlement to drive
35. Exchangeable driving licences
36. Access to driver licensing information
37. Applying for or obtaining a driving licence, or driving, while disqualified
38. Driving record
39. Unlicensed and foreign drivers
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41. Display of test certificates
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51. Register
52. Conditions of registration
53. Registration of disabled persons
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55. Duration of registration
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57. Termination of registration by Registrar
58. Power to give direction as to further applications

Appeals

59. Appeals to the Department
60. Appeals to court of summary jurisdiction
61. Regulations in respect of appeals

Examinations and training

62. Examinations
63. Review of examinations etc.
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Disabled persons: emergency control certificates, etc.

65. Assessment of disabled person's ability to control a motor vehicle in an emergency
66. Further assessments
67. Duty to disclose further disability
68. Offences relating to giving by disabled person of paid driving instruction

General and supplemental

69. Power to alter registration period
70. Evidence of registration
71. Surrender of certificates etc.
72. Production of certificates etc. to constables and authorised persons
73. Offences by corporations
74. Service of notices
75. Fees

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- 76. Regulations
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- 79. Removal of requirement for Department of Finance and Personnel to approve certain matters relating to charging of fees by Department
- 80. Funding for automatic number plate recognition
- 81. Disclosure of information about insurance status of vehicles
- 82. Departments' functions as to road safety
- 83. Regulations prohibiting the grant of excise licences unless evidence of insurance or security
- 84. Alteration of penalties
- 85. Power to make consequential provisions
- 86. Amendments and repeals
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SCHEDULES

SCHEDULE 1 — PROHIBITION ON DRIVING: IMMOBILISATION, REMOVAL AND DISPOSAL OF VEHICLES

— *Cases to which regulations may apply*

- 1. (1) The Department may make regulations with respect to any...
— *Immobilisation*
- 2. (1) The regulations may provide that an authorised person or...
— *Offences connected with immobilisation, etc.*
- 3. (1) The regulations may provide that a person who fails...
— *Removal and disposal of vehicles*
- 4. (1) The regulations may provide that where such conditions as...
— *Offences as to securing possession of vehicles*
- 5. (1) The regulations may provide that a person who fails...
— *Disputes*
- 6. The regulations may make provision about the proceedings to be...
— *Authorised persons*
- 7. As regards anything falling to be done under the regulations...
— *Application of Offenders Order*
- 8. The regulations may make provision for the application of any...
— *Interpretation*
- 9. References in this Schedule to a vehicle include references to...
- 10. (1) This paragraph makes provision about the meaning of “authorised...”
- 11. In this Schedule— (a) references to an immobilisation device are...
- 12. In this Schedule “prescribed” means prescribed by the regulations.
- 13. (1) The regulations may make provision as to the meaning...

SCHEDULE 2 — GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

— *The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)*

- 1. Part IV of the Offenders Order (fixed penalties) is amended...
- 2. In Article 55(1) (interpretation), after the definition of “proceedings” insert—...

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3. In Article 58(3)(c) (fixed penalty notice must state to whom...
4. In Article 60 (notices on-the-spot or at a police station)–...
5. In Article 62 (licence receipts)– (a) in paragraph (1)–
6. In Article 63 (endorsement of licences without hearings)–
7. In Article 66 (fixed penalty notice mistakenly given: exclusion of...
8. In Article 67(1) (fixing notices to vehicles), after “constable” insert...
9. In Article 68 (service of notice to owner if penalty...
10. In Article 71 (hired vehicles)– (a) in paragraph (1)(c), for...
11. In Article 73(4) (meaning of “official form”), after “Chief Constable”...
12. In Article 74 (payment of penalty)– (a) in paragraph (1),...
13. In Article 75 (registration certificates)– (a) in paragraph (2), for...
14. In Article 77 (notices on-the-spot or at a police station:...
15. In Article 78 (notices fixed to vehicles: when registration invalid)–...
16. In Article 80 (issue of conditional offer)–
17. In Article 81 (effect of offer and payment of penalty)–...
18. In Article 82 (endorsement where penalty paid)–
19. In Article 84 (statements by constables)– (a) in paragraph (1)–...
20. In Article 85 (certificates about payment), for “fixed penalty clerk”,...
21. In Article 87 (powers of court where clerk deceived)–
22. In Article 88(1) (regulations) for “or 80(1)” substitute “ 80(1)...
— *Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)*
23. In Article 4 (surrender of licences)– (a) in paragraph (3)–...
24. In Article 5 (revocation of licences)– (a) in paragraph (1)...
25. In Schedule 1 (newly qualified drivers holding test certificates)–

SCHEDULE 3 — NEW SCHEDULE 2A TO THE ORDER OF 1981
SCHEDULE 2A OFFENCE OF KEEPING VEHICLE WHICH DOES
NOT...

SCHEDULE 4 — ENDORSEMENT: UNLICENSED AND FOREIGN DRIVERS:
CONSEQUENTIAL AMENDMENTS
— *The Child Support (Northern Ireland) Order 1991 (NI 23)*

1. In Article 37A(9) (disqualification from driving: further provision), for
“the...
— *The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)*
2. In Article 30(3) (penalty points to be attributed to an...
3. In Article 31(1)(b) (penalty points to be taken into account...
4. In Article 32 (penalty points: modification where fixed penalty also...
5. For Article 33 (court may take particulars endorsed on licence...
6. In Article 41 (disqualification until test passed) after paragraph (10)...
7. In Article 47 (removal of disqualification)– (a) in paragraph (6),...
8. In Article 50 (effect of endorsement)– (a) in the heading,...
9. After Article 50 insert– Effect of endorsement of driving records...
10. In Article 51 (combination of disqualification and endorsement with
certain...
11. In Article 52 (supplementary provisions as to disqualification and
endorsements)–...
12. In Article 53(1)(b) and (2)(b) (exemption from disqualification and
endorsement...
13. In Article 60 (notices on-the-spot etc.)– (a) in paragraph (2),...
14. In Article 63 (endorsement of licenses without hearings)–
15. In Article 64 (effect of endorsement without hearing) in the...
16. After Article 64 insert– Effect of endorsement of driving record...

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17. In Article 66 (fixed penalty notice mistakenly given: exclusion of...
18. After Article 66 insert– Fixed penalty notice mistakenly given to...
19. In Article 74(5) (payment of penalty) for “82” substitute “...
20. In Article 77 (notices on-the-spot etc.: when registration and endorsement...
21. In Article 80 (issue of conditional offer)–
22. In Article 81 (effect of offer and payment of penalty)–...
23. In Article 82 (endorsement where penalty paid)–
24. After Article 82 insert– Endorsement of driving records where penalty...
25. In Article 87 (powers of court in cases of deception)–...
26. In Article 88(1)(a) (regulations) after “60(4)” insert “ or (5C)...
27. After Article 88 insert– Notices to Department Any notice sent to the Department under this Part must...
28. In Article 92ZA(1) (application to Great Britain licence holders)–
29. In Article 92A(1) (application to Community licence holders)–

SCHEDULE 5 — ENDORSEMENT: ALL DRIVERS: CONSEQUENTIAL AMENDMENTS

— *The Road Traffic (Northern Ireland) Order 1981 (NI 1)*

1. In Article 4(8) (requirement for driving licence: exceptions) omit “,...
 2. In Article 9(7B)(a) and (10) (requirements as to physical fitness...
 3. In Article 10 (revocation of licence because of disability or...
 4. In Article 13 (grant of licences)– (a) in paragraph (1)(c)–...
 5. In Article 14(1)(c) (form of licence) omit “or its counterpart”....
 6. In Article 15 (duration of licences)– (a) in paragraph (5)–...
 7. In Article 15A (authorisation to drive in Northern Ireland) omit...
 8. In Article 15B (information about resident Community licence holders)–
 9. In Article 15C (revocation of authorisation conferred by Community licence...
 10. In Article 19C (regulations)– (a) in paragraph (1A)–
 11. In Article 19A(7) (information on counterpart of licence of newly...
 12. In Article 19D (interpretation)– (a) in paragraph (1) omit the...
 13. In Article 19E (provisions about Great Britain driver's licences) for...
 14. Article 19F (counterparts issued to Great Britain licence holders) is...
 15. In Article 19G (revocation of authorisation conferred by Great Britain...
 16. In Article 73A(1) (community licence holders: cessation of authorisation, etc.)...
 17. In Article 74A (community licences: disqualification, etc.) omit “and its...
 18. In Article 75 (revoked or suspended licences: surrender, return and...
 19. In Article 78 (interpretation) omit the definition of “counterpart”.
 20. In Article 79(3) (provisions as to Great Britain licences)–
 21. In Article 174 (false statements in connection with forgery of,...
 22. In Article 180 (enforcement powers of constable)–
- ##### — *The Child Support (Northern Ireland) Order 1991 (NI 23)*
23. In Article 37A (disqualification from driving: further provision)–
- ##### — *The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)*
24. In Article 2 (interpretation)– (a) in paragraph (2)–
 25. In Article 10(3)(a)(ii) (time within which summary proceedings for certain...
 26. In Article 11 (duty of accused to provide licence) omit...
 27. In Article 28 (interim disqualification)– (a) in paragraph (4)–
 28. In Article 29 (production of licence)– (a) omit “and its...
 29. In Article 30(3) (penalty points to be attributed to an...
 30. In Article 31(1)(b) (penalty points to be taken into account...

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31. In Article 32 (penalty points: modification where fixed penalty also...
32. In Article 33(a) (court may take particulars endorsed into consideration)...
33. In Article 41 (disqualification until test is passed) omit paragraph...
34. In Article 47 (removal of disqualification)– (a) in paragraph (6)...
35. Omit Article 50 (effect of endorsement of counterparts).
36. In Article 50A (effect of endorsement of driving records) for...
37. In Article 51(2)(b) (combination of disqualification and endorsement with probation)...
38. In Article 52 (supplementary provisions as to disqualifications and endorsements)–...
39. In Article 53(1)(b) and (2)(b) (exemption from disqualification and endorsement)...
40. In Article 62 (licence receipts)– (a) omit “and its counterpart”...
41. Omit Article 64 (effect of endorsement of counterpart without hearing)....
42. Omit Article 66 (fixed penalty notice mistakenly given to licence...
43. In Article 66A (fixed penalty notice given mistakenly to unlicensed...
44. In Article 77 (notices on-the-spot etc.: when registration and endorsement...
45. In Article 80 (issue of conditional offer)–
46. In Article 81 (effect of offer and payment of penalty)–...
47. Omit Article 82 (endorsement of counterparts where penalty paid).
48. In Article 82A (endorsement of driving records where penalty paid)–...
49. In Article 87 (powers of court in cases of deception)–...
50. In Article 88(1)(a) (regulations for the purpose of this Part)...
51. In Article 92ZA (application to Great Britain licence holders)–
52. Omit Article 92ZB (effect of endorsement on Great Britain licence...
53. In Article 92A (application to Community licence holders)–
54. Omit Article 92B (effect of endorsement on Community licence holders)....
55. In Part I of Schedule 1 (prosecution and punishment of...
— *The Road Traffic (New Drivers) (Northern Ireland) Order 1998 (NI 7)*
56. In Article 4 (surrender of licences)– (a) for paragraph (2)...
57. In Article 5 (revocation of licences) for paragraph (1) substitute–...
58. In Article 12(2) (service of documents etc.) omit “and its...
59. In Schedule 1 (newly qualified drivers holding test certificates)–
— *The Road Traffic (Northern Ireland) Order 2007 (NI 7)*
60. In Article 46(5) (interpretation of that Part) omit “and “counterpart”,...
61. In Article 47 (expressions defined in that Part) omit “and...
62. In Article 53(13) (registration of disabled persons) in paragraph (c)...

SCHEDULE 6 — ENTRIES TO BE INSERTED IN PART I OF SCHEDULE 1
TO THE OFFENDERS ORDER IN RESPECT OF DRIVING
INSTRUCTION

SCHEDULE 7 — MINOR AND CONSEQUENTIAL AMENDMENTS
— *The Road Traffic (Northern Ireland) Order 1981 (NI 1)*

1. In Article 2(2) (interpretation)– (a) for the definition of “Community...
2. In Article 15D(b) (application of provisions on information relating to...
3. In Article 19H(c) (application of provisions on information relating to...
4. In Article 73(7) (revocation or suspension of licences) for the...
5. In Article 78 (interpretation) for the words “this Article and...
6. In Article 212 (application of Order to hovercraft and trolley...
— *The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)*

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7. In Article 26(2) (list of offences to which powers of...
8. In Article 35(7) (limitations on police detention after arrest) for...
— *The Road Traffic (Northern Ireland) Order 1995 (NI 18)*
9. In Article 2(2) (interpretation) (a) insert in the appropriate place...
10. In Article 13(3) (interpretation) for the words “A person does...
11. In Article 18(4) (provision of specimen for analysis) after sub-paragraph...
12. In Article 20(1) (protection for hospital patients)–
13. In Article 21(1) (detention of persons affected by alcohol or...
14. In Article 60(3) (special vehicle orders) at the beginning insert...
— *The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)*
15. In Article 2(2) (interpretation)– (a) after the definition of “clerk...
16. In Article 5(4) (requirement of warning etc. of prosecutions for...
17. In Article 10(3)(a) (time within which summary proceedings for certain...
18. For Article 22 (evidence by certificate as to registration of...
19. For Article 41(11A) (expiration of disqualification until test passed)
substitute–...
20. In Article 42(4) (person may obtain provisional licence and drive...
21. In Part I of Schedule 1 (prosecution and punishment of...
— *The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)*
22. In Article 2(2) (interpretation) in the definition of “the Road...

SCHEDULE 8 — REPEALS

PART I — GENERAL

PART II — FALSE STATEMENTS, FORGERY ETC.

PART III — GIVING OF FIXED PENALTY NOTICES BY VEHICLE
EXAMINERS

PART IV — ENDORSEMENT: UNLICENSED AND FOREIGN DRIVERS

PART V — ENDORSEMENT: ALL DRIVERS

Explanatory Note

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