

SCHEDULES

SCHEDULE 4

ENDORSEMENT: UNLICENSED AND FOREIGN DRIVERS: CONSEQUENTIAL AMENDMENTS

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

24. After Article 82 insert—

“Endorsement of driving records where penalty paid

82A.—(1) Where—

- (a) in pursuance of a conditional offer issued under Article 80(1) a person who is not the holder of a licence (referred to in this Article as the “alleged offender”) makes payment of the fixed penalty to the fixed penalty clerk, and
- (b) proceedings against the alleged offender for the offence to which the conditional offer relates are excluded by Article 81,

the fixed penalty clerk must forthwith send to the Department notice of the relevant particulars to be endorsed on the alleged offender’s driving record.

(2) The Department must endorse the relevant particulars on a person’s driving record—

- (a) on receiving notice under paragraph (1), or
- (b) if, in pursuance of a conditional offer issued under Article 80(1A), a person who is not the holder of a licence (also referred to in this Article as the “alleged offender”) makes payment of the fixed penalty to it and proceedings against the alleged offender are excluded by Article 81.

(3) Subject to paragraph (4), where a cheque tendered in payment is subsequently dishonoured—

- (a) any endorsement made by the Department under paragraph (2) remains effective notwithstanding that the alleged offender is still liable to prosecution in respect of the alleged offence to which the endorsement relates, and
- (b) unless the appropriate person is the Department, the appropriate person must upon expiry of the period specified in the conditional offer or, if the period has expired, forthwith notify the person required to be notified that no payment has been made.

(4) When proceedings are brought against an alleged offender where paragraph (3) applies, the court—

- (a) must order the removal of the fixed penalty endorsement from the driving record of the alleged offender,
- (b) may, on finding the alleged offender guilty, make any competent order of endorsement or disqualification and pass any competent sentence, and
- (c) must send to the Department notice of any order made under sub-paragraph (a) or (b).

Status: This is the original version (as it was originally made).

(5) On receiving a notice under paragraph (4)(c), the Department must make any necessary adjustments to the endorsements on the alleged offender's driving record.

(6) The references in paragraphs (1) and (2) to the relevant particulars are to—

(a) particulars of the offence, including the date when it was committed, and

(b) the number of penalty points to be attributed to the offence.

(7) Where a person's driving record is endorsed under this Article, he shall be treated for the purposes of Articles 16(4), 30, 31 and 50A of this Order and of the Rehabilitation of Offenders (Northern Ireland) Order 1978 as if—

(a) he had been convicted of the offence,

(b) the endorsement had been made in pursuance of an order made on his conviction by a court under Article 49 of this Order, and

(c) the particulars of the offence endorsed by virtue of paragraph (6)(a) were particulars of his conviction of that offence.

(8) In relation to any endorsement of a person's driving record under this Article, the references in Article 16(4) to any order made on a person's conviction are to be read as references to the endorsement itself."