
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 241

**EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES**

**The Driving Licences (Community Driving
Licence) Regulations (Northern Ireland) 1997**

*Made - - - - 16th May 1997
Coming into operation in accordance with
regulation 1(2) and (3)*

The Department of the Environment, being a Department designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1997.

(2) Regulations 1, 2 and 4, and Schedule 2, shall come into operation on 30th June 1997.

(3) Regulation 3 and Schedule 1 shall come into operation on 1st September 1997.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954⁽³⁾ shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments to the Road Traffic Offenders (Northern Ireland) Order 1996

3. The Road Traffic Offenders (Northern Ireland) Order 1996⁽⁴⁾ shall have effect with the amendments set out in Schedule 1.

(1) [S.I. 1981/1536](#)

(2) [1972 c. 68](#); by virtue of section 1 of the European Economic Area Act [1993 \(c. 51\)](#) section 1(2) of this Act is amended to enable regulations to be made under section 2(2) to implement obligations of the United Kingdom arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183)

(3) [1954 c. 33 \(N.I.\)](#)

(4) [S.I. 1996/1320 \(N.I. 10\)](#)

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Minor amendments

4. The Road Traffic (Northern Ireland) Order 1981⁽⁵⁾ and the Road Traffic (Northern Ireland) Order 1995⁽⁶⁾ shall have effect with the minor amendments set out in Schedule 2.

Sealed with the Official Seal of the Department of the Environment on

L.S.

16th May 1997.

J. Ritchie
Assistant Secretary

⁽⁵⁾ S.I. 1981/154 (N.I. 1)
⁽⁶⁾ 1995/2994 (N.I. 18)

SCHEDULE 1

Regulation 3

Amendments to the Road Traffic Offenders (Northern Ireland) Order 1996

1. In Article 2 (general interpretation)—
 - (a) in paragraph (2)—
 - (i) in the definition of “licence”, the words from “and” onwards shall be omitted, and
 - (ii) in the definition of “the provisions connected with the licensing of drivers” for “and 40 to 53”, there shall be substituted “40 to 53, 92A and 92B,”; and
 - (b) at the end of that paragraph there shall be inserted “and “Community licence”, “counterpart” and “EEA State” have the same meanings as in Part II of the Order of 1981”(7).
- 2.—(1) Article 7 (restriction on institution of proceedings for certain offences) shall be amended as follows.
 - (2) The existing provision shall be renumbered as paragraph (1) of that Article.
 - (3) After that paragraph as so renumbered there shall be inserted—

“(2) In paragraph (1) the reference to Article 11(3) of the Order of 1981 includes a reference to that provision as applied by Article 15D of that Order(8).>”
3. In Article 10 (time within which summary proceedings for certain offences must be commenced), in paragraph (3)—
 - (a) in sub-paragraph (a)(i), at the end there shall be inserted “and that provision as applied by Article 15D of that Order”;
 - (b) after sub-paragraph (a)(ii) there shall be inserted—

“(iia) Article 15B(11) (driving after failure to comply with a requirement under Article 15B(6), (7) or (10),”.
4. In Article 28 (interim disqualification), in paragraph (7), for “and 52(2)” there shall be substituted “, 52(2) and 92A(5)”.
 - 5.—(1) Article 41 (disqualification until test is passed) shall be amended as follows.
 - (2) In paragraph (11)—
 - (a) in sub-paragraph (a)—
 - (i) for “member State” there shall be substituted “EEA State”, and
 - (ii) the words from “(as” to “1981)” shall be omitted, and
 - (b) in sub-paragraph (b), for “that Order” there shall be substituted “the Order of 1981”.
 - (3) After paragraph (11) there shall be inserted—

“(11A) In paragraph (11) “designated country or territory” means a country or territory designated under Article 19D(2) of the Order of 1981(9).”
 - (6) After Article 92 (penalty for breach of regulations) there shall be inserted—

(7) Part II of the Road Traffic (Northern Ireland) Order 1981 was substituted by [S.I. 1991/197 \(N.I. 3\)](#) Schedule 1, has been amended by [S.I. 1995/2994 \(N.I. 18\)](#) Schedule 3, Part I and [S.R. 1996 No. 426](#), Schedule 1 and is amended (prospectively) by [S.I. 1996/1320 \(N.I. 10\)](#) Schedule 3, Part I

(8) Articles 15A to 15D were inserted by [S.R. 1996 No. 426](#), Schedule 1 paragraph 8

(9) Article 19D was substituted by [S.I. 1991/197 \(N.I. 3\)](#) Schedule 1

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“Application to Community licence holders

92A.—(1) The references in Articles 11, 28(4), (5) and (6)(b), 29, 31(1), 32, 33, 47(6), 49(1), 51(2), 52(3) and 53 to a licence include references to a Community licence; and accordingly the reference in Article 29(2)(b) to the suspension of a licence is to be construed in relation to a Community licence as a reference to the Community licence holder ceasing to be authorised by virtue of Article 15A(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.

(2) The references in Articles 28(6)(a) and 29(2) to a new licence include references to a counterpart of a Community licence.

(3) In relation to a Community licence holder to whom a counterpart is issued under Article 15B of the Order of 1981, the references in Part IV of this Order to a licence include references to a Community licence.

(4) Where a court orders the endorsement of the counterpart of any Community licence held by a person, it must send notice of the endorsement to the Department.

(5) Where a court orders the holder of a Community licence to be disqualified, it must send the Community licence and its counterpart (if any), on their being produced to the court, to the Department.

(6) A notice sent by a court to the Department in pursuance of paragraph (4) must be sent in such manner and to such address and contain such particulars as the Department may determine, and a Community licence and its counterpart (if any) so sent in pursuance of paragraph (5) must be sent to such address as the Department may determine.

(7) Where a Community licence held by a person who is ordered by the court to be disqualified is sent to the Department in pursuance of paragraph (5), the Department—

- (a) must send to the licensing authority in the EEA State in respect of which the Community licence was issued the holder’s name and address and particulars of the disqualification, and
- (b) must (subject to paragraph (8)) return the Community licence to the holder—
 - (i) on the expiry of the period of disqualification, or
 - (ii) if earlier, on being satisfied that the holder has left Northern Ireland and is not normally resident there.

(8) Where—

- (a) the Department would, apart from this paragraph, be under a duty on the expiry of the period of disqualification to return a Community licence to a person in pursuance of paragraph (7)(b)(i), but
- (b) at that time, the person would not be authorised by virtue of Article 15A(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class,

the Department must send the Community licence to the licensing authority in the EEA State in respect of which it was issued and explain to them its reasons for so doing.

(9) A Community licence to be returned to any person under paragraph (7) may be returned to him by delivering it to him or by leaving it at his proper address or by sending it to him by post; and for the purposes of this paragraph and section 24 of the Interpretation Act (Northern Ireland) 1954 in its application to this paragraph the proper address of any person shall be his latest address as known to the person returning the Community licence.

(10) In this Article “period of disqualification” means, in relation to a Community licence holder, the period for which he is ordered by the court to be disqualified (otherwise than under Article 41).

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Effect of endorsement on Community licence holders

92B.—(1) An order that any particulars or penalty points are to be endorsed on the counterpart of any Community licence held by the person convicted shall operate as an order that—

- (a) the counterpart of any Community licence which he may then hold, or
- (b) the counterpart of any licence or Community licence which he may subsequently obtain,

is to be so endorsed until he becomes entitled under paragraph (3) to have a counterpart of his Community licence, or a licence and its counterpart, issued to him free from the particulars or penalty points.

(2) On the issue of a new counterpart of a Community licence or a new licence to a person, any particulars or penalty points ordered to be endorsed on the counterpart of any Community licence held by him shall be entered on the new counterpart or the counterpart of the new licence (as the case may be) unless he has become entitled under paragraph (3) to have a new counterpart of his Community licence or a new licence issued to him free from those particulars or penalty points.

(3) A person the counterpart of whose Community licence has been ordered to be endorsed is entitled to have issued to him with effect from the end of the period for which the endorsement remains effective (as determined in accordance with Article 50(4))—

- (a) a new counterpart of any Community licence then held by him free from the endorsement if he makes an application to the Department for that purpose in such manner as the Department may determine, or
- (b) a new licence with a counterpart free from the endorsement if he applies for a new licence in pursuance of Article 13(1) of the Order of 1981, surrenders any subsisting licence and its counterpart, pays the fee prescribed by regulations under Part II of that Order and satisfies the other requirements of Article 13(1).”

7. In Schedule 1 (prosecution and punishment of offences), in Part I—

- (a) in the entry for Article 11(3) of the Order of 1981, in column 2, at the end there shall be inserted “and that provision as applied by Article 15D”,
- (b) after the entry for Article 15(7) of the Order of 1981, there shall be inserted the following entries—

Article 15B(11)	Driving after failure to comply with a requirement under Article 15B(6), (7) or (10).	Summarily.	Level 3 on the standard scale.	—	—	—
Article 15C(4)	Failure to deliver Community licence and its counterpart	Summarily.	Level 3 on the standard scale.	—	—	—

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to
Department
when
required
by notice
under
Article
15C.

- (c) in the entry for Article 72 of the Order of 1981, in column 2, for the words “or PCV licence” there shall be substituted “PCV licence or LGV Community licence”,
- (d) after the entry for Article 72 of the Order of 1981, there shall be inserted the following entry—

Article 73A(4)	Failure to deliver LGV or PCV Community licence when required by notice under Article 73A.	Summarily.	Level 3 on the standard scale.	—	—	—
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- (e) in the entry for Article 77(4) of the Order of 1981, in column 2, at the end there shall be inserted “or LGV or PCV Community licences”,
- (f) in the entry for Article 174(2) of the Order of 1981, in column 2, after “licences” there shall be inserted “counterparts of Community licences,”.

SCHEDULE 2

Regulation 4

Minor amendments

The Road Traffic (Northern Ireland) Order 1981

1. In Article 19C (regulations)(10), in paragraph (1)(ea) after “issue” there shall be inserted “on payment of such fee as may be prescribed,”.
2. The Article inserted as Article 138A (meaning of “motor car”) by paragraph 21 of Schedule 1 to the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996(11), shall be located after Article 137 and renumbered as Article 137A; and any reference to that Article in any other statutory provision shall have effect accordingly.

(10) Article 19C was substituted by Schedule 1 to S.I. 1991/197 (N.I. 3) and amended by S.R. 1996 No. 426 Schedule 1 paragraph 11
 (11) S.R. 1996 No. 426

The Road Traffic (Northern Ireland) Order 1995

3.—(1) In Article 92 (licensing of motor cyclists)(12), in paragraph (1)(d), the words “under the age of 21 years” shall be omitted.

(2) In paragraph (3) of that Article, in sub-paragraph (b)—

- (a) for the words from “he has” to “21 years, a motor bicycle” there shall be substituted “he has passed a test of competence to drive a motor bicycle”; and
- (b) at the end the words “or attained that age (as the case may be)”, shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Road Traffic Offenders (Northern Ireland) Order 1996 (“the 1996 Order”) so as to give effect to Council Directive [91/439/EEC](#) of 29th July 1991 on driving licences (O.J. No. L237, 24.8.91, p. 1). The Directive applies, by virtue of Decision 7/94 of the EEA Joint Committee (O.J. No. L160, 28.6.94, p. 1) to states within the European Economic Area.

Under the Road Traffic (Northern Ireland) Order 1981, as amended by Schedule 1 to the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1996 (“the 1996 Regulations”), holders of driving licences issued by states within the EEA (called “Community licences”) who become resident in Northern Ireland, are authorised to drive here without the need to exchange their licences for Northern Ireland ones.

Schedule 1 to these Regulations amends the 1996 Order—

- to provide for the endorsement of the counterparts of Community licences in respect of penalties imposed for certain road traffic offences, the endorsements providing evidence of previous convictions for the purposes of criminal proceedings in the courts and for the fixed penalty regime of Part IV of the 1996 Order;
- to make holders of Community licences subject to the Northern Ireland legislative provisions governing the disqualification of drivers.

Schedule 2 makes minor amendments, arising from the 1996 Regulations, to the Road Traffic (Northern Ireland) Order 1981 and the Road Traffic (Northern Ireland) Order 1995.

Copies of the EEC Directive referred to in this note can be obtained from The Stationery Office, 16 Arthur Street, Belfast BT1 4GD.