



2016 CHAPTER 11

PROSPECTIVE

PART 3

Learner and new drivers

Minimum period of holding provisional licence in certain cases

Provisional licence to be held for minimum period in certain cases

16.—(1) The Order of 1981 is amended as follows.

(2) In Article 5 (tests of competence to drive)—

(a) after paragraph (2), insert—

“(2ZA) Except as provided by paragraph (2ZB) and under paragraph(4A), no person holding a provisional licence authorising him to drive a category B motor vehicle is to be permitted to take the part of the test of competence to drive such a vehicle that is the practical test unless he has held the licence for not less than 6 months immediately before the date on which the practical test is to be taken.

(2ZB) Paragraph (2ZA) does not apply to—

- (a) a person who, while he holds the provisional licence, also holds a licence or permit which, by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952, entitles him to drive a category B motor vehicle in Northern Ireland,
- (b) a person who is required to pass a test of competence to drive by virtue of—

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- (i) an order under Article 41 of the Offenders Order (or section 36 of the Road Traffic Offenders Act 1988), or
- (ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998 (or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995).

(2ZC) The Department may by order—

(a) amend paragraph (2ZA) by—

- (i) adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there,
- (ii) substituting a different period of time for the period for the time being specified there,

(b) make any amendment of paragraph (2ZB), or Article 19D, that it considers appropriate for giving full effect to any such amendment of paragraph (2ZA).

(2ZD) An order under paragraph (2ZC) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”,

(b) after paragraph (4), insert—

“(4A) Regulations may prescribe cases in which persons are exempt from the requirement imposed by paragraph (2ZA) and may in particular—

- (a) limit the exemption to persons in prescribed circumstances,
- (b) limit the exemption to a prescribed period,
- (c) attach conditions to the exemption.”.

(3) In Article 19D ((interpretation of Part 2), in paragraph (1) at the appropriate places insert—

““category B motor vehicle” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 3 and Schedule 1);

“practical test” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 2(1));”.

Training of provisional licence holders in certain cases etc.

Approved programmes of training: category B motor vehicles and motor bicycles

17.—(1) The Order of 1981 is amended as follows.

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(2) After Article 5 (tests of competence to drive), insert—

“Tests of competence to drive: training before taking

5A.—(1) Except as provided under paragraph (6), no person submitting himself for the part of the test of competence to drive a vehicle mentioned in paragraph (2) that is the practical test is to be permitted to take the practical test unless he produces a logbook, either—

- (a) with his application for an appointment for the practical test, or
- (b) to the person who is to conduct the test.

(2) The vehicles are—

- (a) a category B motor vehicle,
- (b) a motor bicycle.

(3) The Department may by order amend paragraph (2) by adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there.

(4) An order under paragraph (3) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.

(5) Except as provided under paragraph (6), no person submitting himself for the part of the test of competence to drive a motor bicycle that is the special manoeuvres test or the practical test is to be permitted to take the special manoeuvres test or practical test unless he produces the prescribed certificate of completion by him of an approved training course for motor cyclists, either—

- (a) with his application for an appointment for the test, or
- (b) to the person who is to conduct the test.

(6) Regulations may prescribe cases in which persons are exempt from the requirement imposed by paragraph (1) or (5).

(7) Regulations under paragraph (6) may—

- (a) limit the exemption to persons in prescribed circumstances,
- (b) limit the exemption to a prescribed period,
- (c) attach conditions to the exemption,
- (d) regulate applications for, and the issue and form of, certificates evidencing a person's exemption from the requirement.

(8) Regulations may make provision as to the making, in connection with the design, supply and issue of logbooks, of reasonable charges in relation to the discharge of the functions of the Department in connection with logbooks (including the issuing of guidance in connection with logbooks and the taking of other steps to inform people in relation to logbooks).”

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(3) After Article 13A (residence requirement for grant of licences), insert—

“Approved programmes of training: category B motor vehicles or motor bicycles

13B.—(1) Regulations may make provision as respects the training, in the driving of category B vehicles or motor bicycles of persons wishing to obtain licences authorising the driving of such vehicles, by means of programmes of training in accordance with the regulations.

(2) Regulations under paragraph (1) may in particular make provision as to—

- (a) the nature of the relevant programmes of training,
- (b) the evidence to be recorded as to the completion of such a programme,
- (c) the period of validity of the evidence and any document in which it is to be recorded,
- (d) the making of reasonable charges in relation to the discharge of the functions of the Department under the regulations, the issuing of guidance in connection with relevant programmes of training and the taking of other steps to inform people in relation to such programmes.

Approved training courses for motor bicycles

13C.—(1) Regulations may make provision as respects the training, in the driving of motor bicycles of persons wishing to obtain licences authorising the driving of motor bicycles, by means of courses of training provided in accordance with the regulations.

(2) Regulations under paragraph (1) may in particular make provision as to—

- (a) the nature of the courses of training,
- (b) the approval by the Department of the persons providing the courses and the withdrawal of its approval,
- (c) the maximum amount of any charges payable by persons undergoing the training,
- (d) certificates evidencing the successful completion by persons of a course of training and the supply by the Department of the forms which are to be used for such certificates,
- (e) the making, in connection with the supply of forms of certificates, of reasonable charges in relation to the discharge of the functions of the Department under the regulations.”.

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(4) In Article 19D (interpretation of Part 2)—

(a) in paragraph (1), at the appropriate places, insert—

““category A motorcycle”, category A1 motorcycle” and category A2 motorcycle” each has the same meaning as in the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 3 and Schedule 1);

“special manoeuvres test” has the same meaning as in the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 2(1));”,

(b) after that paragraph, insert—

“(1ZA) In this Part, “logbook” means a document—

(i) in which is recorded any driving lessons, or practice, undertaken by a person in preparation for the practical test, the person's progress through the relevant approved programme of training and such other information as the Department may determine;

(ii) which is signed by an appropriate person, as confirmation that the person signing is satisfied that the person preparing for the practical test has successfully completed the relevant approved programme of training.

(1ZB) In paragraph (1ZA)—

(a) “an appropriate person”—

(i) in relation to a category B motor vehicle, is an approved driving instructor ^{F1}... or a qualified driver;

(ii) in relation to a category A1 motorcycle, is an approved motorcycle instructor ^{F2}... or a qualified driver;

(iii) in relation to a category A or A2 motorcycle, is an approved motorcycle instructor ^{F3}...;

(b) “approved driving instructor” [^{F4}and “approved motorcycle instructor”] means a person who is registered in the register maintained by the Department under Article 51 of the Order of 2007 for the purposes of Part 5 of that Order, to give instruction (in accordance with Article 48 of that Order) in relation to the driving of a category B motor vehicle or (as the case may be) a motor bicycle;

(c) “qualified driver”, in relation to a category B motor vehicle, has the same meaning as for the purposes of regulation 12 of the Motor Vehicles (Driving Licences) Regulations (Northern Ireland) 1996 (see regulation 11);

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- (d) “qualified driver”, in relation to a category A1 motorcycle, means a person who—
- (i) is 21 years of age or over;
 - (ii) holds a full licence to drive a category A1 motorcycle by virtue of having passed a test referred to in Article 19AC(2); and
 - (iii) has held the full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years;
- (e) “the relevant approved programme of training” means the programme of training prescribed in regulations made under Article 13B(1) for category B motor vehicles or (as the case may be) motor bicycles.”
- (c) in paragraph (1A), for “13(3A)” substitute “ 13C(1) ”.
- (5) In Article 174 (false statements, forgery etc. in connection with certain documents)—
- (a) in paragraph (2A)—
 - (i) after sub-paragraph (d) insert—
 - “(da) any logbook required by paragraph (1) of Article 5A to be produced in relation to taking the practical test for a vehicle referred to in paragraph (2) of that Article;”
 - (ii) in sub-paragraph (e) for “13(3A)” substitute “ 13C(1) ”,
 - (b) after that paragraph insert—
 - “(2AB) In paragraph (2A), “logbook” and “practical test” have the samemeaning as in Part II.”.

Textual Amendments

- F1** Words in s. 17(4)(b) omitted (1.12.2023) by virtue of [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 4 para. 3(2)(a)**
- F2** Words in s. 17(4)(b) omitted (1.12.2023) by virtue of [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 4 para. 3(2)(b)**
- F3** Words in s. 17(4)(b) omitted (1.12.2023) by virtue of [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 4 para. 3(2)(c)**
- F4** Words in s. 17(4)(b) substituted (1.12.2023) by [The Recognition of Professional Qualifications and Implementation of International Recognition Agreements \(Amendment\) Regulations 2023 \(S.I. 2023/1286\)](#), reg. 1, **Sch. 4 para. 3(2)(d)**

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Revocation of licence: forged etc. logbook

18.—(1) In the Order of 1981—

- (a) in Article 11A (driving after refusal or revocation of licence), in paragraph (1)(a) in sub-paragraph (ii) after “Article 10(1) or (2)” insert “ or 15ZA(2) ”,
- (b) in the italic heading before Article 13 (grant of licences), at the end add “ etc. ”,
- (c) after Article 15, insert—

“Revocation of licence: producing etc. forged logbook

15ZA.—(1) Where a person is convicted of an offence under paragraph(2)(a) or (b) of Article 174 in respect of a document referred to at paragraph (2A)(da) of that Article (a logbook), the court must send notice of the conviction to the Department.

(2) Where the Department is sent notice under paragraph (1), it may serve notice in writing on the person—

- (a) revoking his licence with effect from such date as may be specified in the notice served by it, not being earlier than the date of service,
- (b) requiring him forthwith to surrender his licence to the Department.

(3) A person whose licence is revoked by notice under paragraph (2) must deliver up his licence forthwith to the Department.

(4) A person who, without reasonable excuse, fails to comply with the duty under paragraph (3) is guilty of an offence under this Order.

(5) A person does not fail to comply with the duty under paragraph (3) where—

- (a) he cannot surrender his licence forthwith in consequence of the fact that he is not in possession of it, having surrendered it to a constable or authorised person (within the meaning of Part IV of the Offenders Order) on receiving a fixed penalty notice given to him under Article 60 of that Order, and
- (b) he surrenders the licence to the Department immediately on its return to him.”.

(2) In Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to offences under Article 15(7) of the Order of 1981 insert—

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“Article 15ZA(4)	Provisional licence holder failing, when his licence is revoked pursuant to being convicted in connection with producing etc. forged logbook, to surrender the licence.	Summarily. Level 3 on the standard scale.”.
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Changes to restrictions on learner and new drivers

Changes to restrictions on learner and new drivers

- 19.**—(1) The Order of 1981 is amended as follows.
- (2) Article 19 (speed limit for holders of provisional licences) is omitted.
- (3) For Articles 19A (restrictions on newly qualified drivers) and 19B (speed limit for vehicle displaying R plate), substitute—

“Restrictions on newly qualified drivers for new driver period

19AB.—(1) Except as provided in paragraph (11), this Article applies to any person who becomes a qualified driver.

(2) On becoming a qualified driver the person shall, for the new driver period, be subject to the relevant specified restriction.

(3) The relevant specified restriction shall apply to the person while he is driving on a road a motor vehicle of a class prescribed (and which is of the class affected by the restriction) in respect of which he was not, immediately before he became a qualified driver, entitled to hold or obtain a full licence.

(4) In determining when the new driver period expires, any time during which a person is disqualified from holding or obtaining a licence, or holds a provisional licence only, shall be disregarded.

(5) The specified restrictions are—

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- (a) as respects a motor vehicle of a class prescribed for the purposes of paragraph (3), a requirement that a distinguishing mark of such a nature as may be prescribed shall be displayed, in such manner as may be prescribed, on any such motor vehicle while it is being driven by a person to whom this Article applies (“the driver”),
- (b) subject to paragraph (7), in so far as a class prescribed for the purposes of paragraph (3) comprises category B motor vehicles, as respects a category B motor vehicle, a restriction that there must be a relevant accompanying person in the vehicle in a front passenger seat in accordance with paragraph (6) while—
 - (i) the driver is under 24 years of age and driving on a road,
 - (ii) the driver is driving at any time between 11 pm and 6 am,
 - (iii) there is more than one passenger in the vehicle (in addition to the relevant accompanying person), and
 - (iv) disregarding one such passenger (who may be any person), any other such passenger is a relevant passenger.
- (6) For the purposes of paragraph (5)(b), in a vehicle that has more than one front seat in addition to the driver's seat, a relevant accompanying person—
 - (a) while he is the only person (apart from the driver) in the front of the vehicle, may be seated in any of the other front seats,
 - (b) while he is not the only person (apart from the driver) in the front of the vehicle, must be seated in the front seat immediately next to the driver's seat.
- (7) The specified restriction in paragraph (5)(b) shall not apply where the motor vehicle is being used for emergency purposes or in the course of training for such use.
- (8) Any person who contravenes any of the specified restrictions shall be guilty of an offence under this Order.
- (9) It is a defence in proceedings for an offence under paragraph (8) which is attributable to contravention of the specified restriction in paragraph (5)(b) for a person to show that he exercised all due diligence to avoid committing such an offence.
- (10) Where the Department grants or returns a licence to any person who (while driving a motor vehicle of a class specified in the licence) will be subject to any of the specified restrictions for any period during the currency of the licence, the licence shall specify (in such manner as the Department may determine) the following—
 - (a) the specified restriction concerned,
 - (b) the new driver period applicable to the restriction,
 - (c) the class of vehicles affected by the restriction,

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(d) that the holder is subject to the specified restriction for the period while driving vehicles of that class.

(11) This Article does not apply—

(a) to a person who at a time before passing a test of competence to drive a category A2 motorcycle or a category A motorcycle held, for a continuous period of not less than 2 years or for periods amounting in aggregate to not less than 2 years, a full licence authorising the person to drive a category A1 motorcycle,

(b) to a person who is required to pass a test of competence to drive by virtue of—

(i) an order under Article 41 of the Offenders Order (or section 36 of the Road Traffic Offenders Act 1988), or

(ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998 (or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995),

(c) to such extent and in such circumstances as may be prescribed, to a person holding a licence by reason of a test passed by him at a time when he held a licence or permit which, by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952, entitled him to drive motor vehicles in Northern Ireland,

(d) to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or in such circumstances as may be prescribed.

Restrictions on newly qualified drivers for new driver period: further provision

19AC.—(1) This Article applies for the purposes of Article 19AB.

(2) A person “becomes a qualified driver” by passing any of the following tests—

(a) a test of competence to drive prescribed by virtue of Article 5(3),

(b) a Great Britain test of competence to drive which corresponds to such a test,

(c) a test of competence which, under Article 5(7), is a sufficient test,

(d) a test of competence to drive for the purpose of obtaining a British forces licence.

(3) “Relevant specified restriction” means such of the specified restrictions as affects the motor vehicle concerned; and “the specified restrictions” means the restrictions specified in Article 19AB(5).

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- (4) The “new driver period” means—
- (a) as respects the specified restriction in paragraph (5)(a) of Article 19AB, the period of 2 years after the day on which the person becomes a qualified driver,
 - (b) as respects the specified restriction in paragraph (5)(b) of that Article, the period of 6 months after the day on which the person becomes a qualified driver.
- (5) A person is a “relevant passenger” if he—
- (a) is 14 years of age or over but under 21 years of age,
 - (b) is not, in relation to the person driving (“the driver”), any of the relationships mentioned in paragraph (6), and
 - (c) is not a person in respect of whom the driver is entitled to a carer's allowance by virtue of section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.
- (6) The relationships are—
- (a) a spouse or civil partner of the driver,
 - (b) a brother, sister, half-brother or half-sister of the driver,
 - (c) a child of the family.
- (7) A person is a “child of the family”, in relation to the driver, if (whether or not he has at any time lived in the same household as the driver), has been treated by the driver as a child of his family.
- (8) A person is a “relevant accompanying person” if he—
- (a) is 21 years of age or over,
 - (b) holds a full licence, and
 - (c) has held the full licence for a continuous period of not less than 3 years or for periods amounting in aggregate to not less than 3 years.
- (9) A motor vehicle is being “used for emergency purposes” if it is being used for—
- (a) fire and rescue, ambulance, police, military, customs or coastguard purposes, or
 - (b) such other purposes as may be prescribed.
- (10) The reference in paragraph (9)(a) to ambulance purposes includes a reference to the purposes of a mobile coronary care unit.
- (11) Regulations under paragraph (5)(a) of Article 19AB shall not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.
- (12) The Department may by order amend—
- (a) paragraph (5)(b) of Article 19AB by—

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- (i) adding any further category of motor vehicle or altering or omitting any category for the time being mentioned there,
 - (ii) substituting a different age for the age for the time being specified in sub-paragraph (i) of that paragraph,
 - (b) paragraph (a) or (b) of the definition of “new driver period” in paragraph (4) by substituting different periods for any of the periods for the time being specified there,
 - (c) paragraph (5)(a) by substituting different ages for either of the ages for the time being specified there,
 - (d) paragraph (8)(a) by substituting a different age for the age for the time being specified there.
- (13) An order under paragraph (12) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.”.
- (4) In Article 177 (identification of drivers, passengers etc. in vehicles)—
- (a) in sub-paragraph (a) of paragraph (1), for “names and addresses” substitute “ names, addresses, ages and relationship to driver ”,
 - (b) after sub-paragraph (b) of that paragraph, insert—
 - “(ba) any passenger in the vehicle shall, if required as aforesaid, give any information which it is in his power to give as regards the names, addresses, ages and relationship to the driver of any passenger at the time of the alleged offence;”,
 - (c) after that paragraph, insert—
 - “(1A) Where the offence of which the driver is alleged to be guilty is—
 - (a) an offence under Article 19AB(8); and
 - (b) in respect of contravention of the specified restriction in Article 19AB(5)(b) (passenger carrying restriction during new driver period),
- the requirement in paragraph (1)(a) for the driver on demand to give to a constable the names, addresses, ages and relationship to the driver of any passengers carried in the vehicle at the time of the alleged offence which it is in his power to give applies whether or not the driver is the owner of the vehicle.”,
- (d) after paragraph (2), insert—
 - “(3) Where the alleged offence is—
 - (a) under Article 19AB(8); and
 - (b) in respect of contravention of the specified restriction in Article 19AB(5)(b) (passenger carrying restriction during new driver period),

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the driver of the vehicle shall, if requested to do so by the constable, produce at such police station as the constable may specify, before the end of the period of 7 days beginning with the day of the request, such further evidence as regards the names, addresses, ages and relationship to the driver of any passengers in the vehicle as the constable may request.

(4) It is a defence in proceedings for an offence under this Article in relation to an offence under paragraph (8) of Article 19AB, which was attributable to contravention of the specified restriction in paragraph (5) (b) of that Article, for a person to show that he exercised all due diligence to avoid committing such an offence.”

(5) In Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences under the Road Traffic Orders)—

(a) for the entry relating to offences under Article 19A and 19B of the Order of 1981 substitute—

“Article 19AB(8)	Failure to comply with restriction on newly qualified driver.	Summarily Level 3 on the standard scale.	Discretionary.3”, Obligatory.3”
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(b) in the entry relating to offences under Article 177 of that Order, in column (7), for “6” substitute “ (a) 3 if the driver of the vehicle is alleged to be guilty of an offence under Article 19AB(8) of the Order of 1981 (failure to comply with any of the specified restrictions during the new driver period), (b) 6 in any other case ”.

Approved courses for new drivers as alternative to revocation

Approved courses for new drivers as alternative to revocation

20.—(1) The New Drivers Order is amended as follows.

(2) In Article 5 (revocation of licences for 6 or more penalty points during person's probationary period)—

- (a) in paragraph (1), after “Department”, where it second occurs, insert “ , except where paragraph (1ZB) provides otherwise, ”,
- (b) in paragraph (1ZA), after “Department”, where it second occurs, insert “ (except where paragraph (1ZB) provides otherwise) ”,
- (c) after paragraph (1ZA) insert—

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“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in paragraph (1ZC) the Department shall not revoke his licence.

(1ZC) Where—

- (a) the Department makes an offer under paragraph (1ZB) and the person to whom it is made accepts the offer;
- (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
 - (i) notice of a court order referred to in Article 4(1)(d); or
 - (ii) the person's licence as mentioned in Article 4(3)(a),

the Department shall by notice served on that person revoke the licence.”,

(d) after paragraph (3) add—

“(4) In this Article and Article 5B—

“approved course” means a course approved by the Department for the purposes of this Article;

“the relevant date” means such date, not later than 6 months after the day on which the offer under paragraph (1ZB) is given, as is specified in the offer.”.

(3) After Article 5, insert—

“Only one offer of an approved course during a person's probationary period

5A The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person's probationary period. virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person's probationary period.

Approved courses: further provision

5B.—(1) Before making an offer under Article 5(1ZB)—

- (a) the Department must be satisfied that a place on an approved course will be available for the person;
- (b) the Department must have informed the person (orally and in writing and in ordinary language) of the effect of the offer and of

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- the amount of the fees which he is required to pay for the course and when he must pay them;
- (c) the person must have agreed to attend an approved course.
- (2) Regulations made by the Department may make provision as regards—
- (a) the nature of approved courses;
 - (b) approval by the Department of courses, and of persons providing approved courses (including approval subject to conditions, withdrawal of approval and payment of fees in respect of applications for approval or in connection with approval);
 - (c) monitoring of approved courses and persons providing them;
 - (d) the maximum fees that a person may be required to pay for an approved course and by when fees are to be paid;
 - (e) appeal against refusal of an application for approval, any condition on its grant or withdrawal of approval;
 - (f) entering into arrangements by the Department with persons in Great Britain who provide courses which the Department considers are of a nature similar to an approved course, for the purpose of treating those courses as approved courses within the meaning of Article 5;
 - (g) the issuing of guidance to persons providing approved courses;
 - (h) the payment to the Department by persons providing approved courses of costs reasonably incurred by it in relation to the management and administration of such courses (including monitoring, reviewing and evaluating their content and effectiveness and issuing guidance to such persons as to the conduct of such courses);
 - (i) the apportionment of such costs among providers of approved courses;
 - (j) the circumstances in which a person is to be regarded, for the purposes of Article 5, as having satisfactorily completed an approved course;
 - (k) certificates of satisfactory completion of approved courses and appeal to the Department against decision by the persons who provide such courses not to issue certificates;
 - (l) such other matters as the Department considers appropriate.
- (3) Regulations under paragraph (2) shall be subject to negative resolution.”.
- (4) In Schedule 1 (newly qualified drivers holding test certificate)—
- (a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Road Traffic (Amendment) Act (Northern Ireland) 2016, PART 3. (See end of Document for details)

- (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,
- (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “ (except where sub-paragraph (1ZB) provides otherwise) ”,
- (iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by therelevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.

(1ZC) Where—

- (a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;
- (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
 - (i) notice of a court order referred to in Article 4(1)(d);
 - or
 - (ii) the person's test certificate as mentioned in paragraph 4(4),

the Department shall by notice served on that person revoke the test certificate.”,

- (iv) after sub-paragraph (5) add—

“(6) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

- (b) after paragraph 5, insert—

“Approved courses under paragraph 5: further provision

5A Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and

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approved courses for the purposes of Article 5, as if—paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

- (a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);
- (b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”
- (c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—
 - (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”
 - (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “ (except where sub-paragraph (1ZB) provides otherwise) ”
 - (iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

 - (a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;
 - (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—
 - (i) notice of a court order referred to in Article 4(1)(d) and the person's licence and test certificate; or
 - (ii) the person's licence and test certificate as mentioned in paragraph 7(4),

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the Department shall by notice served on that person revoke the licence and test certificate.”,

(iv) after sub-paragraph (3) add—

“(4) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

(d) after paragraph 8, insert—

“Approved courses under paragraph 8: further provision

8A Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”.

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Road Traffic (Amendment) Act (Northern Ireland) 2016, PART 3.