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## STATUTORY INSTRUMENTS

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# 1996 No. 1320

## The Road Traffic Offenders (Northern Ireland) Order 1996

### PART III

### SENTENCE

#### *Disqualification*

#### **Disqualification for certain offences**

**35.**—(1) Where a person is convicted of an offence involving obligatory disqualification, the court must order him to be disqualified for such period not less than 12 months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

[<sup>F1</sup>(1A) Where a person is convicted of an offence under Article 172A or 172B of the 1981 Order (aggravated vehicle taking) the fact that he did not drive the vehicle in question at any particular time or at all shall not be regarded as a special reason for the purposes of paragraph (1).]

(2) Where a person is convicted of an offence involving discretionary disqualification, and either—

- (a) the penalty points to be taken into account on that occasion number fewer than 12, or
- (b) the offence is not one involving obligatory endorsement,

the court may order him to be disqualified for such period as the court thinks fit.

(3) Where a person convicted of an offence under any of the following provisions of the Order of 1995, that is—

- (a) Article 14 (causing death, or grievous bodily injury, by careless driving when under the influence of drink or drugs),
- (b) Article 15(1) (driving or attempting to drive while unfit),
- (c) Article 16(1)(a) (driving or attempting to drive with excess alcohol),
- (d) Article 18(7) (failing to provide a specimen), where that is an offence involving obligatory disqualification,

[<sup>F2</sup>(e) Article 18A(6) (failing to allow a specimen to be subjected to laboratory test) where that is an offence involving obligatory disqualification;]

has within the 10 years immediately preceding the commission of the offence been convicted of any such offence, paragraph (1) shall apply in relation to him as if the reference to 12 months were a reference to 3 years.

This paragraph is subject to Article 96.

(4) Subject to paragraph (3), paragraph (1) shall apply as if the reference to 12 months were a reference to 2 years, in relation to—

- (a) a person convicted of—

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- (i) manslaughter, or
  - (ii) an offence under Article 9 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving), or
  - (iii) an offence under Article 14 of that Order (causing death, or grievous bodily injury, by careless driving when under the influence of drink or drugs), and
- (b) a person on whom more than one disqualification for a fixed period of 56 days or more has been imposed within the 3 years immediately preceding the commission of the offence.

[<sup>F3</sup>(4A) Where a person convicted of an offence under Article 54 of the Order of 1995 (using vehicle in dangerous condition etc.) has within the 3 years immediately preceding the commission of the offence been convicted of any such offence, paragraph (1) shall apply in relation to him as if the reference to 12 months were a reference to 6 months.]

(5) For the purposes of paragraph (4)(b) there shall be disregarded any disqualification imposed under Article 28 of this Order or Article 8 of the Criminal Justice (Northern Ireland) Order 1980 (offences committed using a motor vehicle) and any disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 24 of the Theft Act (Northern Ireland) 1969, an offence under Article 172 of the Order of 1981, or an attempt to commit such an offence.

(6) The preceding provisions of this Article shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.

(7) This Article is subject to Article 53.

**F1** 2004 NI 15

**F2** 2005 NI 15

**F3** Art. 35(4A) inserted (27.6.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **9(1)**; S.R. 2007/302, **art. 2**, Sch.

**Modifications etc. (not altering text)**

**C1** Art. 35(6) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 94(1), **Sch. 6 para. 32(b)** (with Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)(f)(g)**

**Reduced disqualification period for attendance on courses**

**36.—(1)** This Article applies where—

- (a) a person is convicted of an offence under any of the following provisions of the Order of 1995, namely Article 14 (causing death, or grievous bodily injury, by careless driving when under influence of drink or drugs), Article 15 (driving or being in charge when under influence of drink or drugs), Article 16 (driving or being in charge with excess alcohol) or Article 18 (failing to provide a specimen), and
- (b) the court makes an order under Article 35 of this Order disqualifying him for a period of not less than 12 months.

(2) Where this Article applies, the court may make an order that the period of disqualification imposed under Article 35 shall be reduced if, by a date specified in the order under this Article, the offender satisfactorily completes a course approved by the Department for the purposes of this Article and specified in the order.

(3) The reduction made by an order under this Article in a period of disqualification imposed under Article 35 shall be a period specified in the order of not less than 3 months and not more than

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one quarter of the unreduced period (and accordingly where the period imposed under Article 35 is 12 months, the reduced period shall be 9 months).

- (4) The court shall not make an order under this Article unless—
- (a) it is satisfied that a place on the course specified in the order will be available for the offender,
  - (b) the offender appears to the court to be of or over the age of 17,
  - (c) the court has explained the effect of the order to the offender in ordinary language, and has informed him of the amount of the fees for the course and of the requirement that he must pay them before beginning the course, and
  - (d) the offender has agreed that the order should be made.
- (5) The date specified in an order under this Article as the latest date for completion of a course must be at least 2 months before the last day of the period of disqualification as reduced by the order.
- (6) An order under this Article shall name the petty sessions district in which the offender resides or will reside.

### **Certificates of completion of courses**

**37.—**(1) An offender shall be regarded for the purposes of Article 36 as having completed a course satisfactorily if (and only if) a certificate that he has done so is received by the clerk of the supervising court before the end of the period of disqualification imposed under Article 35.

(2) If the certificate referred to in paragraph (1) is received by the clerk of the supervising court before the end of the period of disqualification imposed under Article 35 but after the end of the period as it would have been reduced by the order, the order shall have effect as if the reduced period ended with the day on which the certificate is received by the clerk.

(3) The certificate referred to in paragraph (1) shall be a certificate in such form, containing such particulars, and given by such person, as may be prescribed by, or determined in accordance with, regulations made by the Department.

(4) A course organiser shall give the certificate mentioned in paragraph (1) to the offender not later than 14 days after the date specified in the order as the latest date for completion of the course, unless the offender fails to make due payment of the fees for the course, fails to attend the course in accordance with the organiser's reasonable instructions, or fails to comply with any other reasonable requirements of the organiser.

(5) Where a course organiser decides not to give the certificate mentioned in paragraph (1) he shall give written notice of his decision to the offender, as soon as possible, and in any event not later than 14 days after the date specified in the order as the latest date for completion of the course.

(6) An offender to whom a notice is given under paragraph (5) may, within such period as may be prescribed by magistrates' courts rules, apply to the supervising court for a declaration that the course organiser's decision not to give a certificate was contrary to paragraph (4); and if the court grants the application Article 36 shall have effect as if the certificate had been duly received by the clerk of the court.

(7) If 14 days after the date specified in the order as the latest date for completion of the course the course organiser has given neither the certificate mentioned in paragraph (1) nor a notice under paragraph (5), the offender may, within such period as may be prescribed by magistrates' courts rules, apply to the supervising court for a declaration that the course organiser is in default; and if the court grants the application Article 36 shall have effect as if the certificate had been duly received by the clerk of the court.

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(8) A notice under paragraph (5) shall specify the ground on which it is given, and the Department may by regulations make provision as to the form of notices under that paragraph and as to the circumstances in which they are to be treated as given.

(9) Where the clerk of a court receives a certificate of the kind referred to in paragraph (1), or a court grants an application under paragraph (6) or (7), the clerk or court must send notice of that fact to the Department; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Department may determine.

PROSPECTIVE

#### [<sup>F4</sup>Approval of courses

**37A.**—(1) If an application is made to the Department for the approval of a course for the purposes of Article 36, the Department must decide whether to grant or refuse the application.

(2) In reaching that decision, the Department must have regard to—

- (a) the nature of the course, and
- (b) whether the course provider is an appropriate person to provide the course and administer its provision efficiently and effectively,

and may take into account any recommendations made by any persons appointed to consider the application.

(3) A course may be approved subject to conditions specified by the Department.

(4) An approval of a course is for the period specified by the Department (which must not exceed 7 years), subject to withdrawal of approval.

(5) Regulations made by the Department may make provision in relation to the approval of courses and may, in particular, include provision—

- (a) in relation to the making of applications for approval,
- (b) for the payment in respect of applications for approval, or in connection with approvals, of fees of a prescribed amount,
- (c) specifying the maximum fees that a person may be required to pay for a course and by when they are to be paid,
- (d) for the monitoring of courses and course providers,
- (e) in relation to withdrawing approval,
- (f) for an appeal to lie to a court of summary jurisdiction against a refusal of an application for approval, the imposition of conditions on the grant of such an application or the withdrawal of approval, and,
- (g) authorising the Department to make available (with or without charge) information about courses and course providers.]

**F4** Arts. 36, 37, 37A, 37B, 38 substituted (prosp.) for arts. 36-39 by [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), arts. 1(3), **11(1)**

## [<sup>F5</sup>Courses in Great Britain

**37B.**—(1) The Department may enter into arrangements with persons in Great Britain who provide courses which are approved courses within the meaning of section 34A(6) of the Road Traffic Offenders Act 1988 for the purpose of treating those courses as approved courses within the meaning of Articles 36 to 38 and in this Article such courses in respect of which such arrangements have been entered into shall be known as “recognised courses”.

(2) Such arrangements may include provision for any matters for which provision is made in Articles 36 to 38 in relation to approved courses.

(3) A court—

- (a) may treat recognised courses as approved courses for the purposes of Article 36,
- (b) may treat any certificates received from course providers of recognised courses as certificates received from course providers of approved courses for the purposes of Article 37,
- (c) may treat a notice of such course provider not to give a certificate as a notice within the meaning of Article 37(5) for the purposes of Article 37(6), (7) and (11), provided that, the offender may only appeal to the supervising court,
- (d) may treat a failure to give such a notice and a failure to give such a certificate in the same way as it would treat such a failure under Article 37(8) for the purposes of Article 37(8), (9) and (11), provided that, the offender may only appeal to the supervising court.

(4) Where a court has made an order in respect of a person under Article 36, that person may apply to the court to vary the order by substituting a recognised course for the course specified in the order, and if the court grants that application, it shall vary the order accordingly.

(5) The power to prescribe periods by rules of court under Article 37(6) and (8) shall include power to prescribe periods for the purposes of paragraph (2)(c) and (d) of this Article.

(6) The Department may by regulations make such further provision in respect of recognised courses as it considers necessary or expedient.]

**F5** Arts. 36, 37, 37A, 37B, 38 substituted (prosp.) for arts. 36-39 by [Road Traffic \(Northern Ireland\) Order 2007 \(S.I. 2007/916 \(N.I. 10\)\)](#), arts. 1(3), **11(1)**

## Provisions supplementary to Articles 36 and 37

**38.**—(1) The Department may issue guidance to course organisers, or to any category of course organiser as to the conduct of courses approved for the purposes of Article 36; and—

- (a) course organisers shall have regard to any guidance given to them under this paragraph, and
- (b) in determining for the purposes of Article 37(6) whether any instructions or requirements of an organiser were reasonable, a court shall have regard to any guidance given to him under this paragraph.

(2) In Articles 36 and 37 and this Article—

“course organiser”, in relation to a course, means the person who, in accordance with regulations made by the Department, is responsible for giving the certificates mentioned in Article 37(1) in respect of the completion of the course;

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“supervising court”, in relation to an order under Article 36, means a court of summary jurisdiction acting for the petty sessions district named in the order as the district where the offender resides or will reside; and any reference to the clerk of such a court is a reference to the clerk of petty sessions for the petty sessions district for which the court acts.

- (3) Regulations under Article 37 or this Article—
- (a) may include such incidental or supplementary provision as appears to the Department to be necessary or expedient; and
  - (b) shall be subject to negative resolution.

PROSPECTIVE

### **[F6]Reduced disqualification period: alcohol ignition interlock programme orders**

**38A.**—(1) This Article applies where—

- (a) a person is convicted of a relevant drink offence by or before a court,
- (b) he has committed another relevant drink offence at any time during the period of 10 years ending with the date of the conviction
- (c) the court makes an order under Article 35 but does not make an order under Article 36, and
- (d) the period stated by the court as that for which, apart from this Article, he would be disqualified (“the unreduced period”) is not less than 2 years.

(2) In this Article “relevant drink offence” means—

- (a) an offence under sub-paragraph (a) of paragraph (1) of Article 14 of the Order of 1995 (causing death or grievous bodily injury by careless driving when unfit to drive through drink) committed when unfit to drive through drink,
- (b) an offence under sub-paragraph (b) of that paragraph (causing death by careless driving with excess alcohol),
- (c) an offence under sub-paragraph (c) of that paragraph (failing to provide a specimen) where the specimen is required in connection with drink or consumption of alcohol,
- (d) an offence under Article 15 of that Order (driving or being in charge when under influence of drink) committed by reason of unfitness through drink,
- (e) an offence under Article 16(1) of that Order (driving or being in charge with excess alcohol),
- (f) an offence under Article 18(7) of that Order (failing to provide a specimen) committed in the course of an investigation into an offence within any of the preceding sub-paragraphs, or
- (g) an offence under Article 18A(6) of that Order (failing to allow a specimen to be subjected to a laboratory test) in the course of an investigation into an offence within any of the preceding sub-paragraphs.

(3) Where this Article applies, the court may specify a lesser period of disqualification (“the reduced period”) if it also makes an order (an “alcohol ignition interlock programme order”) requiring the offender to comply with the alcohol ignition interlock conditions.

(4) The difference between the unreduced period and the reduced period shall be a period specified in the order of—

- (a) not less than 12 months, and

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(b) not more than one half of the unreduced period.

(5) If the offender contravenes the alcohol ignition interlock conditions, a further order under Article 35 disqualifying him for the rest of the unreduced period is to be treated as having been made by the court immediately before the contravention.

(6) “The alcohol ignition interlock conditions” are that the offender—

(a) must participate fully in an approved alcohol ignition interlock programme specified in the order during such part of the unreduced period as is so specified, an

(b) during the part of that period following the reduced period, must not drive a motor vehicle unless it is fitted with an alcohol ignition interlock in good working order and must not drive a motor vehicle which is so fitted when not using the alcohol ignition interlock properly.

(7) A court shall not make an alcohol ignition interlock programme order in the case of an offender unless—

(a) the court is satisfied that a place on the approved alcohol ignition interlock programme specified in the order will be available for the offender,

(b) the offender appears to the court to be of or over the age of 17,

(c) the court has informed the offender (orally or in writing and in ordinary language) of the effect of the order and the amount of the fees which he is required to pay for the programme and when he must pay them, and

(d) the offender has agreed that the order should be made.

(8) For the purposes of this Article an “approved alcohol ignition interlock programme” is a programme approved by the Department and involving the provision of an alcohol ignition interlock for use by the offender, training in its use and other education and counselling relating to the consumption of alcohol and driving.

(9) For the purposes of this Article “alcohol ignition interlock” means a device—

(a) of a type approved by the Department, and

(b) designed to be fitted to a motor vehicle with the purpose of preventing the driving of the vehicle by a person who does not, both before starting driving the vehicle and at regular intervals while driving it, provide specimens of breath in which the proportion of alcohol is likely not to exceed the limit specified in paragraph (10).

(10) That limit is 9 microgrammes of alcohol in 100 millilitres of breath or such other proportion of alcohol to breath as the Department may by regulations prescribe.

(11) For the purposes of this Article an offender uses an alcohol ignition interlock properly if (and only if) he is complying with all the instructions given to him about its use as part of the approved alcohol ignition interlock programme.

(12) Where an alcohol ignition interlock is fitted to a motor vehicle as part of an approved alcohol ignition interlock programme relating to an offender, a person commits an offence if—

(a) he interferes with the alcohol ignition interlock with intent to cause it not to function or not to function properly, or

(b) he is a person other than the offender and provides or attempts to provide a specimen of breath for the purposes of the alcohol ignition interlock with intent to enable the driving (or continued driving) of the vehicle by the offender

**F6** Arts. 38A-38E inserted (prosp.) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **60(1)** (with art. 61)

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## PROSPECTIVE

### Certificates of failing fully to participate

**38B.**—(1) An offender shall be regarded for the purposes of Article 38A as not fully participating in an approved alcohol ignition interlock programme if (and only if) a certificate that that is so is received by the proper officer of the supervising court.

(2) A certificate under paragraph (1) may be given if (and only if) the offender has failed—

- (a) to make due payment of fees for the programme,
- (b) to attend for training, education or counselling forming part of the programme in accordance with the programme provider's reasonable instructions,
- (c) to attend at a place specified by the programme provider for the monitoring and maintenance of the alcohol ignition interlock, at a time specified by the programme provider or a person with whom the programme provider has made arrangements for its monitoring and maintenance, or
- (d) to comply with any other reasonable requirement of the programme provider.

(3) A certificate under paragraph (1) is to be given by the programme provider and shall be in such form, and contain such particulars, as may be prescribed by, or determined in accordance with, regulations made by the Department.

(4) Where a programme provider decides to give a certificate under paragraph (1), he shall give written notice of the decision to the offender as soon as possible.

(5) An offender to whom a notice is given under paragraph (4) may, within such period as may be prescribed by rules of court, apply to the supervising court, or (if the supervising court is not the Crown Court or the relevant local court) to either the supervising court or the relevant local court, for a declaration that the programme provider has given the certificate under paragraph (1) in contravention of paragraph (2).

(6) If the court grants the application, Article 38A shall have effect as if the certificate had not been duly received by the proper officer of the supervising court.

(7) A notice under paragraph (4) shall specify the ground on which it is given; and the Department may by regulations make provision as to the form of notices under that paragraph and as to the circumstances in which they are to be treated as given.

(8) Where the proper officer of a court receives a certificate under paragraph (1), or a court grants an application under paragraph (5), the proper officer or court must send notice of that fact to the Department; and the notice must be sent in such manner and to such address, and must contain such particulars, as the Department may determine

**F6** Arts. 38A-38E inserted (prosp.) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **60(1)** (with art. 61)

## PROSPECTIVE

### Approval of programmes

**38C.**—(1) If an application is made to the Department for the approval of a programme for the purposes of Article 38A, the Department must decide whether to grant or refuse the application.

(2) In reaching that decision the Department must have regard to—



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- (a) the nature of the programme, and
  - (b) whether the programme provider is an appropriate person to provide the programme and administer its provision efficiently and effectively,
- and may take into account any recommendations made by any persons appointed to consider the application.
- (3) A programme may be approved subject to conditions specified by the Department.
  - (4) An approval of a programme is for the period specified by the Department (which must not exceed 7 years), subject to withdrawal of approval.
  - (5) Regulations made by the Department may make provision in relation to the approval of programmes and may, in particular, include provision—
    - (a) in relation to the making of applications for approval,
    - (b) for the payment in respect of applications for approval, or of approvals, (or of both) of fees of such amounts as are prescribed by the regulations,
    - (c) specifying the maximum fees that a person may be required to pay for a programme and by when they are to be paid,
    - (d) for the monitoring of programmes and programme providers,
    - (e) in relation to withdrawing approval,
    - (f) for an appeal to lie to a court of summary jurisdiction against a refusal of an application for approval, the imposition of conditions on the grant of such an application or the withdrawal of approval, and
    - (g) authorising the Department to make available (with or without charge) information about programmes and programme providers.

**F6** Arts. 38A-38E inserted (prosp.) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **60(1)** (with art. 61)

PROSPECTIVE

### Programmes in Great Britain

**38D.**—(1) The Department may enter into arrangements with persons in Great Britain who provide programmes which are approved programmes within the meaning of section 34D(8) of the Road Traffic Offenders Act 1988 for the purpose of treating those programmes as approved programmes within the meaning of Articles 38A to 38E of this Order, and in this Article such programmes in respect of which such arrangements have been entered into are referred to as “recognised programmes”

(2) Such arrangements may include provision for any matters for which provision is made in Articles 38A to 38E in relation to approved programmes.

- (3) A court—
  - (a) may treat recognised programmes as approved programmes for the purposes of Article 38A,
  - (b) may treat any certificates received from programme providers of recognised programmes as certificates received from programme providers of approved programmes for the purposes of Article 38B.

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(4) Where a court has made an order in respect of a person under Article 38A, that person may apply to the court to vary the order by substituting a recognised programme for the programme specified in the order, and if the court grants that application, it shall vary the order accordingly.

(5) The Department may by regulations make such further provision in respect of recognised programmes as it considers necessary or expedient

**F6** Arts. 38A-38E inserted (prosp.) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **60(1)** (with art. 61)

## PROSPECTIVE

### Provisions supplementary to Articles 38A to 38D

**38E.**—(1) The Department may issue guidance to programme providers, or to any category of programme provider, as to the conduct of programmes approved for the purposes of Article 38A; and—

- (a) programme providers shall have regard to any guidance given to them under this paragraph, and
- (b) in determining for the purposes of Article 38B whether any instructions or requirements of a programme provider were reasonable, a court shall have regard to any guidance given to him under this paragraph.

(2) The Department may by regulations make provision—

- (a) amending Article 38A(1)(b) by substituting for the period for the time being specified there a different period,
- (b) amending Article 38A(1)(d) by substituting for the period for the time being specified there a different period, or
- (c) amending Article 38A(4) by substituting for the period for the time being specified there a different period, or by substituting for the fraction of the unreduced period for the time being specified there a different fraction of that period, (or by doing both).

(3) In Articles 38A to 38D and this Article—

“contravention” includes failure to comply;

“programme provider”, in relation to an alcohol ignition interlock programme, means the person by whom it is, or is to be, provided;

“proper officer” means—

- (a) in relation to a magistrates' court, the clerk of petty sessions for the petty sessions district for which the court acts, an
- (b) otherwise, the chief clerk;

“relevant local court”, in relation to an alcohol ignition interlock programme order in the case of an offender, means a magistrates' court acting for the petty sessions district in which the offender resides,

“rules of court” means—

- (a) in relation to an application to a magistrates' court, magistrates' court rules; and
- (b) in relation to an application to the Crown Court, Crown Court rules;

“supervising court”, in relation to an alcohol ignition interlock programme order, means—

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- (a) if the Crown Court made the order, the Crown Court; and
  - (b) otherwise a magistrates' court acting for the same petty sessions district as the court which made the order.
- (4) Regulations under Article 38A, 38B, 38C or 38D or this Article may include such incidental or supplementary provision as appears to the Department to be necessary or expedient.
- (5) Regulations under Article 38A, 38B, 38C or 38D shall be subject to negative resolution.
- (6) No regulations shall be made under this Article unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.]

**F6** Arts. 38A-38E inserted (prosp.) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **60(1)** (with art. 61)

### Experimental period for Article 36

**39**<sup>F7</sup>.—(1) Subject to the following provisions, no order shall be made under Article 36 after the end of 2000 or such later time as may be specified in an order made by the Department.

(2) At any time before the restriction imposed by paragraph (1) has taken effect, the Department may by order provide that it shall not do so.

(3) In this Article “the experimental period” means the period beginning when Articles 36 to 38 come into operation and ending—

- (a) when the restriction imposed by paragraph (1) takes effect, or
- (b) if the Department makes an order under paragraph (2), on a date specified in the order (being a date falling before the time when the restriction imposed by paragraph (1) would otherwise have taken effect).

(4) During the experimental period—

- (a) no order shall be made under Article 36 by virtue of a person's conviction under Article 14 of the Order of 1995, and
- (b) no order shall be made under Article 36 except by a court of summary jurisdiction acting for a petty sessions district which is for the time being designated for the purposes of this Article.

(5) In relation to orders made under Article 36 during the experimental period, that Article shall have effect with the omission of paragraph (6) and Article 37 shall have effect as if references to the supervising court were references to the court which made the order.

(6) The power to designate a district for the purposes of this Article shall be exercisable by the Lord Chancellor by order, and includes power to revoke any designation previously made.

(7) An order under paragraph (6)—

- (a) shall specify the period for which a district is designated, and
- (b) may extend or abridge any period previously specified.

(8) The power to make an order under paragraph (1) shall not be exercisable after the end of 2000, and no more than one order may be made under that paragraph.

(9) Any order made by the Department under this Article shall be subject to affirmative resolution.

(10) Any order made by the Lord Chancellor under paragraph (6) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 shall apply accordingly.

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F7 mod. by SR 2000/395

## **Disqualification for repeated offences**

**40.**—(1) Where—

- (a) a person is convicted of an offence to which this paragraph applies, and
- (b) the penalty points to be taken into account on that occasion number 12 or more,

the court must order him to be disqualified for not less than the minimum period unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

(2) Paragraph (1) applies to—

- (a) an offence involving discretionary disqualification and obligatory endorsement, and
- (b) an offence involving obligatory disqualification in respect of which no order is made under Article 35.

(3) The minimum period referred to in paragraph (1) is—

- (a) 6 months if no previous disqualification imposed on the offender is to be taken into account, and
- (b) one year if one, and 2 years if more than one, such disqualification is to be taken into account,

and a previous disqualification imposed on an offender is to be taken into account if it was for a fixed period of 56 days or more and was imposed within the 3 years immediately preceding the commission of the latest offence in respect of which penalty points are taken into account under Article 31.

(4) Where an offender is convicted on the same occasion of more than one offence to which paragraph (1) applies—

- (a) not more than one disqualification shall be imposed on him under paragraph (1),
- (b) in determining the period of the disqualification the court must take into account all the offences, and
- (c) for the purposes of any appeal any disqualification imposed under paragraph (1) shall be treated as an order made on the conviction of each of the offences.

(5) No account is to be taken under paragraph (1) of any of the following circumstances—

- (a) any circumstances that are alleged to make the offence or any of the offences not a serious one,
- (b) hardship, other than exceptional hardship, or
- (c) any circumstances which, within the 3 years immediately preceding the conviction, have been taken into account under that paragraph in ordering the offender to be disqualified for a shorter period or not ordering him to be disqualified.

(6) References in this Article to a disqualification do not include a disqualification imposed under Article 28 of this Order or Article 8 of the Criminal Justice (Northern Ireland) Order 1980 (disqualification where vehicle used for commission of offence) or a disqualification imposed in respect of an offence of stealing a motor vehicle, an offence under section 12 or 24 of the Theft Act (Northern Ireland) 1969, an offence under Article 172 of the Order of 1981, or an attempt to commit such an offence.

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(7) The preceding provisions of this Article shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling, procuring, or inciting to the commission of, an offence involving obligatory disqualification as if the offence were an offence involving discretionary disqualification.

(8) This Article is subject to Article 53.

**Modifications etc. (not altering text)**

**C2** Art. 40(7) modified (1.10.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 63(1), 94(1), [Sch. 6 para. 32\(c\)](#) (with [Sch. 13 para. 5](#)); [S.I. 2008/2504](#), [art. 2\(a\)\(f\)\(g\)](#)

PROSPECTIVE

**[<sup>F8</sup>Extension of disqualification where custodial sentence also imposed**

**40A.**—(1) This Article applies where a person is convicted of an offence for which the court—

- (a) imposes a custodial sentence, and
- (b) orders the person to be disqualified under Article 35 or 40.

(2) The order under Article 35 or 40 must provide for the person to be disqualified for the appropriate extension period, in addition to the discretionary disqualification period.

(3) The discretionary disqualification period is the period for which, in the absence of this Article, the court would have disqualified the person under Article 35 or 40.

(4) The appropriate extension period is—

- (a) where a court imposes a sentence under Article 45(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) (punishment of grave crimes: indeterminate sentences), a period equal to the period specified in the sentence under Article 45(2) of that Order less any relevant discount;
- (b) where an order under Article 5(1) of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) (determination of tariffs) is made in relation to the custodial sentence, a period equal to the part of the sentence specified in that order less any relevant discount;
- (c) where Article 8(1) of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)) (sentence for a determinate term) applies in relation to the custodial sentence, a period equal to the custodial period specified pursuant to Article 8(2) of that Order less any relevant discount;
- (d) where a court imposes a sentence under Article 13(3) of the Criminal Justice (Northern Ireland) Order 2008 (indeterminate custodial sentences for serious offences), a period equal to the period specified pursuant to Article 13(3)(b) of that Order less any relevant discount;
- (e) where Article 14(3) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged over 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to Article 14(3)(a) of that Order calculated after that term has been reduced by any relevant discount;
- (f) where Article 14(5) of the Criminal Justice (Northern Ireland) Order 2008 (extended custodial sentences for certain offences where the offender is aged under 21) applies in relation to the custodial sentence, a period equal to half of the term imposed pursuant to

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Article 14(5)(a) of that Order calculated after that term has been reduced by any relevant discount;

(g) in any other case, a period equal to half the custodial sentence imposed calculated after that sentence has been reduced by any relevant discount.

(5) If a period determined under paragraph (4) includes a fraction of a day, that period is to be rounded up to the nearest number of whole days.

(6) The “relevant discount” is the number of days by which the custodial sentence is treated as reduced by virtue of section 26(2) of the Treatment of Offenders Act (Northern Ireland) 1968 (c. 29) (periods in custody before sentence passed etc).

(7) This Article does not apply where—

- (a) the custodial sentence was a suspended sentence, or
- (b) the court has made an order under Article 5(3) of the Life Sentences (Northern Ireland) Order 2001 (life sentence: no early release) in relation to the custodial sentence.

(8) Paragraph (9) applies where an amending order provides that the proportion of a prisoner's sentence referred to in Article 18(2)(b) of the Criminal Justice (Northern Ireland) Order 2008 (duty to release prisoners serving extended custodial sentences) is to be read as a reference to another proportion (“the new proportion”).

(9) The Secretary of State may by order provide that the proportion specified in paragraph (4) (e) and (f) of this Article is to be read, in the case of a custodial sentence to which the amending order applies, as a reference to the new proportion.

(10) An order under paragraph (9) is subject to annulment by a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (instruments subject to annulment by resolution of either House of Parliament) applies accordingly.

(11) In this Article—

“amending order” means an order under Article 18(9) of the Criminal Justice (Northern Ireland) Order 2008 (alteration by order of relevant part of sentence);

“custodial sentence” has the meaning given by Article 4 of the Criminal Justice (Northern Ireland) Order 2008;

“suspended sentence” means a suspended sentence or order for detention under section 18 of the Treatment of Offenders Act (Northern Ireland) 1968.

**F8** Arts. 40A-40B inserted (prosp.) by Coroners and Justice Act 2009 (c. 25), ss. 137, 182(5), Sch. 16 para. 4 (with transitional, transitory and savings in s. 180, Sch. 22 para. 29)

PROSPECTIVE

### Effect of custodial sentence in other cases

**40B.**—(1) This Article applies where a person is convicted of an offence for which a court proposes to order the person to be disqualified under Article 35 or 40 and—

- (a) the court proposes to impose on the person a custodial sentence (other than a suspended sentence) for another offence, or
- (b) at the time of sentencing for the offence, a custodial sentence imposed on the person on an earlier occasion has not expired.

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(2) In determining the period for which the person is to be disqualified under Article 35 or 40, the court must have regard to the consideration in paragraph (3) if and to the extent that it is appropriate to do so.

(3) The consideration is the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.

(4) If the court proposes to order the person to be disqualified under Article 35 or 40 and to impose a custodial sentence for the same offence, the court may not in relation to that disqualification take that custodial sentence into account for the purposes of paragraph (2).

(5) In this Article “custodial sentence” and “suspended sentence” have the same meaning as in Article 40A.]

**F8** Arts. 40A-40B inserted (prosp.) by Coroners and Justice Act 2009 (c. 25), ss. 137, 182(5), Sch. 16 para. 4 (with transitional, transitory and savings in s. 180, Sch. 22 para. 29)

### Disqualification until test is passed

**41.**—(1) Where this paragraph applies to a person the court must order him to be disqualified until he passes the appropriate driving test.

(2) Paragraph (1) applies to a person who is disqualified under Article 35 on conviction of—

- (a) manslaughter by the driver of a motor vehicle, or
- (b) an offence under Article 9 of the Order of 1995 (causing death, or grievous bodily injury, by dangerous driving) or Article 10 of that Order (dangerous driving).

(3) Paragraph (1) also applies—

- (a) to a person who is disqualified under Article 35 or 40 [<sup>F9</sup>for such period, in such circumstances or for such period and in such circumstances] as the Department may by order prescribe, or
- (b) to such other persons convicted of such offences involving obligatory endorsement as may be so prescribed.

(4) Where a person to whom paragraph (1) does not apply is convicted of an offence involving obligatory endorsement, the court may order him to be disqualified until he passes the appropriate driving test (whether or not he has previously passed any test).

(5) In this Article—

[<sup>F10</sup>“appropriate driving test” means—

- (a) in such circumstances as the Department may by order prescribe, an extended driving test, and
- (b) otherwise, a test of competence to drive which is not an extended driving test,]

“extended driving test” means a test of competence to drive prescribed by the Department by order for the purposes of this Article, and

“test of competence to drive” means a test prescribed by virtue of Article 5(3) of the Order of 1981.

(6) In determining whether to make an order under paragraph (4), the court shall have regard to the safety of road users.

(7) Where a person is disqualified until he passes the extended driving test—

- (a) any earlier order under this Article shall cease to have effect, and
- (b) a court shall not make a further order under this Article while he is so disqualified.

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(8) Subject to paragraph (9), a disqualification by virtue of an order under this Article shall be deemed to have expired on production to the Department of evidence, in such form as may be prescribed by regulations [<sup>F11</sup>made by the Department], that the person disqualified has passed the test in question since the order was made.

(9) A disqualification shall be deemed to have expired only in relation to vehicles of such classes as may be prescribed in relation to the test passed by regulations [<sup>F12</sup>made by the Department].

(10) Where there is issued to a person a licence on the counterpart of which are endorsed particulars of a disqualification under this Article, there shall also be endorsed the particulars of any test of competence to drive that he has passed since the order of disqualification was made.

[<sup>F13</sup>(10A) Where a person's driving record is endorsed with particulars of a disqualification under this Article, it shall also be endorsed with the particulars of any test of competence to drive that he has passed since the order of disqualification was made]

(11) For the purposes of an order under this Article, a person shall be treated as having passed a test of competence to drive other than an extended driving test if he passes a corresponding test conducted—

- (a) under the law of Great Britain, the Isle of Man, any of the Channel Islands, another [<sup>F14</sup>EEA State], Gibraltar or a designated country or territory<sup>F14</sup>. . . , or
- (b) for the purposes of obtaining a British Forces licence (as defined by Article 4(10) of [<sup>F14</sup>the Order of 1981]),

and accordingly paragraphs (8) to (10) shall apply in relation to such a test as they apply in relation to a test prescribed by virtue of Article 5(3) of that Order.

[<sup>F15</sup>(11A) For the purposes of paragraph (11), “designated country or territory” means a country or territory designated by order under Article 19D(2) of the Order of 1981 but a test conducted under the law of such a country or territory shall not be regarded as a corresponding test unless a person passing such a test would be entitled to an exchangeable licence as defined in Article 19D(1) of that Order.]

(12) This Article is subject to Article 53.

(13) An order under paragraph (3) or an order under paragraph (5) prescribing an offence for the purposes of paragraph (a)(i) of the definition of “appropriate driving test” shall be subject to affirmative resolution [<sup>F16</sup>and all other regulations under this Article shall be subject to negative resolution].

(14) <sup>F17</sup> . . . . .

<b>F9</b>	Words in art. 41(3)(a) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 27(2); S.R. 2007/454, art. 2, Sch.
<b>F10</b>	Art. 41(5): definition of "appropriate driving test" substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 27(3); S.R. 2007/454, art. 2, Sch.
<b>F11</b>	Words in art. 41(8) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 27(4); S.R. 2007/454, art. 2, Sch.
<b>F12</b>	Words in art. 41(9) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 27(5); S.R. 2007/454, art. 2, Sch.
<b>F13</b>	Art. 41(10A) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), Sch. 4 para. 6; S.R. 2010/370, art. 2(2), Sch. Pt. II
<b>F14</b>	SR 1997/241
<b>F15</b>	Art. 41(11A) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(2), Sch. 7 para. 19; S.R. 2007/454, art. 2, Sch.
<b>F16</b>	Words in art. 41(13) inserted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 27(6); S.R. 2007/454, art. 2, Sch.



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**F17** Art. 41(14) repealed (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 27(7), 86(2), **Sch. 8 Pt. I**; S.R. 2007/454, **art. 2**, Sch.

### Effect of order of disqualification

**42.**—(1) Where the holder of a licence is disqualified by an order of a court, the licence shall be treated as being revoked with effect from the beginning of the period of disqualification.

(2) Where—

- (a) the disqualification is for a fixed period shorter than 56 days in respect of an offence involving obligatory endorsement, or
- (b) the order is made under Article 28,

paragraph (1) shall not prevent the licence from again having effect at the end of the period of disqualification.

(3) Where the holder of the licence appeals against the order and the disqualification is suspended under Article 44, the period of disqualification shall be treated for the purpose of paragraph (1) as beginning on the day on which the disqualification ceases to be suspended.

(4) Notwithstanding anything in Part II of the Order of 1981, a person disqualified by an order of a court under Article 41 is (unless he is also disqualified otherwise than by virtue of such an order) [<sup>F18</sup>entitled to apply for, obtain and to hold a provisional licence] and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

**F18** Words in art. 42(4) substituted (15.11.2007) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 86(1), **Sch. 7 para. 20**; S.R. 2007/454, **art. 2**, Sch.

### Appeal against disqualification

**43.** A person disqualified by an order of a court under Article 28, 35, 40 or 41(4) may appeal against the order in the same manner as against a conviction.

### Suspension of disqualification pending appeal

**44.**—(1) Any court (whether a court of summary jurisdiction or another) which makes an order disqualifying a person may, if it thinks fit, suspend the disqualification pending an appeal against the order.

(2) Where a court exercises its power under paragraph (1), it must send notice of the suspension to the Department.

(3) The notice must be sent in such manner and to such address and must contain such particulars as the Department may determine.

### Power of appellate courts to suspend disqualification

**45.**—(1) This Article applies where a person has been convicted by or before a court of an offence involving obligatory or discretionary disqualification and has been ordered to be disqualified; and in the following provisions of this Article—

- (a) any reference to a person ordered to be disqualified is to be construed as a reference to a person so convicted and so ordered to be disqualified, and
- (b) any reference to his sentence includes a reference to the order of disqualification and to any other order made on his conviction and, accordingly, any reference to an appeal against his sentence includes a reference to an appeal against any order forming part of his sentence.

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(2) Where a person ordered to be disqualified—

- (a) appeals to the county court, or
- (b) appeals or applies for leave to appeal to the Court of Appeal,

against his conviction or his sentence, the county court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(3) Where a person ordered to be disqualified has appealed or applied for leave to appeal to the<sup>F19</sup>Supreme Court] under section 41 of the Judicature (Northern Ireland) Act 1978 from any decision of the High Court or the Court of Appeal which is material to his conviction or sentence, the High Court or, as the case may require, the Court of Appeal may, if it thinks fit, suspend the disqualification.

(4) Where a person ordered to be disqualified makes an application in respect of the decision of the court in question under Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (statement of case by magistrates' court) or under Article 61 of the County Courts (Northern Ireland) Order 1980 (statement of case by county court) the Court of Appeal may, if it thinks fit, suspend the disqualification.

(5) Where a person ordered to be disqualified—

- (a) applies to the High Court for an order of certiorari to remove into the High Court any proceedings of a county court or a court of summary jurisdiction, being proceedings in or in consequence of which he was convicted or his sentence was passed, or
- (b) applies to the High Court for leave to make such an application,

the High Court may, if it thinks fit, suspend the disqualification.

(6) Any power of a court under the preceding provisions of this Article to suspend the disqualification of any person is a power to do so on such terms as the court thinks fit.

(7) Where, by virtue of this Article, a court suspends the disqualification of any person, it must send notice of the suspension to the Department.

(8) The notice must be sent in such manner and to such address and must contain such particulars as the Department may determine.

**F19** Words in art. 45(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40(4), 148(1), Sch. 9 para. 63; S.I. 2009/1604, art. 2(a)(d)

### **Suspension of disqualification pending determination of applications under Article 37**

**46.**—(1) Where a person makes an application to a court under Article 37, the court may suspend the disqualification to which the application relates pending the determination of the application.

(2) Where a court exercises its power under paragraph (1) it must send notice of the suspension to the Department.

(3) The notice must be sent in such manner and to such address, and must contain such particulars, as the Department may determine.

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[<sup>F20</sup>**Suspension of certificate pending determination of applications under Article 38B**

**46A.**—(1) Where a person in respect of whom a certificate is given under paragraph (1) of Article 38B makes an application to a court under paragraph (5) of that Article, the court may suspend the effect of the certificate pending the determination of the application.

(2) Where a court exercises its power under paragraph (1) it must send notice of the suspension to the Department.

(3) The notice must be sent in such manner, and to such address and must contain such particulars, as the Department may determine.]

**F20** Art. 46A inserted (prosp.) by [Criminal Justice \(Northern Ireland\) Order 2008 \(S.I. 2008/1216 \(N.I. 1\)\)](#), arts. 1(4), **60(2)**

**Removal of disqualification**

**47.**—(1) Subject to the provisions of this Article, a person who by an order of a court is disqualified may apply to the court by which the order was made to remove the disqualification.

(2) On any such application the court may, as it thinks proper having regard to—

- (a) the character of the person disqualified and his conduct subsequent to the order,
- (b) the nature of the offence, and
- (c) any other circumstances of the case,

either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(3) No application shall be made under paragraph (1) for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is—

- (a) 2 years, if the disqualification is for less than 4 years,
- (b) one half of the period of disqualification, if it is for less than 10 years but not less than 4 years,
- (c) 5 years in any other case;

and in determining the expiration of the period after which under this paragraph a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(4) Where an application under paragraph (1) is refused, a further application under that paragraph shall not be entertained if made within 3 months after the date of the refusal.

(5) An application under paragraph (1) shall not be heard except after notice, setting forth the grounds of the application, has been given to the superintendent or chief superintendent of the Royal Ulster Constabulary acting for the division for which the convicting court acts.

(6) If under this Article a court orders a disqualification to be removed, the court—

[<sup>F21</sup>(a) must—

- (i) if particulars of the disqualification were previously endorsed on the counterpart of any licence previously held by the applicant, cause particulars of the order to be endorsed on that counterpart, and

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(ii) if particulars of the disqualification were previously endorsed on the driving record of the applicant, send notice of the order to the Department,]

(b) may in any case order the applicant to pay the whole or any part of the costs of the application.

(7) Paragraph [F22(6)(a)(i)] shall apply only where the disqualification was imposed in respect of an offence involving obligatory endorsement; and in any other case the court must send notice of the order made under this Article to the Department.

[F23(7A) If the disqualification was imposed in respect of an offence involving obligatory endorsement, the Department must, on receiving notice of an order under paragraph (6)(a)(ii), make any necessary adjustments to the endorsements on the person's driving record to reflect the order.]

(8) A notice under paragraph [F24(6)(a)(ii) or] (7) must be sent in such manner and to such address, and must contain such particulars, as the Department may determine.

(9) The preceding provisions of this Article shall not apply where the disqualification was imposed by order under Article 41(1).

- F21** Art. 47(6)(a) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 7(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F22** Words in art. 47(7) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 7(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F23** Art. 47(7A) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 7(c)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F24** Words in art. 47(8) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 7(d)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

**Modifications etc. (not altering text)**

- C3** Art. 47(6) applied (with modifications) (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), **91(5)**; S.R. 2008/293, **art. 2**, Sch.

**Rule for determining end of period of disqualification**

**48.** In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

**Status:**

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Order transfer of functions by [S.R. 2016/76 Sch. 5 Pt. 2](#)
- Order transfer of functions by [S.I. 2010/976 Sch. 17 para. 46](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 4A inserted by [S.I. 2007/916 \(N.I.\) art. 12\(1\)](#)
- Pt. 4B inserted by [2022 c. 32 s. 89\(2\)](#)
- s. 40A40B inserted by [2009 c. 25 Sch. 16 para. 4](#)
- art. 15(1) power to apply conferred by [S.I. 2007/916 \(N.I.\) Sch. 1 para. 8](#)
- art. 15(1) power to apply conferred by [SI 1981/154 \(N.I. 1\) Sch. 2A para. 7](#) (as inserted) by [S.I. 2007/916 \(N.I.\) Sch. 3](#)
- art. 23(2)(g) added by [S.R. 2014/230 art. 2](#)
- art. 35(1ZA)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- art. 35(3A) inserted by [2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- art. 36(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- art. 36(4A) inserted by [2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- art. 37(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- art. 38A(5A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)
- art. 38A(6A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(e\)](#)
- art. 42(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(7\)\(c\)](#)
- art. 42(5) added by [S.R. 2016/135 reg. 2\(2\)](#)
- art. 47(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(b\)](#)
- art. 47(3B) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(c\)](#)
- art. 52(2ZA) inserted by [2009 c. 25 Sch. 21 para. 92\(9\)\(b\)](#)
- art. 54A inserted by [2016 c. 11 \(N.I.\) s. 15](#)
- art. 59(2A) inserted by [2016 c. 11 \(N.I.\) s. 8\(2\)](#)
- art. 59(4) added by [2016 c. 11 \(N.I.\) s. 8\(3\)](#)
- art. 59A-59C inserted by [2016 c. 11 \(N.I.\) s. 9\(1\)](#)
- art. 63A(7) added by [2016 c. 11 \(N.I.\) s. 11\(1\)\(d\)](#)
- art. 64B inserted by [2016 c. 11 \(N.I.\) s. 8\(5\)](#)
- art. 76(3A)(3B) inserted by [2016 c. 21 \(N.I.\) Sch. 2 para. 5\(3\)](#)

**Commencement Orders yet to be applied to the The Road Traffic Offenders (Northern Ireland) Order 1996**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2010/226 art. 2Sch.](#) commences ([S.I. 2007/916 \(N.I.\)](#))
- [S.R. 2010/370 art. 2Sch.](#) commences ([S.I. 2007/916 \(N.I.\)](#))
- [S.R. 2011/286 art. 2Sch.](#) commences ([S.I. 2007/916 \(N.I.\)](#))
- [S.R. 2012/16 art. 2](#) commences ([S.I. 1996/1320 \(N.I.\)](#))
- [S.R. 2012/262 art. 2-6](#) commences ([2010 c. 2 \(N.I.\)](#))
- [S.R. 2012/313 art. 2Sch.](#) commences ([2008 c. 4](#))
- [S.R. 2014/238 art. 2Sch.](#) commences ([2008 c. 4 \(N.I.\)](#))
- [S.R. 2015/284 art. 2Sch.](#) commences ([2011 c. 11 \(N.I.\)](#))

- S.R. 2015/389 art. 2(3)Sch. Pt. 3 commences (2008 c. 4 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2017/34 art. 2 commences (2010 c. 14 (N.I.))
- S.R. 2018/99 art. 2(a)-(c) commences (2016 c. 21 (N.I.))