
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART III SENTENCE

Introductory

Production of licence

29.—(1) Where a person who is the holder of a licence is convicted of an offence involving obligatory or discretionary disqualification, and a court proposes to make an order disqualifying him or an order under Article 49, the court must, unless it has already received them, require the licence and its counterpart to be produced to it.

(2) If the holder of the licence has not caused it and its counterpart to be delivered, or posted it and its counterpart, in accordance with Article 11 and does not produce it and its counterpart as required under this Article or under Article 8 of the Criminal Justice (Northern Ireland) Order 1980^{F1} or if the holder of the licence does not produce it and its counterpart as required by Article 37A of the Child Support (Northern Ireland) Order 1991, then,] unless he satisfies the court that he has applied for a new licence and has not received it—

- (a) he is guilty of an offence, and
- (b) the licence shall be suspended from the time when its production was required until it and its counterpart are produced to the court and shall, while suspended, be of no effect.

(3) Paragraph (2) does not apply where the holder of the licence—

- (a) has caused a current receipt for the licence and its counterpart issued under Article 62 to be delivered to the clerk of the court before which the proceedings were brought not later than the day before the date appointed for the hearing, or
- (b) has posted such a receipt, at such time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the clerk and either registered or sent by the recorded delivery service, or
- (c) surrenders such a receipt to the court at the hearing,

and produces the licence and its counterpart to the court immediately on their return.

F1 2000 c. 4 (NI)

Penalty points to be attributed to an offence

30.—(1) Where a person is convicted of an offence involving obligatory endorsement, then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is—

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- (a) the number shown in relation to the offence in the last column of Part I or Part II of Schedule 1, or
- (b) where a range of numbers is shown, a number within that range.

(2) Where a person is convicted of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of, an offence involving obligatory disqualification, then, subject to the following provisions of this Article, the number of penalty points to be attributed to the offence is 10.

[^{F2}(3) For the purposes of Articles 63(5) and 82(4), the number of penalty points to be attributed to an offence is—

- (a) where a range of numbers is shown in the last column of Part I or Part II of Schedule 1 in relation to an offence, the lowest number in the range, or
- (b) where a range of numbers followed by the words “or appropriate penalty points (graduated fixed penalty)” is shown there in relation to the offence, the appropriate number of penalty points for the offence.

(3A) For the purposes of paragraph (3)(b) the appropriate number of penalty points for an offence is such number of penalty points as the Department may by order prescribe.

(3B) An order made under paragraph (3A) in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—

- (a) the nature of the contravention constituting the offence;
- (b) how serious it is;
- (c) the area, or sort of place, where it takes place; and
- (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.]

(4) Where a person is convicted (whether on the same occasion or not) of 2 or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them (so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingly).

(5) In a case where (apart from this paragraph) paragraph (4) would apply to 2 or more offences, the court may if it thinks fit determine that that paragraph shall not apply to the offences (or, where 3 or more offences are concerned, to any one or more of them).

(6) Where a court makes such a determination it shall state the reasons for the determination in the order of the court.

(7) The Department may by order—

- (a) alter a number or range of numbers shown in relation to an offence in the last column of Part I or Part II of Schedule 1 (by substituting one number or range for another, a number for a range, or a range for a number), and

[^{F3}(ab) add or delete the words “or appropriate penalty points (graduated fixed penalty)” in relation to an offence in the last column of Part I or Part II of Schedule 1,]

- (b) alter the number of penalty points shown in paragraph (2);

and an order under this paragraph may provide for different numbers or ranges of numbers to be shown in relation to the same offence committed in different circumstances.

[^{F4}(7A) Before making an order under paragraph (3A) the Department must consult with such representative organisations as it thinks fit.]

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(8) An order under [^{F5}this Article] shall be made subject to affirmative resolution.

- F2** Art. 30(3)(3A)(3B) substituted (12.9.2011) for art. 30(3) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **23(2)**; S.R. 2011/286, **art. 2**, Sch.
- F3** Art. 30(7)(ab) inserted (12.9.2011) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **23(3)**; S.R. 2011/286, **art. 2**, Sch.
- F4** Art. 30(7A) inserted (12.9.2011) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **23(4)**; S.R. 2011/286, **art. 2**, Sch.
- F5** Words in art. 30(8) substituted (12.9.2011) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **23(5)**; S.R. 2011/286, **art. 2**, Sch.

Modifications etc. (not altering text)

- C1** Art. 30(2) modified (1.10.2008) by Serious Crime Act 2007 (c. 27), ss. 63(1), 94(1), **Sch. 6 para. 32(a)** (with s. 91(1), Sch. 13 para. 5); S.I. 2008/2504, **art. 2(a)(f)(g)**

Penalty points to be taken into account on conviction

31.—(1) Where a person is convicted of an offence involving obligatory endorsement, the penalty points to be taken into account on that occasion are (subject to paragraph (2))—

- (a) any that are to be attributed to the offence or offences of which he is convicted, disregarding any offence in respect of which an order under Article 35 is made, and
- (b) any that were on a previous occasion ordered to be endorsed on the counterpart of any licence held by him [^{F6}or on his driving record], unless the offender has since that occasion and before the conviction been disqualified under Article 40.

(2) If any of the offences was committed more than 3 years before another, the penalty points in respect of that offence shall not be added to those in respect of the other.

- F6** Words in art. 31(1)(b) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(5), 39(6), **Sch. 4 para. 3**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Penalty points: modification where fixed penalty also in question

32.—(1) Articles 30 and 31 shall have effect subject to this Article in any case where—

- (a) a person is convicted of an offence involving obligatory endorsement, and
- (b) the court is satisfied that the counterpart of his licence [^{F7}or his driving record] has been or is liable to be endorsed under Article 63 [^{F8}, 63A, 82 or 82A] in respect of an offence (referred to in this Article as the “connected offence”) committed on the same occasion as the offence of which he is convicted.

(2) The number of penalty points to be attributed to the offence of which he is convicted is—

- (a) the number of penalty points to be attributed to that offence under Article 30 apart from this Article, less
- (b) the number of penalty points required to be endorsed on the counterpart of his licence [^{F9}or on his driving record] under Article 63 [^{F10}, 63A, 82 or 82A] in respect of the connected offence (except so far as they have already been deducted by virtue of this sub-paragraph).

- F7** Words in art. 32(1)(b) 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. 4(a)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

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- F8** Words in art. 32(1)(b) 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. 4(a)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F9** Words in art. 32(2)(b) 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. 4(b)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F10** Words in art. 32(2)(b) 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. 4(b)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

PROSPECTIVE

[^{F11}Reduced penalty points for attendance on course

32A.—(1) This Article applies where—

- (a) a person is convicted of a specified offence by or before a court,
- (b) penalty points are to be attributed to the offence and the court does not order him to be disqualified, and
- (c) at least 7 but no more than 11 penalty points are to be taken into account on the occasion of the conviction.

(2) In this Article “specified offence” means—

- (a) an offence under Article 20(4) of the Roads (Northern Ireland) Order 1993 (use of special road contrary to regulations),
- (b) an offence under Article 12 of the Order of 1995 (careless, and inconsiderate, driving),
- (c) an offence under Article 50 of the Order of 1995 (contravention of traffic signs),
- (d) an offence under Article 43(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 (contravening speed limit), or
- (e) an offence under Article 7 of the Road Traffic Regulation (Northern Ireland) Order 1997 committed by contravening a temporary speed restriction under paragraph (3)(b) of that Article.

(3) The Department may by order amend paragraph (2) by making additions to or deletions from the list of offences for the time being set out there.

(4) Where this Article applies, the court may make an order that 3 of the penalty points attributed to the offence (or all of them if 3 or fewer are so attributed) shall not be taken into account under Article 31(1)(b) on the occasion of any conviction of an offence after the end of the period of 12 months beginning with the date of the order if, by the relevant date, the offender completes an approved course specified in the order.

(5) In paragraph (4)—

“an approved course” means a course approved by the Department for the purposes of this Article in relation to the description of offence of which the offender is convicted; and

“the relevant date” means such date, no later than 10 months after the day on which the order is made, as is specified in the order.

(6) A court shall not make an order under this Article in the case of an offender convicted of an offence if—

- (a) the offender has, during the period of 3 years ending with the date on which the offence was committed, committed a specified offence and successfully completed an approved course pursuant to an order made under this Article or Article 36 on conviction of that offence, or
- (b) the offence was committed during his probationary period.

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- (7) A court shall not make an order under this Article in the case of an offender 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 informed the offender (orally or in writing and in ordinary language) of the effect of the order and of the amount of the fees which he is required to pay for the course and when he must pay them, and
 - (d) the offender agrees that the order should be made.

F11 Arts. 32A-32E inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **10(3)**

PROSPECTIVE

Certificates of completion of courses

32B.—(1) An offender shall only be regarded for the purposes of Article 32A as having completed a course satisfactorily if a certificate that he has done so is received by the proper officer of the supervising court.

(2) A course provider shall give a certificate under paragraph (1) to the offender not later than 14 days after the date specified in the order as the latest date for the completion of the course unless the offender—

- (a) fails to make due payment of fees for the course,
- (b) fails to attend the course in accordance with the course provider's reasonable instructions, or
- (c) fails to comply with any other reasonable requirement of the course provider.

(3) The certificate under paragraph (1) is to be given by the course 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 course provider decides not to give the certificate under paragraph (1) to the offender, he shall give written notice of the 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.

(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 course provider's decision not to give a certificate under paragraph (1) was contrary to paragraph (2).

(6) If the court grants an application under paragraph (5), Article 32A shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(7) If 14 days after the date specified in the order as the latest date for completion of the course the course provider has given neither a certificate under paragraph (1) nor a notice under paragraph (4), the offender 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 course provider is in default.

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(8) If the court grants an application under paragraph (7), Article 32A shall have effect as if the certificate had been duly received by the proper officer of the supervising court.

(9) 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.

(10) Where the proper officer of a court receives a certificate under paragraph (1), or a court grants an application under paragraph (5) or (7), the proper officer or court (as the case may be) 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.

F11 Arts. 32A-32E inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **10(3)**

PROSPECTIVE

Approval of courses

32C.—(1) If an application is made to the Department for the approval of a course for the purposes of Article 32A, 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.

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F11 Arts. 32A-32E inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **10(3)**

PROSPECTIVE

Courses in Great Britain

32D.—(1) The Department may enter into arrangements with persons in Great Britain who provide courses which are approved courses within the meaning of section 30A(5) of the Road Traffic Offenders Act 1988 for the purpose of treating those courses as approved courses within the meaning of Articles 32A to 32E 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 32A to 32E in relation to approved courses.

(3) A court—

- (a) may treat recognised courses as approved courses for the purposes of Article 32A,
- (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 32B,
- (c) may treat a notice of such course provider not to give a certificate as a notice within the meaning of Article 32B(4) for the purposes of Article 32B(5), (6) and (10), 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 32B(7) for the purposes of Article 32B(7), (8) and (10), 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 32A, 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 32B(5) and (7) 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.

F11 Arts. 32A-32E inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **10(3)**

PROSPECTIVE

Provisions supplementary to Articles 32A to 32D

32E.—(1) The Department may issue guidance to course providers, or to any category of course provider, as to the conduct of courses approved for the purposes of Article 32; and—

- (a) course providers shall have regard to any guidance given to them under this paragraph, and

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- (b) in determining for the purposes of Article 32B whether any instructions or requirements of a course 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 32A(1)(c) by substituting for the lower number of penalty points for the time being specified there a different number of penalty points, or
- (b) amending Article 32A(6)(a) by substituting for the period for the time being specified there a different period.
- (3) In Articles 32A to 32C and this Article—
- “course provider”, in relation to a course, means the person by whom it is, or is to be, provided;
- “probationary period” has the meaning given in Article 2 of the Road Traffic (New Drivers) (Northern Ireland) Order 1998;
- “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, and
- (b) otherwise, the chief clerk;
- “relevant local court”, in relation to an order made under Article 32A 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 order under Article 32A means—
- (a) if the Crown Court made the order, the Crown Court, and
- (b) otherwise a magistrates' court acting in the same petty sessions district as the court which made the order.
- (4) Orders or regulations made by the Department under Article 32A to 32D or this Article may include such incidental or supplementary provision as appears to the Department to be necessary or expedient.
- (5) Orders made under Article 32A(3) and regulations made under this Article shall be subject to affirmative resolution.
- (6) Regulations made under Article 32B, 32C or 32D shall be subject to negative resolution.]

F11 Arts. 32A-32E inserted (prosp.) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **10(3)**

[^{F12}Court may take particulars endorsed into consideration

33. Where a person is convicted of an offence involving obligatory or discretionary disqualification—

- (a) any existing endorsement on the counterpart of his licence or on his driving record is prima facie evidence of the matters endorsed, and
- (b) the court may, in determining what order to make in pursuance of the conviction, take those matters into consideration.]

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F12 Art. 33 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. 5**; S.R. 2010/370, **art. 2**, Sch. Pt. II

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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.))