
STATUTORY INSTRUMENTS

1998 No. 1074

The Road Traffic (New Drivers) (Northern Ireland) Order 1998

Revocation of licences and re-testing

Surrender of licences

4.—(1) Paragraph (2) applies where—

- (a) a person is the holder of a licence;
- (b) he is convicted of an offence involving obligatory endorsement;
- (c) the penalty points to be taken into account under Article 31 of the Offenders Order on that occasion number 6 or more;
- (d) the court makes an order falling within Article 49(1)(b) of that Order in respect of the offence;
- (e) the person's licence shows the date on which he became a qualified driver, or that date has been shown by other evidence in the proceedings; and
- (f) it appears to the court, in the light of the order and the date so shown, that the offence was committed during the person's probationary period.

(2) Where this paragraph applies, the court shall send to the Department—

- (a) a notice containing the particulars required to be endorsed on the counterpart of the person's licence in accordance with the order referred to in paragraph (1)(d); and
- (b) on their production to the court, the person's licence and its counterpart.

(3) Paragraph (4) applies where—

- (a) a person's licence and its counterpart have been sent to the fixed penalty clerk under Article 60(7) of the Offenders Order [^{F1}, retained by a vehicle examiner under that Article] or delivered to the [^{F2}appropriate person] in response to a conditional offer issued under Article 80 of that Order;
- (b) the offence to which the fixed penalty notice or the conditional offer relates is one involving obligatory endorsement;
- (c) the [^{F3}appropriate person] endorses the number of penalty points to be attributed to the offence on the counterpart of the licence;
- (d) the penalty points to be taken into account by the [^{F3}appropriate person] in respect of the offence number 6 or more;
- (e) the licence shows the date on which the person became a qualified driver; and
- (f) it appears to the [^{F3}appropriate person], in the light of the particulars of the offence endorsed on the counterpart of the licence and the date so shown, that the offence was committed during the person's probationary period.

(4) Where this paragraph applies ^{F4}. . . —

Changes to legislation: The Road Traffic (New Drivers) (Northern Ireland) Order 1998, Section 4 is up to date with all changes known to be in force on or before 26 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(a) [^{F5}the appropriate person] may not return the licence and its counterpart under Article 63(3) or (4) or 82(1) of the Offenders Order; but

(b) [^{F6}unless the appropriate person is the Department, he] shall send them to the Department .

(5) For the purposes of paragraph (3)(d) the penalty points to be taken into account ^{F7} . . . in respect of the offence are the penalty points which would have been taken into account under Article 31 of the Offenders Order if—

(a) the person in question had been convicted of the offence; and

(b) the number of penalty points to be attributed to the offence on that occasion had been determined in accordance with Article 30(3) of that Order.

[^{F8}(6) In this Article and Article 5 “licence” includes a Great Britain licence.]

[^{F9}(7) In this Article and Article 5—

“the appropriate person”, in relation to a fixed penalty notice, means—

(a) if it was given by a constable or an authorised person, the fixed penalty clerk; and

(b) if it was given by a vehicle examiner or the Department, the Department; and

“the appropriate person”, in relation to a conditional offer, means—

(a) where the conditional offer was issued under Article 80(1) of the Offenders Order, the fixed penalty clerk; and

(b) where it was issued under paragraph (1A) of that Article, the Department.]

F1 Words in art. 4(3)(a) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 23(a)(i)(A)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F2 Words in art. 4(3)(a) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 23(a)(i)(B)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F3 Words in art. 4(3)(c)(d)(f) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), art. 1(3)(4), 16, **Sch. 2 para. 23(a)(ii)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F4 Words in art. 4(4) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, 86(2), Sch. 2 para. 23(b)(i), **Sch. 8 Pt. III** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F5 Words in art. 4(4)(a) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 23(b)(ii)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F6 Words in art. 4(4)(b) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 23(b)(iii)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F7 Words in art. 4(5) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, 86(2), Sch. 2 para. 23(c), **Sch. 8 Pt. III** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F8 2003 NI 16

F9 Art. 4(7) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3)(4), 16, **Sch. 2 para. 23(d)** (with art. 84); S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

Changes to legislation:

The Road Traffic (New Drivers) (Northern Ireland) Order 1998, Section 4 is up to date with all changes known to be in force on or before 26 August 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 4(2) substituted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(a\)](#)
- art. 4(3)(a) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(b\)\(i\)](#)
- art. 4(3)(c) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(b\)\(ii\)\(A\)Sch. 8 Pt. 5](#)
- art. 4(3)(c) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(b\)\(ii\)\(B\)](#)
- art. 4(3)(f) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(b\)\(iii\)\(A\)](#)
- art. 4(3)(f) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(b\)\(iii\)\(B\)](#)
- art. 4(4)(a) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(c\)\(i\)\(A\)Sch. 8 Pt. 5](#)
- art. 4(4)(a) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(c\)\(i\)\(B\)](#)
- art. 4(4)(b) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 5 para. 56\(c\)\(ii\)](#)

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

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

- Sch. 1 para. 5(6) added by [2016 c. 11 \(N.I.\) s. 20\(4\)\(a\)\(iv\)](#)
- Sch. 1 para. 8(4) added by [2016 c. 11 \(N.I.\) s. 20\(4\)\(c\)\(iv\)](#)
- Sch. 1 para. 5(1ZB)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(a\)\(iii\)](#)
- Sch. 1 para. 5A inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(b\)](#)
- Sch. 1 para. 8(1ZB)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(c\)\(iii\)](#)
- Sch. 1 para. 8A inserted by [2016 c. 11 \(N.I.\) s. 20\(4\)\(d\)](#)
- art. 5(1ZB)(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 20\(2\)\(c\)](#)
- art. 5(4) added by [2016 c. 11 \(N.I.\) s. 20\(2\)\(d\)](#)
- art. 5A5B inserted by [2016 c. 11 \(N.I.\) s. 20\(3\)](#)