
STATUTORY INSTRUMENTS

1998 No. 1074 (N.I. 7)

NORTHERN IRELAND

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

*Made - - - - 22nd April 1998
Coming into operation on a day to be appointed under
Article 1(2)*

At the Court at Windsor Castle, the 22nd day of April 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Introductory

Title and commencement

1.—(1) This Order may be cited as the Road Traffic (New Drivers) (Northern Ireland) Order 1998.

(2) This Order shall come into operation on such day as the Head of the Department may by order appoint.

(3) Subject to paragraphs 1 and 8 of Schedule 2, nothing in any provision of this Order applies to a person who becomes a qualified driver before the day on which the provision comes into operation.

Interpretation

2.—(1) Subject to Article 12(1), the Interpretation Act (Northern Ireland) 1954 shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“the Department” means the Department of the Environment;

“notice” means notice in writing;

“the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996;
“the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981;
“probationary period” has the meaning assigned to it by Article 3(1);
“qualified driver” has the meaning assigned to it by Article 3(2);
“the Road Traffic Orders” means the Order of 1981, the Road Traffic (Northern Ireland) Order 1995 and the Offenders Order.

(3) Expressions used in this Order which are also used in Part II of the Order of 1981 shall be construed in the same way as in that Order.

(4) Expressions used in this Order which are also used in the Offenders Order shall be construed in the same way as in that Order.

Probationary period for newly qualified drivers

3.—(1) For the purposes of this Order, a person’s probationary period is, subject to Article 9, the period of 2 years beginning with the day on which he becomes a qualified driver.

(2) For the purposes of this Order, a person becomes a qualified driver on the first occasion on which he passes—

- (a) any test of competence to drive mentioned in sub-paragraph (a) or (c) of Article 5(1) of the Order of 1981;
- (b) any test of competence to drive conducted under the law of—
 - (i) another EEA State;
 - (ii) the Isle of Man;
 - (iii) any of the Channel Islands; or
 - (iv) Gibraltar.

(3) In paragraph (2) “EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992, as adjusted by the Protocol signed at Brussels on 17th March 1993.

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 or delivered to the fixed penalty clerk 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 fixed penalty clerk 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 fixed penalty clerk 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 fixed penalty clerk, 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, the fixed penalty clerk—
- (a) may not return the licence and its counterpart under Article 63(3) or (4) or 82(1) of the Offenders Order; but
 - (b) shall send them to the Department.
- (5) For the purposes of paragraph (3)(d) the penalty points to be taken into account by the fixed penalty clerk 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.

Revocation of licences

- 5.—(1) Where the Department receives—
- (a) a notice sent to it under Article 4(2)(a) of particulars required to be endorsed on the counterpart of a person's licence, or
 - (b) a person's licence and its counterpart sent to it in accordance with Article 4(2)(b) or (4),
- the Department shall by notice served on that person revoke the licence.
- (2) A revocation under paragraph (1) shall have effect from a date specified in the notice of revocation which shall not be earlier than the date of service of that notice.

Re-testing

- 6.—(1) Subject to paragraph (5) and Article 7, the Department may not under Part II of the Order of 1981 grant a person whose licence has been revoked under Article 5(1) a full licence to drive any class of vehicles in relation to which the revoked licence was issued as a full licence unless he satisfies the Department that within the relevant period he has passed a relevant driving test.
- (2) In this Article "relevant driving test" means, in relation to a person whose licence has been revoked, any test which—

- (a) falls within sub-paragraph (a) or (b) of Article 3(2); and
- (b) is a test of competence to drive any vehicle included in any class of vehicles in relation to which the revoked licence was issued as a full licence.

(3) If the Department grants a full licence to a person who is required to pass a relevant driving test in order to be granted that licence, the licence granted shall (subject to Articles 9 and 70 to 79A of the Order of 1981) be one authorising that person to drive all the classes of vehicles in relation to which the revoked licence was issued as a full licence.

(4) In paragraph (1) “the relevant period” means the period beginning—

- (a) after the date of the revocation of the licence; and
- (b) not more than 2 years before the date on which the application for the full licence is made.

(5) Paragraph (1) does not apply to a person whose licence has been revoked under Article 5(1) if, before he passes a relevant driving test, an order is made in relation to him under Article 41 of the Offenders Order (disqualification until test is passed).

Restoration of licence without re-testing in certain cases

7.—(1) If the Department receives notice that a person whose licence has been revoked under Article 5(1) is appealing against a conviction or endorsement which was the basis or formed part of the basis for the revocation, the Department shall grant that person free of charge a full licence for a period prescribed by regulations made by it,

(2) Regulations under paragraph (1) may in particular prescribe—

- (a) a period expiring when the appeal is finally determined or abandoned; or
- (b) a period expiring on the date on which the revoked licence would have expired if it had not been revoked.

(3) If the regulations prescribe a period other than that mentioned in paragraph (2)(a), a licence granted under paragraph (1) shall be treated as revoked if—

- (a) following the appeal, the penalty points taken into account for the purposes of Article 4 are not reduced to a number smaller than 6; or
- (b) the appeal is abandoned.

(4) If, in the case of a person whose licence has been revoked under Article 5(1), the Department receives notice that a court—

- (a) has quashed a conviction which was the basis or formed part of the basis for the revocation of the licence;
- (b) has quashed an endorsement which was the basis or formed part of the basis for the revocation of the licence and has not on doing so ordered him to be disqualified; or
- (c) has made an order which has the effect of reducing the penalty points taken into account for the purposes of Article 4 to a number smaller than 6,

then, subject to paragraph (5), the Department shall grant that person free of charge a full licence for a period expiring on the date on which the revoked licence would have expired if it had not been revoked.

(5) Paragraph (4) does not require the Department to grant a licence to a person who has been granted a previous licence which has not been surrendered unless that person provides the Department with an explanation for not surrendering the previous licence that the Department considers adequate.

(6) If, in accordance with paragraph (1) or (4), the Department grants a full licence to a person whose licence has been revoked under Article 5(1), the licence granted shall be one authorising that

person to drive all the classes of vehicles in relation to which the revoked licence was issued as a full licence.

(7) Any licence granted in accordance with paragraph (1) or (4) shall have effect for the purposes of the Road Traffic Orders as if it were a licence granted under Part II of the Order of 1981.

(8) The Department, after consultation with the Lord Chancellor, may by regulations make provision for requiring such courts as may be prescribed by the regulations to give notice to the Department—

- (a) that a person whose licence has been or is due to be revoked under Article 5(1) is appealing against a conviction or endorsement which is the basis or forms part of the basis for the revocation;
- (b) as to the final determination of such an appeal;
- (c) that such an appeal has been abandoned.

(9) Regulations under this Article may include such incidental or supplementary provision as appears to the Department to be expedient and shall be subject to negative resolution.

Miscellaneous and general

Newly qualified drivers holding test certificates

8. Schedule 1 (which makes provision about newly qualified drivers who hold test certificates) shall have effect.

Early termination of probationary period

9. For the purposes of this Order a person's probationary period comes to an end if—
- (a) an order is made in relation to him under Article 41 of the Offenders Order (order that a person be disqualified until he passes the appropriate driving test);
 - (b) after his licence is revoked under Article 5(1), he is granted a full licence following the passing of a test which is a relevant driving test for the purposes of Article 6; or
 - (c) after his test certificate is revoked under paragraph 5(1) of Schedule 1, or his licence and test certificate are revoked under paragraph 8(1) of that Schedule, he is granted a full licence following the passing of a test which is a relevant driving test for the purposes of paragraph 6 or 9 of that Schedule.

Restrictions affecting certain vehicles and drivers

10. Schedule 2 (which makes amendments to provisions about vehicles driven by holders of provisional licences and newly qualified drivers) shall have effect.

The Crown

11. This Order applies to persons in the public service of the Crown.

Service of documents, etc.

12.—(1) Subject to any requirement of this Order with respect to the manner in which a person may be provided with a document for the purposes of this Order, section 24 of the Interpretation Act (Northern Ireland) 1954 shall apply in relation to the service of such a document as if in subsection (1) of that section the word

“registering” were omitted.

(2) Any requirement under any provision of this Order that a licence and its counterpart, a test certificate or a notice shall be sent to the Department is a requirement that the licence and its counterpart, the test certificate or the notice shall be sent to the Department at such address as the Department may determine.

Consequential amendments and repeals

13.—(1) The statutory provisions mentioned in Schedule 3 shall have effect subject to the consequential amendments there specified.

(2) The statutory provisions mentioned in Schedule 4 are repealed to the extent specified in the third column of that Schedule.

N. H. Nicholls
Clerk of the Privy Council

SCHEDULES

SCHEDULE 1

Article 8.

NEWLY QUALIFIED DRIVERS HOLDING TEST CERTIFICATES

PART I

GENERAL

Interpretation

1.—(1) In this Schedule “test certificate” means a certificate or other document which by virtue of regulations under Article 5 of the Order of 1981 is evidence that a person has not more than 2 years previously passed a test of competence to drive prescribed by virtue of such regulations.

(2) In this Schedule “prescribed conditions” means the prescribed conditions referred to in Article 13(3) of that Order (subject to which provisional licences are granted).

Application of Schedule

2.—(1) Part II applies to any person to whom Part III or IV applies.

(2) Part III applies to a person who holds—

- (a) a licence issued as a provisional licence; and
- (b) a test certificate.

(3) Part IV applies to a person who falls within sub-paragraph (4) or (5).

(4) A person falls within this sub-paragraph if—

- (a) he holds a licence issued as a full licence in relation to a class or certain classes of vehicles;
- (b) he is treated under Article 14(2) of the Order of 1981 as authorised by a provisional licence to drive another class or other classes of vehicles; and
- (c) he holds a test certificate which relates to that other class of vehicles or any of those other classes of vehicles.

(5) A person falls within this sub-paragraph if he holds—

- (a) a licence issued as a full licence in relation to a class or certain classes of vehicles and as a provisional licence in relation to another class or other classes of vehicles; and
- (b) a test certificate which relates to that other class of vehicles or any of those other classes of vehicles.

PART II

DUTY TO PROVIDE TEST CERTIFICATE

3.—(1) Sub-paragraph (2) applies where—

- (a) a person to whom this Part applies is prosecuted for an offence involving obligatory endorsement; and
- (b) the time at which the offence for which he is prosecuted is alleged to have occurred is a time during his probationary period.

(2) Any obligations imposed on the person under Article 11 of the Offenders Order as respects his licence and its counterpart shall also apply as respects his test certificate.

(3) If, in a case where sub-paragraph (2) applies—

- (a) the person is convicted in the proceedings in question of an offence involving obligatory endorsement; and
- (b) he has not previously caused his test certificate to be delivered or posted it to the clerk of the court,

he shall produce his test certificate to the court.

(4) In a case where—

- (a) the licence of a person to whom this Part applies has (with its counterpart) been sent to the fixed penalty clerk under Article 60(7) of the Offenders Order or delivered to the fixed penalty clerk 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 and occurring during his probationary period; and
- (c) the person proposes to pay the fixed penalty to the fixed penalty clerk,

the person shall ensure that when the fixed penalty is paid his test certificate is sent to the fixed penalty clerk to whom the payment is made.

(5) A person who without reasonable excuse fails to comply with sub-paragraph (3) or (4) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

PART III

NEWLY QUALIFIED DRIVER WITH PROVISIONAL LICENCE AND TEST CERTIFICATE

Surrender of test certificate

4.—(1) Where the circumstances mentioned in Article 4(1) exist with respect to a person to whom this Part applies, sub-paragraph (2) applies instead of Article 4(2).

(2) 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 Article 4(1)(d); and
- (b) on its production to the court, the person's test certificate.

(3) Where—

- (a) the circumstances mentioned in Article 4(3)(a) to (d) and (f) exist with respect to a person to whom this Part applies;
 - (b) the fixed penalty clerk has received the person's test certificate in accordance with paragraph 3(4); and
 - (c) the test certificate shows the date on which the person became a qualified driver,
- sub-paragraph (4) applies instead of Article 4(4).
- (4) The fixed penalty clerk shall send to the Department—
 - (a) a notice containing the particulars endorsed on the counterpart of the person's licence; and
 - (b) the person's test certificate.

Revocation of test certificate

- 5.—(1) Where the Department—
- (a) has received a notice sent to it under paragraph 4 of particulars required to be endorsed or endorsed on the counterpart of a person's licence; and
 - (b) has received the person's test certificate sent to it under paragraph 4(2)(b) or (4)(b) or is satisfied that the person has been issued with a test certificate,
- the Department shall by notice served on that person revoke the test certificate.
- (2) A revocation under sub-paragraph (1) shall have effect from a date specified in the notice of revocation which shall not be earlier than the date of service of that notice.
 - (3) The effect of the revocation of a person's test certificate is that any prescribed conditions to which his provisional licence ceased to be subject when he became a qualified driver shall again apply.

Re-testing

- 6.—(1) Subject to Part V, the Department shall not under Part II of the Order of 1981 grant a person whose test certificate has been revoked under paragraph 5(1) a full licence to drive any class of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions, unless he satisfies the Department that within the relevant period he has passed a relevant driving test.
- (2) In this paragraph "relevant driving test" means, in relation to a person whose test certificate has been revoked, any test which—
 - (a) falls within sub-paragraph (a) or (b) of Article 3(2); and
 - (b) is a test of competence to drive any vehicle included in any class of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions.
 - (3) If the Department grants a full licence to a person who is required to pass a relevant driving test in order to be granted that licence, the licence granted shall (subject to Articles 9 and 70 to 79A of the Order of 1981) be one authorising that person to drive all the classes of vehicles that, immediately before his test certificate was revoked, he was permitted to drive without observing prescribed conditions.
 - (4) In sub-paragraph (1) "the relevant period" means the period beginning—
 - (a) after the date of the revocation of the test certificate; and
 - (b) not more than 2 years before the date on which the application for the full licence is made.

PART IV
**NEWLY QUALIFIED DRIVER WITH FULL AND
PROVISIONAL ENTITLEMENTS AND TEST CERTIFICATE**

Surrender of licence and test certificate

7.—(1) Where the circumstances mentioned in Article 4(1) exist with respect to a person to whom this Part applies, sub-paragraph (2) applies instead of Article 4(2).

(2) 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 Article 4(1)(d);
- (b) on their production to the court, the person's licence and its counterpart; and
- (c) on its production to the court, the person's test certificate.

(3) Where—

- (a) the circumstances mentioned in Article 4(3) exist with respect to a person to whom this Part applies; and
- (b) the fixed penalty clerk has received the person's test certificate in accordance with paragraph 3(4),

sub-paragraph (4) applies instead of Article 4(4).

(4) The fixed penalty clerk—

- (a) shall not return the person's licence and its counterpart under Article 63(3) or (4) or Article 82(1) of the Offenders Order; but
- (b) shall send them and the person's test certificate to the Department.

Revocation of licence and test certificate

8.—(1) Where the Department—

- (a) has received a notice sent to it under paragraph 7(2)(a) of particulars required to be endorsed on the counterpart of a person's licence or has received the licence and its counterpart under paragraph 7(2)(b) or (4)(b); and
- (b) has received the person's test certificate sent to it under paragraph 7(2)(c) or (4)(b) or is satisfied that the person has been issued with a test certificate,

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

(2) A revocation under sub-paragraph (1) shall have effect from a date specified in the notice of revocation which shall not be earlier than the date of service of that notice.

Re-testing

9.—(1) Subject to Part V, the Department shall not under Part II of the Order of 1981 grant a person whose licence and test certificate have been revoked under paragraph 8(1) a full licence to drive any class of vehicles mentioned in sub-paragraph (4), unless he satisfies the Department that within the relevant period he has passed a relevant driving test.

(2) In this paragraph "relevant driving test" means any test which—

- (a) falls within sub-paragraph (a) or (b) of Article 3(2); and

- (b) is a test of competence to drive any vehicle included in any class of vehicles mentioned in sub-paragraph (4).
- (3) If the Department grants a full licence to a person who is required to pass a relevant driving test in order to be granted that licence, the licence granted shall (subject to Articles 9 and 70 to 79A of the Order of 1981) be one authorising that person to drive all the classes of vehicles mentioned in sub-paragraph (4).
- (4) The classes of vehicles are—
 - (a) any class of vehicles in relation to which the revoked licence was issued as a full licence; and
 - (b) any class of vehicles—
 - (i) that he was treated under Article 14(2) of the Order of 1981 as authorised to drive under a provisional licence; or
 - (ii) in relation to which the revoked licence was issued as a provisional licence, and that, immediately before the test certificate was revoked, he was permitted to drive without observing prescribed conditions.
- (5) In sub-paragraph (1) “the relevant period” means the period beginning—
 - (a) after the date of the revocation of the licence and the test certificate; and
 - (b) not more than 2 years before the date on which the application for the full licence is made.

PART V

SUPPLEMENTARY

Effect of disqualification until test is passed on re-testing rule

- 10.** Where—
- (a) a person’s test certificate has been revoked under paragraph 5(1) or his licence and test certificate have been revoked under paragraph. 8(1); but
 - (b) before he passes a relevant driving test, an order is made in relation to him under Article 41 of the Offenders Order (disqualification until test is passed),
- paragraph 6(1) or, as the case may be, paragraph 9(1) shall not apply to him.

Regulations made by the Department

11.—(1) The Department may by regulations make provision for cases where, after the Department has revoked a person’s test certificate under paragraph 5(1), or a person’s licence and test certificate under paragraph 8(1), it receives notice—

- (a) that the person is appealing against a conviction or endorsement which was the basis or formed part of the basis for the revocation;
- (b) that a court has quashed a conviction which was the basis or formed part of the basis for the revocation;
- (c) that a court has quashed an endorsement which was the basis or formed part of the basis for the revocation and has not on doing so ordered that person to be disqualified;
- (d) that a court has made an order which has the effect of reducing the penalty points taken into account for the purposes of Article 4 to a number smaller than 6.

Status: This is the original version (as it was originally made).

- (2) Regulations under sub-paragraph (1) may in particular make provision for—
- (a) issuing licences for such period as may be prescribed;
 - (b) licences issued under the regulations to be treated as revoked in such circumstances as may be prescribed;
 - (c) re-issuing a test certificate which has been revoked under paragraph 5(1) or 8(1);
 - (d) suspending or terminating any prescribed conditions applied by virtue of paragraph 5(3).
- (3) The Department, after consultation with the Lord Chancellor, may by regulations make provision requiring such courts as may be prescribed to give notice to the Department of the matters mentioned in sub-paragraph (4).
- (4) The matters referred to are—
- (a) that a person whose certificate has been or is due to be revoked under paragraph 5(1) or whose licence and certificate have been or are due to be revoked under paragraph 8(1) is appealing against a conviction or endorsement which is the basis or forms part of the basis for the revocation;
 - (b) the final determination of such an appeal;
 - (c) that such an appeal has been abandoned.
- (5) Any regulations under this paragraph may include such incidental or supplementary provision as appears to the Department to be expedient and shall be subject to negative resolution.

SCHEDULE 2

Article 10.

AMENDMENTS RELATING TO VEHICLES DRIVEN BY HOLDERS OF PROVISIONAL LICENCES AND NEWLY QUALIFIED DRIVERS

Application of this Schedule

- 1.—(1) The amendments made by paragraph 2 shall have effect in relation to any person who is or becomes the holder of a provisional licence.
- (2) The amendments made by paragraphs 3 to 7 shall have effect only in relation to a person who becomes a qualified driver on or after the day of the coming into operation of this Order.

Amendments of the Order of 1981

- 2.—(1) In Article 19 of the Order of 1981 (speed limit on vehicles required to display or displaying distinguishing mark required on vehicles driven by holders of provisional licences) the existing provision shall be numbered as paragraph (1) of that Article.
- (2) At the beginning of that paragraph insert the words “Subject to paragraph (2)”.
- (3) After that paragraph add the following paragraph—
- “(2) Paragraph (1) does not apply to a person who drives on a motorway a motor vehicle of such a class as may be prescribed by regulations.”.
3. For Article 19A of the Order of 1981 (restrictions on newly qualified drivers and drivers disqualified until tested) substitute—

“Restrictions on newly qualified drivers

19A.—(1) This Article applies to any person who becomes a qualified driver of a motor vehicle of such a class as may be prescribed by passing a test of competence prescribed by virtue of Article 5(3).

(2) After passing that test a person to whom this Article applies shall, for a period of 12 months or such lesser period as may be prescribed (“the period of restriction”), be subject to the specified restrictions.

(3) The specified restrictions shall apply to such a person while he is driving on a road a motor vehicle of such a class as may be prescribed, in respect of which he was not, immediately before he passed that test, entitled to hold or obtain a full licence.

(4) In determining the expiration of the period of restriction, any time during which a person is disqualified for holding or obtaining a licence, or holds a provisional licence only, shall be disregarded.

(5) The specified restrictions are—

- (a) a requirement that a distinguishing mark of such a nature as may be prescribed shall be displayed in such manner as may be prescribed on any motor vehicle while it is being driven on a road by a person who is subject to the specified restrictions when driving that vehicle;
- (b) a prohibition on driving on any road at a speed exceeding 45 miles per hour, or such other speed as may be prescribed, any motor vehicle on which the distinguishing mark referred to in sub-paragraph (a) is required to be displayed.

(6) Any person who contravenes any of the specified restrictions shall be guilty of an offence under this Order.

(7) Where the Department grants or returns a licence to any person who, while driving a motor vehicle of any class specified in the licence, will for any period during the currency of the licence be subject to the specified restrictions, the Department shall enter on or affix to the counterpart of the licence a notice or other indication to show—

- (a) the period of restriction;
- (b) the class of vehicles affected by the specified restrictions; and
- (c) that the holder is subject for that period to the specified restrictions while driving vehicles of that class.

(8) This Article does not apply—

- (a) to a person who is required to pass a test of competence by virtue of—
 - (i) an order under Article 41 of the Offenders Order, or
 - (ii) Article 6 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998;
- (b) to such extent and in such circumstances as may be prescribed, to a person holding a licence by reason of a test passed by him at a time when he held a licence or permit which, by virtue of an order made under the Motor Vehicles (International Circulation) Act 1952, entitled him to drive motor vehicles in Northern Ireland; or
- (c) to the holder of a licence authorising him to drive, or to a person driving, motor vehicles of such classes or in such circumstances as may be prescribed.

(9) In this Article—

- (a) “period of restriction” has the meaning given in paragraph (2);
- (b) “the specified restrictions” means the restrictions specified in paragraph (5).”

Status: This is the original version (as it was originally made).

4. In Article 19B of the Order of 1981 (speed limit on certain vehicles displaying distinguishing marks)—

- (a) for “paragraph (3)(a)” substitute “paragraph (5)(a)”; and
- (b) for the word “prescribed”, where it occurs for the second time, substitute “specified”.

5. In Article 19D of the Order of 1981 (interpretation) insert the following definition at the appropriate place alphabetically—

““motorway” means a road to which Part III of the Roads (Northern Ireland) Order 1993 applies;”.

Amendment of the Offenders Order

6. In Article 57 of the Offenders Order (fixed penalty offences), in paragraph (3), sub-paragraph (b) and the word “or” immediately preceding it shall cease to have effect.

7. In Part I of Schedule 1 to the Offenders Order (prosecution and punishment of offences), in the entry relating to Article 19A of the Order of 1981, for the entry in column 7 substitute—

- “(a) 3-6 if committed by contravening the specified restriction under paragraph (5)(b) of Article 19A (driving at a speed exceeding 45 miles per hour);
- (b) 2 if committed only by contravening the specified restriction under paragraph (5)(a) of Article 19A (failure to display restricted driver’s mark).”.

Saving in respect of existing holders of temporarily restricted licences

8.—(1) Where, on the day of the coming into operation of this Order, any person holds a temporarily restricted licence, the prescribed restrictions (and any statutory provision relating to them) shall continue to apply in relation to that person until the end of the period of restriction in the same manner as before that day.

(2) In sub-paragraph (1) the expressions “period of restriction”, “prescribed restrictions” and “temporarily restricted licence”, have the same meanings as they had in Article 19A of the Order of 1981 immediately before the day of the coming into operation of this Order.

SCHEDULE 3

Article 13(1).

CONSEQUENTIAL AMENDMENTS

The Order of 1981

1. The Order of 1981 shall be amended as follows.

2.—(1) In the provisions mentioned in sub-paragraph (2) after “Article 5” insert “of this Order or Article 6(1) of, or paragraph 6(1) or 9(1) of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998”.

(2) The provisions are—

- (a) Article 4(2)(b)(ii) (meaning of “qualifying application” for purposes of exception to requirement that driver must have a licence);
- (b) Article 13(1)(d) (person to whom licence must be granted must be a person who is not prevented from obtaining it by Article 5 of the Order).

3. In Article 174 (false statements in connection with forgery of, and fraudulent use of, documents etc.)—

- (a) in paragraph (2) after “any badge,” insert “any document which, in pursuance of Article 5(3), is issued as evidence of the result of a test of competence to drive,”;
- (b) in paragraph (3)—
 - (i) after “provisional licence” insert “or a document issued in pursuance of Article 5(3) as evidence of the result of a test of competence to drive”;
 - (ii) for “Article 97, 175 or 180” substitute “this Order”.

The Offenders Order

4. The Offenders Order shall be amended as follows.

5. In Article 10 (time within which summary proceedings for certain offences must be commenced) in paragraph (3) after sub-paragraph (b) add the following sub-paragraph—

- “(c) an offence under paragraph 3(5) of Schedule 1 to the Road Traffic (New Drivers) (Northern Ireland) Order 1998.”.

6. In Article 52 (supplementary provisions as to disqualifications and endorsements) after paragraph (2) insert the following paragraph—

- “(2A) Paragraph (2) is subject to Article 4(2) of, and paragraph 7(2) of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998 (obligation of court to send licence and its counterpart to the Department).”.

7. In Article 63 (endorsement of licences without hearings) after paragraph (6) add the following paragraph—

- “(7) Paragraphs (3) and (4) are subject to Article 4(4)(a) of, and paragraph 7(4)(a) of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998; and the fixed penalty clerk need not comply with paragraph (6) in a case where he sends a person’s licence and its counterpart to the Department under Article 4(4)(b) of, or paragraph 7(4)(b) of Schedule 1 to, that Order.”.

8. In Article 82 (endorsement where penalty paid) after paragraph (7) add the following paragraph—

- “(8) Paragraph (1) is subject to Article 4(4)(a) of, and paragraph 7(4)(a) of Schedule 1 to, the Road Traffic (New Drivers) (Northern Ireland) Order 1998; and the fixed penalty clerk need not comply with paragraph (5)(a) in a case where he sends a person’s licence and its counterpart to the Department under Article 4(4)(b) of, or paragraph 7(4)(b) of Schedule 1 to, that Order.”.

9. In Part I of Schedule 1 (prosecution and punishment of offences), in the entry relating to Article 174(2) of the Order of 1981 in column 2 after “badges,” insert “documents issued as evidence of the result of a test of competence to drive,”.

10. In paragraph 21(4) of Schedule 3 (minor and consequential amendments) after ““Orders”” insert “, where it occurs for the first time,”.

Status: This is the original version (as it was originally made).

SCHEDULE 4

Article 13(2).

REPEALS

Chapter or Number	Short title	Extent of repeal
1995 NI 18.	The Road Traffic (Northern Ireland) Order 1995.	In Part I of Schedule 3, paragraph 3.
1996 NI 10.	The Road Traffic Offenders (Northern Ireland) Order 1996.	In Part I of Schedule 3, paragraph 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to newly qualified drivers of motor vehicles in Northern Ireland. Where such a driver commits certain road traffic offences during a probationary period of 2 years beginning with the day on which he became a qualified driver, his licence is to be revoked and he must pass a relevant driving test before a further full licence may be issued to him.

Provision for newly qualified drivers to hold a temporarily restricted licence (and to display “R” plates) is retained; but that provision will only apply on the first occasion when a driver passes a test of competence to drive in Northern Ireland.