

**2007 No. 454 (C. 30)**

**ROAD TRAFFIC AND VEHICLES**

**The Road Traffic (2007 Order) (Commencement No. 2) Order  
(Northern Ireland) 2007**

*Made* - - - -

*29th October 2007*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 1(3) of the Road Traffic (Northern Ireland) Order 2007(a).

**Citation and interpretation**

1.—(1) This Order may be cited as the Road Traffic (2007 Order) (Commencement No. 2) Order (Northern Ireland) Order 2007.

(2) In this Order “the Order” means the Road Traffic (Northern Ireland) Order 2007.

**Appointed day**

2. The day appointed for the coming into operation of the provisions of the Order specified in the Schedule shall be 15th November 2007.

Sealed with the Official Seal of the Department of the Environment on 29th October 2007.



*Stanley Duncan*  
A senior officer of the Department of the Environment

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(a) S.I. 2007/916 (N.I. 10)

## SCHEDULE

Article 2

### Provisions coming into operation on 15th November 2007

| Provisions of the Order | Subject Matter   |
|-------------------------|--|
| Article 14              | Testing for drink and drugs  |
| Article 15              | Period of endorsement for failing to allow specimen to be tested   |
| Article 18(1) and (3)   | Power of arrest in relation to failure to stop a vehicle   |
| Article 19              | Production of certain documents  |
| Article 20              | Seizure of licences  |
| Article 27              | Disqualification until test passed   |
| Article 29              | False statements etc.  |
| Article 30              | Driving otherwise than in accordance with a licence  |
| Article 31              | Power to remove requirement to apply for licence after passing of test   |
| Article 32              | Removal of two year period from passing of test in which to apply for licence  |
| Article 33              | Physical fitness   |
| Article 34              | Payment of fee for confirmation of person's entitlement to drive   |
| Article 35              | Exchangeable driving licences  |
| Article 37              | Applying for or obtaining a driving licence, or driving , while disqualified   |
| Article 41              | Display of test certificates   |
| Article 42              | Vehicles modified to run on fuel stored under pressure   |
| Article 44              | Tests of competence to drive   |
| Article 79              | Removal of requirement for Department of Finance and Personnel to approve certain matters relating to charging of fees by Department |

| Provisions of the Order  | Subject Matter                     |
|--|------------------------------------|
| Schedule 7, paragraphs 1(a), 2 to 4, 6, 8, 10 to 13, 15(a), 17, 19 to 21 and Article 86(1) insofar as it relates to those paragraphs.  | Minor and consequential amendments |
| <p>The following repeals in Schedule 8 and Article 86(2) insofar as it relates to them—</p> <p style="text-align: center;">PART I</p> <p>The Transport Act (Northern Ireland) 1967(a)—<br/>the entries relating to sections 9(1), 16(2), 23(2), 25(2) and 25(4).</p> <p>The Road Traffic (Northern Ireland) Order 1981(b)—<br/>Article 3(3),<br/>the entry relating to Article 5(5),<br/>Articles 13(6), 14(6) and 19C(3),<br/>the entries relating to Articles 66(1)(a), 75(3), 79A(2) and 80,<br/>Articles 166 to 168 and 174(6),<br/>the entry relating to 180(2)(b).</p> <p>The Magistrates' Courts (Northern Ireland) Order 1981(c)—<br/>in Part III of Schedule 6, paragraph 170.</p> <p>The Road Traffic (Amendment) (Northern Ireland) Order 1991(d)—<br/>in Schedule 2, paragraphs 9 and 10.</p> <p>The Road Traffic (Northern Ireland) Order 1995(e)—<br/>the entry relating to Article 13(2),<br/>Article 13(5).</p> <p>The Road Traffic Offenders (Northern Ireland) Order 1996(f)—<br/>Article 10(3)(a), heads (iv), (v) and (vi),<br/>Article 41(14),<br/>the entry relating to Article 50(6),<br/>Part I of Schedule 1, insofar as it relates to the entries relating to Articles 13, 14, 166 and 167 of the Road Traffic (Northern Ireland) Order 1981,<br/>Part I of Schedule 3 insofar as it relates to paragraphs 17, 18 and 29.</p> <p style="text-align: center;">PART II</p> <p>The Road Traffic (New Drivers) (Northern Ireland) Order 1998(g)—<br/>in Schedule 3, paragraph 9.</p> <p>The Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003(h)—<br/>in Schedule 1, paragraph 9.</p> | Repeals                            |

- (a) 1967 c. 37  
(b) S.I. 1981/154 (N.I. 1)  
(c) S.I. 1981/1675 (N.I. 26)  
(d) S.I. 1991/197 (N.I. 3)  
(e) S.I. 1995/2994 (N.I. 18)  
(f) S.I. 1996/1320 (N.I. 10)  
(g) S.I. 1998/1074 (N.I. 7)  
(h) S.I. 2003/2903 (N.I. 16)

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into operation on 15th November 2007 the provisions of the Road Traffic (Northern Ireland) Order 2007 specified in the Schedule as outlined below.

Article 14 substitutes Article 17 of the Road Traffic (Northern Ireland) Order 1995 (“the Order of 1995”) with a number of provisions and gives the police powers to require persons to undergo drug impairment tests and to use a device approved by the Department to detect the presence of drugs in a person’s body.

Article 15 amends Article 50(6) of the Road Traffic Offenders (Northern Ireland) Order 1996 (“the Order of 1996”) by adding the offence of failing to allow a specimen to be tested in a laboratory to those offences that remain endorseable on a person’s driving licence for 11 years.

Articles 18, 19 and 20 amend Article 180 of the Road Traffic (Northern Ireland) Order 1981 (“the Order of 1981”).

Article 18 empowers the police to arrest a person for failure to stop a vehicle when requested.

Article 19 extends the power of the police to require the production of test certificates and insurance certificates in respect of accidents to include accidents in a public place.

Article 20 empowers the police to seize a driving licence that has been revoked by the Department.

Article 27 amends Article 41 of the Order of 1996 to give the Department power to prescribe the nature of the appropriate driving test to be taken following a period of disqualification.

Article 29 amends Article 174 of the Order of 1981 to extend the offence of forgery and making false statements etc. to additional documents and enables the police or a vehicle examiner to seize designated documents.

Article 30 amends Article 3 of the Order of 1981 to create the offence of driving otherwise than in accordance with a licence.

Article 31 amends Article 5(1) of the Order of 1981 to remove the requirement for a person to apply for a full licence following the passing of a test.

Article 32 substitutes Article 5(1)(a) of the Order of 1981 to remove the requirement for a person to apply for a full licence within two years of passing a test.

Article 33 amends Articles 9 and 11 of the Order of 1981 and inserts a new Article 11A to create three new offences relating to the physical fitness of drivers.

Article 34 amends Article 19C(1A) of the Order of 1981 to give the Department power to charge a fee for the issue of a certificate of entitlement to drive.

Article 35 amends Article 19D of the Order of 1981 to give the Department power to provide that only a licence of a specified description is suitable for exchange.

Article 37 inserts a new Article 168A into the Order of 1981 which amalgamates the offences of applying for or obtaining a licence while disqualified from driving and driving a vehicle while disqualified.

Article 41 inserts a new Article 63A into the Order of 1995 to create the offence of failure to display a vehicle test certificate.

Article 42 amends Articles 55 and 72 of the Order of 1995 to give the Department power to require keepers of vehicles modified to run on fuel stored under pressure to notify the Department of such modification and submit the vehicle for examination and certification.

Article 44 amends Article 5 of the Order of 1981 to introduce a number of administrative changes in respect of driving tests, thereby enabling, for example, the use of telephone and internet to book tests. Article 44 also amends Article 8 of the Order of 1981 to enable the Department to repay the whole or any part of a fee.

Article 79 amends a number of provisions in the Transport Act (Northern Ireland) 1967 and the Order of 1981 to remove the requirement for the Department of Finance and Personnel to approve the setting of certain fees by the Department.

In Schedule 7 a number of minor and consequential amendments.

In Schedule 8 a number of consequential repeals.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Road Traffic (Northern Ireland) Order 2007 have been brought into operation by commencement order before the date of this Order.

| <i>Provision</i>   | <i>Date of Commencement</i> | <i>S.R. No.</i>      |
|--|-----------------------------|----------------------|
| Article 3(a) (insofar as it relates to the amendment of the punishment for commission of the offence of driving a motor vehicle in contravention of regulations requiring the wearing of seat belts), (b) and (c),<br>Articles 4-9,<br>Article 17,<br>Article 26,<br>Article 28,<br>Article 43,<br>Articles 82-85,<br>Article 86(1) and Schedule 7 (partially),<br>Article 86(2) and Schedule 8 (partially). | 27th June 2007              | 2007 No. 302 (C. 19) |