STATUTORY RULES OF NORTHERN IRELAND

1997 No. 241

EUROPEAN COMMUNITIES
ROAD TRAFFIC AND VEHICLES

The Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1997

Made - - - - 16th May 1997
Coming into operation in accordance with regulation 1(2) and (3)

The Department of the Environment, being a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the licensing of drivers of motor vehicles, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Driving Licences (Community Driving Licence) Regulations (Northern Ireland) 1997.

(2) Regulations 1, 2 and 4, and Schedule 2, shall come into operation on 30th June 1997.

(3) Regulation 3 and Schedule 1 shall come into operation on 1st September 1997.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendments to the Road Traffic Offenders (Northern Ireland) Order 1996

3. The Road Traffic Offenders (Northern Ireland) Order 1996(**4**) shall have effect with the amendments set out in Schedule 1.

(**1**) S.I. 1981/1536
(**2**) 1972 c. 68; by virtue of section 1 of the European Economic Area Act 1993 (c. 51) section 1(2) of this Act is amended to enable regulations to be made under section 2(2) to implement obligations of the United Kingdom arising under the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 (Cm 2073) and the Protocol adjusting the Agreement signed at Brussels on 17th March 1993 (Cm 2183)
(**3**) 1954 c. 33 (N.I.)
(**4**) S.I. 1996/1320 (N.I. 10)

Minor amendments

4. The Road Traffic (Northern Ireland) Order 1981(**5**) and the Road Traffic (Northern Ireland) Order 1995(**6**) shall have effect with the minor amendments set out in Schedule 2.

Sealed with the Official Seal of the Department of the Environment on

16th May 1997.

J. Ritchie
Assistant Secretary

(**5**) S.I. 1981/154 (N.I. 1)
(**6**) 1995/2994 (N.I. 18)

SCHEDULE 1

Regulation 3

Amendments to the Road Traffic Offenders (Northern Ireland) Order 1996

1. In Article 2 (general interpretation)—

(a) in paragraph (2)—

(i) in the definition of "licence", the words from "and" onwards shall be omitted, and

(ii) in the definition of "the provisions connected with the licensing of drivers" for "and 40 to 53", there shall be substituted "40 to 53, 92A and 92B,"; and

(b) at the end of that paragraph there shall be inserted "and "Community licence", "counterpart" and "EEA State" have the same meanings as in Part II of the Order of 1981"(**7**).

2.—(1) Article 7 (restriction on institution of proceedings for certain offences) shall be amended as follows.

(2) The existing provision shall be renumbered as paragraph (1) of that Article.

(3) After that paragraph as so renumbered there shall be inserted—

"(2) In paragraph (1) the reference to Article 11(3) of the Order of 1981 includes a reference to that provision as applied by Article 15D of that Order(**8**).>"

3. In Article 10 (time within which summary proceedings for certain offences must be commenced), in paragraph (3)—

(a) in sub-paragraph (*a*)(i), at the end there shall be inserted "and that provision as applied by Article 15D of that Order";

(b) after sub-paragraph (*a*)(ii) there shall be inserted—

"(iia) Article 15B(11) (driving after failure to comply with a requirement under Article 15B(6), (7) or (10),".

4. In Article 28 (interim disqualification), in paragraph (7), for "and 52(2)" there shall be substituted ", 52(2) and 92A(5)".

5.—(1) Article 41 (disqualification until test is passed) shall be amended as follows.

(2) In paragraph (11)—

(a) in sub-paragraph (*a*)—

(i) for "member State" there shall be substituted "EEA State", and

(ii) the words from "(as" to "1981)" shall be omitted, and

(b) in sub-paragraph (*b*), for "that Order" there shall be substituted "the Order of 1981".

(3) After paragraph (11) there shall be inserted—

"(11A) In paragraph (11) "designated country or territory" means a country or territory designated under Article 19D(2) of the Order of 1981(**9**)."

(6) After Article 92 (penalty for breach of regulations) there shall be inserted—

(**7**) Part II of the Road Traffic (Northern Ireland) Order 1981 was substituted by S.I. 1991/197 (N.I. 3) Schedule 1, has been amended by S.I. 1995/2994 (N.I. 18) Schedule 3, Part I and S.R. 1996 No. 426, Schedule 1 and is amended (prospectively) by S.I. 1996/1320 (N.I. 10) Schedule 3, Part I

(**8**) Articles 15A to 15D were inserted by S.R. 1996 No. 426, Schedule 1 paragraph 8

(**9**) Article 19D was substituted by S.I. 1991/197 (N.I. 3) Schedule 1