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STATUTORY INSTRUMENTS

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**2003 No. 2903 (N.I. 16)**

**The Road Traffic (Driving Disqualifications)  
(Northern Ireland) Order 2003**

- - - - - 13th November 2003

**Title and commencement**

1.—(1) This Order may be cited as the Road Traffic (Driving Disqualifications) (Northern Ireland) Order 2003.

(2) This Article and Article 2 shall come into operation on the expiration of 7 days from the day on which this Order is made.

(3) The other provisions of this Order shall come into operation on such day as the Department may by order appoint<sup>F1</sup>.

<b>F1</b> partly exercised by SR 2004/431
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**Interpretation**

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order “the Department” means the Department of the Environment.

**Recognition in Northern Ireland of disqualifications in Great Britain, etc.**

3. After Article 18 of the Road Traffic (Northern Ireland) Order 1981 (NI 1) there shall be inserted—

*“Disqualification if disqualified in Great Britain, etc.*

**Disqualification while disqualified in Great Britain, Isle of Man, Channel Islands or Gibraltar**

18A.—(1) A person is disqualified for holding or obtaining a licence to drive a motor vehicle of any class so long as he is subject to a relevant disqualification imposed outside Northern Ireland.

(2) For the purposes of this Article a person is subject to a relevant disqualification imposed outside Northern Ireland if, in respect of any offence—

(a) a court in Great Britain disqualifies him for holding or obtaining a Great Britain licence,

- (b) a court in the Isle of Man or any of the Channel Islands disqualifies him for holding or obtaining a British external licence, or
  - (c) a court in Gibraltar disqualifies him for holding or obtaining a licence to drive a motor vehicle granted under the law of Gibraltar.
- (3) A certificate signed by the Department which states, in respect of a person, any matter relating to the question whether he is subject to a relevant disqualification imposed outside Northern Ireland shall be evidence of the matter so stated.
- (4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.”.

### **Endorsement of counterparts issued to Great Britain licence holders**

4.—(1) After Article 19E of the Road Traffic (Northern Ireland) Order 1981 (NI 1) there shall be inserted—

#### **“Counterparts issued to Great Britain licence holders**

19F.—(1) The Department may issue to any Great Britain licence holder who—

- (a) has delivered his Great Britain licence to the Department, and
- (b) has provided the Department with the information specified in, or required under, paragraph (3) (whether or not in pursuance of this Article),

a document (referred to in this Part in relation to a Great Britain licence as a “counterpart”).

(2) The counterpart must—

- (a) be in such form, and
- (b) contain such information,

designed for the endorsement of particulars relating to the Great Britain licence as the Department may determine.

(3) The information referred to in paragraph (1) is—

- (a) the name and address (whether in Northern Ireland or Great Britain) of the Great Britain licence holder;
- (b) his date of birth;
- (c) the classes of vehicle which he is authorised by his Great Britain licence to drive;
- (d) the period of validity of the licence;
- (e) whether it was granted in exchange for a licence issued by a state other than an EEA State; and
- (f) such other information as the Department may require for the purposes of the proper exercise of any of its functions under this Part or Part V.

(4) The Department—

- (a) may endorse a Great Britain licence delivered to it (whether or not in pursuance of this Article) in such manner as it may determine—
  - (i) with any part of the information specified in, or required under, paragraph (3); or
  - (ii) with information providing a means of ascertaining that information or any part of it; and
- (b) must return the Great Britain licence to the holder.

(5) Paragraphs (6) to (9), (11) (with the omission of sub-paragraph (a)) and (12) of Article 15B apply for the purposes of this Article as if the references to a Community licence were references to a Great Britain licence.”.

(2) After Article 92 of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) there shall be inserted—

**“Application to Great Britain licence holders**

**92ZA.**—(1) The references to a licence in the following provisions of this Order include references to a Great Britain licence—

- (a) Article 11,
- (b) Article 28(4) and (5) and (6)(b),
- (c) Article 29,
- (d) Article 31(1),
- (e) Article 32,
- (f) Article 33,
- (g) Article 47(6),
- (h) Article 49(1),
- (i) Article 51(2),
- (j) Article 52(2) and (3),
- (k) Article 53.

(2) Accordingly, the reference in Article 29(2)(b) to the suspension of a licence is to be construed in relation to a Great Britain licence holder as a reference to his ceasing to be authorised by virtue of Article 19E(1) of the Order of 1981 to drive in Northern Ireland a motor vehicle of any class.

(3) The references in Articles 28(6)(a) and 29(2) to a new licence include references to a counterpart of a Great Britain licence.

(4) In relation to a Great Britain licence holder to whom a counterpart is issued under Article 19F of the Order of 1981, the references in Part IV of this Order to a licence include references to a Great Britain licence.

(5) Where a court orders the endorsement of the counterpart of any Great Britain licence held by a person, it must send notice of the endorsement to the Department.

(6) The notice must—

- (a) be sent in such manner and to such address, and
- (b) contain such particulars,

as the Department may determine.

(7) Where a court orders the holder of a Great Britain licence to be disqualified, it must send the Great Britain licence and its counterpart (if any), on their being produced to the court, to the Department.

(8) The licence and its counterpart must be sent to such address as the Department may determine.

(9) Where—

- (a) a notice is sent to the Department under paragraph (5), and
- (b) the particulars contained in the notice include—

- (i) particulars of an offence in respect of which the holder of a Great Britain licence is disqualified by an order of a court, and
  - (ii) particulars of the disqualification,
- the Department must send a notice containing the particulars mentioned in sub-paragraph (b) (i) and (ii) to the licensing authority in Great Britain.

#### **Effect of endorsement on Great Britain licence holders**

**92ZB.** Article 92B applies in relation to Great Britain licences as it applies in relation to Community licences.”.

#### **Prohibition on holding or obtaining Northern Ireland and Great Britain licences**

- 5.—**(1) The Road Traffic (Northern Ireland) Order 1981 (NI 1) shall be amended as follows.
- (2) In Article 13 (grant of licences)—
- (a) in paragraph (1)(c), after paragraph (i) there shall be inserted—
    - “(ia) any Great Britain licence held by him together with its Great Britain counterpart and its counterpart (if any) issued to him under this Part,” ,
  - (b) after paragraph (1A) there shall be inserted—
    - “(1AA) Where a licence under this Part is granted to a person who surrenders under paragraph (ia) of paragraph (1)(c) his Great Britain licence together with the counterparts mentioned in paragraph (ia) to the Department—
      - (a) that person ceases to be authorised by virtue of Article 19E to drive in Northern Ireland a motor vehicle of any class, and
      - (b) the Department must send the Great Britain licence and its Great Britain counterpart to the licensing authority in Great Britain together with particulars of the class of motor vehicles to which the licence granted under this Part relates.” .
- (3) In Article 15 (duration of licences), after paragraph (5) there shall be inserted—
- “(5A) Where—
    - (a) the Department is sent under section 97(1AA) of the Road Traffic Act 1988 (c. 52) a licence granted under this Part to a person to drive a motor vehicle of any class, and
    - (b) the Department is satisfied that a Great Britain licence to drive a motor vehicle of that or a corresponding class has been granted to that person,

the Department must serve notice in writing on that person revoking the licence granted under this Part.” .
- (4) In Article 18 (disqualification to prevent duplication of licences), at the end there shall be inserted—
- “(2) A person is also disqualified for holding or obtaining a licence authorising him to drive a motor vehicle of any class so long as he is authorised by virtue of Article 19E(1) to drive a motor vehicle of that or a corresponding class.” .

#### **Disability and prospective disability**

- 6.—**(1) The Road Traffic (Northern Ireland) Order 1981 (NI 1) shall be amended as follows.
- (2) After 19F (as inserted by Article 4 of this Order) there shall be inserted—