



Northern Ireland  
Assembly

Road Traffic (Amendment) Bill  
Annotated Marshalled List of Amendments  
Consideration Stage  
Monday 29 June 2015

Amendments tabled up to 9.30am Thursday, 25 June 2015 and selected for debate

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The Bill will be considered in the following order-  
Clauses, Schedules and Long Title

**Clause 3**     *[Question that Clause 3 stand part was negatived]*

*The Minister of the Environment gives notice of his intention to oppose the question that clause 3 stand part of the Bill.*

*Minister of the Environment*

**Amendment 1**     *[Made]*

**Clause 6**, Page 7, Line 13

Leave out 'repealed' and insert 'omitted'

*Minister of the Environment*

**Amendment 2**     *[Made]*

**New Clause**

After clause 6 insert -

**‘Choice of specimens**

**6A.** Article 19 of the Order of 1995 (choice of specimens of breath) is amended as follows—

- (a) for the title, substitute “Lower of 2 specimens of breath to be used”,
- (b) in paragraph (1), the words “Subject to paragraph (2),” are omitted,
- (c) paragraphs (2), (2A) and (3) are omitted.’

*Minister of the Environment*

**Clause 16** [Question that Clause 16 stand part was negatived]

*The Minister of the Environment gives notice of his intention to oppose the question that clause 16 stand part of the Bill.*

*Minister of the Environment*

**Amendment 3** [Made]

**Clause 17**, Page 15, Line 17

Leave out ‘12’ and insert ‘6’

*Minister of the Environment*

**Amendment 4** [Made]

**Clause 17**, Page 15, Line 26

After ‘Order’ insert ‘(or section 36 of the Road Traffic Offenders Act 1988)’

*Minister of the Environment*

**Amendment 5** [Made]

**Clause 17**, Page 15, Line 28

After ‘1998’ insert ‘(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)’

*Minister of the Environment*

**Amendment 6** [Made]

**Clause 18**, Page 17, Line 17

Leave out '13 (grant of licences)' and insert '13A (residence requirement for grant of licences)'

*Minister of the Environment*

**Amendment 7** [Made]

**Clause 18**, Page 17, Line 20

Leave out '13A' and insert '13B'

*Minister of the Environment*

**Amendment 8** [Made]

**Clause 18**, Page 17, Line 37

Leave out '13B' and insert '13C'

*Minister of the Environment*

**Amendment 9** [Made]

**Clause 18**, Page 19, Line 17

Leave out '13A' and insert '13B'

*Minister of the Environment*

**Amendment 10** [Made]

**Clause 18**, Page 19, Line 19

Leave out '13B' and insert '13C'

*Minister of the Environment*

**Amendment 11** [Made]

**Clause 18**, Page 19, Line 27

Leave out '13B' and insert '13C'

*Minister of the Environment*

**Amendment 12** [Made on Division]

**Clause 20**, Page 21, Line 28

At end insert -

‘(ia) the driver is driving at any time between 10 pm and 6 am,’

*Mrs Sandra Overend*

**Amendment 13** [Made]

**Clause 20**, Page 22, Line 25

After ‘Order’ insert ‘(or section 36 of the Road Traffic Offenders Act 1988)’

*Minister of the Environment*

**Amendment 14** [Made]

**Clause 20**, Page 22, Line 27

After ‘1998’ insert ‘(or section 4 of, or paragraph 6 or 9 of Schedule 1 to, the Road Traffic (New Drivers) Act 1995)’

*Minister of the Environment*

**Amendment 15** [Made]

**Clause 20**, Page 23

Leave out lines 3 to 8

*Minister of the Environment*

**Amendment 16** [Made]

**Clause 21**, Page 26, Line 1

Leave out ‘(1ZD)’ and insert ‘(1ZC)’

*Minister of the Environment*

**Amendment 17** [Made]

**Clause 21**, Page 26

Leave out lines 3 and 4

*Minister of the Environment*

**Amendment 18** [Made]

**Clause 21**, Page 26, Line 5

Leave out '(1ZD)' and insert '(1ZC)'

*Minister of the Environment*

**Amendment 19** [Made]

**Clause 21**, Page 26, Line 14

Leave out 'a' and insert 'the'

*Minister of the Environment*

**Amendment 20** [Made]

**Clause 21**, Page 26, Line 17

Leave out '5A' and insert '5B'

*Minister of the Environment*

**Amendment 21** [Made]

**Clause 21**, Page 26, Line 23

Leave out 'that'

*Minister of the Environment*

**Amendment 22** [Made]

**Clause 21**, Page 26, Line 23

After 'Article' insert '5'

*Minister of the Environment*

**Amendment 23** [Made]

**Clause 21**, Page 26, Line 23

At end insert -

**“Only one offer of an approved course during a person’s probationary period**

5A. The Department may make only one offer under this Order (by virtue of any of Article 5(1ZB) or paragraph 5(1ZB) or 8(1ZB) of Schedule 1) to a person during the person’s probationary period.’

*Minister of the Environment*

**Amendment 24 [Made]**

**Clause 21**, Page 26, Line 25

Leave out ‘5A.’ and insert ‘5B.’

*Minister of the Environment*

**Amendment 25 [Made]**

**Clause 21**, Page 27, Line 25

At end insert -

(4) In Schedule 1 (newly qualified drivers holding test certificate)—

(a) in paragraph 5 (revocation of test certificate: newly qualified driver with provisional licence and test certificate)—

(i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,

(ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise)”,

(iii) after sub-paragraph (1ZA) insert—

“(ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his test certificate.

(1ZC) Where—

(a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;

(b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d); or

(ii) he person’s test certificate as mentioned in paragraph 4(4),

the Department shall by notice served on that person revoke the test certificate.”,

(iv) after sub-paragraph (5) add—

“(6) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

(b) after paragraph 5, insert—

**“Approved courses under paragraph 5: further provision**

**5A.** Article 5B applies for the purposes of making an offer under paragraph 5(1ZB), and approved courses for the purposes of paragraph 5, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

- (a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 5 and references to Article 5, and Article 5(1ZB), were references to paragraph 5, and paragraph 5(1ZB);
- (b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”,
- (c) in paragraph 8 (revocation of licence and test certificate: newly qualified driver with full and provisional entitlements and test certificate)—
  - (i) in sub-paragraph (1), after “Department”, where it second occurs, insert “, except where sub-paragraph (1ZB) provides otherwise,”,
  - (ii) in sub-paragraph (1ZA), after “Department”, where it second occurs, insert “(except where sub-paragraph (1ZB) provides otherwise)”,
  - (iii) after sub-paragraph (1ZA) insert—

“(1ZB) The Department may offer the person the opportunity, by the relevant date, to satisfactorily complete an approved course; and if the person accepts the offer and, by the relevant date, satisfactorily completes an approved course, except as provided in sub-paragraph (1ZC) the Department shall not revoke his licence and test certificate.

(1ZC) Where—

- (a) the Department makes an offer under sub-paragraph (1ZB) and the person to whom it is made accepts the offer;
- (b) during the period beginning with the day on which the offer is made and ending with the day on which the person satisfactorily completes an approved course, the Department receives, in respect of an offence other than that in respect of which the offer was made—

(i) notice of a court order referred to in Article 4(1)(d) and the person’s licence and test certificate; or

(ii) the person’s licence and test certificate as mentioned in paragraph 7(4),

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

(iv) after sub-paragraph (3) add—

“(4) In this paragraph—

“approved course” means a course approved by the Department for the purposes of this paragraph;

“the relevant date” means such date, not later than 6 months after the day on which the offer under sub-paragraph (1ZB) is given, as is specified in the offer.”,

(d) after paragraph 8, insert—

**“Approved courses under paragraph 8: further provision**

**8A.** Article 5B applies for the purposes of making an offer under paragraph 8(1ZB), and approved courses for the purposes of paragraph 8, as it applies for the purposes of making an offer under Article 5(1ZB), and approved courses for the purposes of Article 5, as if—

(a) references in Article 5 to an approved course, and approved courses, were references to an approved course, and approved courses, within the meaning of paragraph 8 and references to Article 5, and Article 5(1ZB), were references to paragraph 8, and paragraph 8(1ZB);

(b) the reference in Article 5B(3) to regulations under paragraph (2) (of Article 5) were a reference to regulations under this paragraph.”’

*Minister of the Environment*

**Amendment 26 [Made]**

**New Clause**

Before clause 23 insert -

**‘Orders and regulations under the Order of 1995**

**22A.** Article 110 of the Order of 1995 is amended as follows—

(a) in paragraph (1) (exception from requirement for orders to be subject to negative resolution), for “this Order”, where it first occurs, substitute “paragraph (3A)”,

(b) after paragraph (3) insert—

“(3A) An order made under—

(a) Article 13A(4) or (7), or

(b) Article 63(9),

shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly.”,

(c) in paragraph (4) (procedure for certain regulations), for “shall be subject to affirmative resolution” substitute “shall not be made unless a draft has been laid before, and approved by a resolution of, the Assembly”.’

*Minister of the Environment*

**Amendment 27 [Made]**

**Clause 23, Page 28, Line 11**

Leave out ‘a statutory provision’ and insert ‘Northern Ireland legislation or an Act of Parliament’

*Minister of the Environment*



**Amendment 28** [Made]

**Schedule 1**, Page 29, Line 7

Leave out 'sections 2 and 3' and insert 'section 2'

*Minister of the Environment*

**Amendment 29** [Made]

**Schedule 1**, Page 29, Line 10

Leave out paragraph 2

*Minister of the Environment*

**Amendment 30** [Made]

**Schedule 1**, Page 29, Line 17

At end insert -

*'Choice of specimens*

2A. The amendments of the Order of 1995 made by section 6A do not apply in relation to an offence committed before the commencement of the amendments.'

*Minister of the Environment*

**Amendment 31** [Made]

**Schedule 1**, Page 31, Line 30

Leave out paragraph 12

*Minister of the Environment*

**Amendment 32** [Made]

**Schedule 1**, Page 31, Line 35

Leave out '12' and insert '6'

*Minister of the Environment*

**Amendment 33** [Made]

**Schedule 1**, Page 31, Line 40

Leave out '12' and insert '6'

*Minister of the Environment*

**Amendment 34** [Made]

**Schedule 1**, Page 32, Line 28

Leave out '12' and insert '6'

*Minister of the Environment*

**Amendment 35** [Made]

**Schedule 1**, Page 33, Line 3

Leave out '12' and insert '6'

*Minister of the Environment*

**Amendment 36** [Made]

**Schedule 1**, Page 33, Line 12

Leave out '(1ZD)' and insert '(1ZC)'

*Minister of the Environment*

**Amendment 37** [Made]

**Schedule 1**, Page 33, Line 12

After 'of' insert ', and paragraph 8(1ZC)(b) of Schedule 1 to'

*Minister of the Environment*

**Amendment 38** [Made]

**Schedule 1**, Page 33, Line 13

Leave out ' ) has' and insert 'and (4)(c)(iii) have'

*Minister of the Environment*

**Amendment 39** [Made]

**Schedule 2**, Page 33, Line 31

In column 2, leave out ‘In Article 19, paragraph (2).’ and insert ‘In Article 19(1), the words “Subject to paragraph (2),”.’

*Minister of the Environment*

**Amendment 40** [Made]

**Schedule 2**, Page 33, Line 31

At end insert, in column 2 -

‘

| Article 19(2), (2A) and (3).

,’

Minister of the Environment