

SL1 – To Departmental Committee Clerk

Dear Michael,

The Road Traffic (Amendment) (2016 Act) (Commencement No. 4) Order (Northern Ireland) 2026

The Department for Infrastructure proposes to make a Commencement Order under powers conferred by section 26(1) of the Road Traffic (Amendment) Act (Northern Ireland) 2016.

The Commencement Order is not subject to any Assembly procedure and does not require to be laid before the Assembly.

Background

The Road Traffic (Amendment) Act (Northern Ireland) 2016 (“the 2016 Act”) established that the introduction of Graduated Driver Licensing (“GDL”) here was the will of the Assembly. The 2016 Act contains the framework and a lot of the detail on how GDL was to be implemented. There has been no departure in policy direction since the 2016 Act was enacted. The provisions of the 2016 Act can only be changed by a new primary Bill with the exception of a very limited scope for amendment by Regulation or Order as allowed by the Act itself.

GDL is designed to provide new drivers and riders with experience and skills over time and in low-risk environments. It will apply to learners and newly qualified drivers for category B motor vehicles (cars and light goods vehicles) and category A, A1 and A2 motor bicycles.

The introduction of GDL will be facilitated by the making of a suite of four Statutory Rules (SRs) which should be considered together by the Committee. These SRs are interdependent and must become operational on the same date if GDL is to operate as intended from the start.

The Road Traffic (Amendment) (2016 Act) (Commencement No. 4) Order (NI) 2026 is the first and in many ways the key SR. This Order will commence the necessary provisions within the 2016 Act. As indicated above, the 2016 Act itself establishes most of the detail of how GDL must operate. As such, the framework and detail of GDL have already been scrutinised and debated by the Assembly.

However, three further SRs (Regulations) are needed to put in place the missing detail that is necessary. For example, the 2016 Act requires a Programme of Training and related Logbook but does not specify the subject matter of that Training or the period of validity that should be attributed to the evidence gathered in the Logbook. It requires the display of a distinguishing mark for the first two years post-test but does not provide for the nature of that mark. It is such detail that is covered by the following amending SRs:

- The Motor Vehicles (Driving Licences) (Amendment) Regulations (NI) 2026

- The Motor Vehicles (Specified Restrictions) (Amendment) Regulations (NI) 2026;
- The Motorways Traffic (Amendment) Regulations (NI) 2026.

Drafts of the above Regulations are all with the Committee for scrutiny under the cover of individual SL1s.

Purpose of the Statutory Rule

The key features of GDL are established by the sections included in Part 3 of the 2016 Act. This Commencement Order will make operational the currently prospective amendments made by the 2016 Act to the Road Traffic (Northern Ireland) Order 1981 and the Road Traffic Offenders (Northern Ireland) Order 1996.

It is proposed that the following sections be commenced from 1 October 2026:

Section 16 – introduces a mandatory minimum learning period (MMLP) of 6 months. That is, a learner driver cannot sit their practical test until at least six months after their provisional licence date of entitlement to drive a category B vehicle (MMLP will not apply to motorcyclists). The 2016 Act does not require a minimum number of lessons or hours training. Effectively, the learner may take as long as they wish to complete each module within the Programme. There is no requirement to take paid lessons.

Section 17 (partially) – requires learner drivers and riders to complete a Programme of Training. This training must be completed and recorded in a Logbook before a learner driver / rider can sit their practical test. The Logbook is completed by the learner and verified by an Approved Driving/Motorcycle Instructor or a qualified driver as defined in the 2016 Act.

Section 18 – makes it an offence to forge, alter or misuse a Logbook. It will also be an offence to fail to surrender a licence if it has been revoked as a result of a conviction for such an offence.

Section 19 –

- removes the current 45mph speed restriction for new drivers and learners. This will allow lessons to be taken up to the posted speed limits including, where appropriate, on a motorway;
- further extends the current 12-month restricted period, where a new driver must display R plates, to a 24 month ‘new driver’ period in line with the existing probationary period set by the Road Traffic (New Drivers) (NI) Order 1998. This will require new drivers to display a distinguishing mark (plate) on the vehicle for two years after receiving a full licence; and
- contains the post-test passenger carrying restrictions whereby, for the first six months, new drivers aged 17-23 will be restricted from carrying more than one passenger aged 14-20 between the hours of 11pm and 6 am. It also provides limited exceptions for family members.

Section 24 and Schedule 1 (partially) – Transitional provisions relating to learners and new drivers contained in section 24 and Parts 2 and 3 of Schedule 1 of the 2016 Act. These effectively maintain the status quo for those whose provisional licence entitlement to drive a category B vehicle commenced before 1st October 2026 for a period of 6 months. It is perhaps worth noting that drivers who pass the practical test within this transitional period will continue to be restricted as they are now until their 12-month restricted period expires, i.e. beyond the transitional period.

Section 25 and Schedule 2 (partially) – Required repeals to facilitate GDL.

Importantly, the commencement of the Regulation making provisions within the above sections will provide the Department with the powers necessary to make two of the three Statutory Rules mentioned above, namely the Driving Licences and the Specified Restrictions Amendment Regulations. Powers to amend the Motorway Traffic Regulations already exist in the Roads (NI) Order 1993.

Previous Engagement with the Committee

The Road Traffic (Amendment) Act (Northern Ireland) 2016 contains the framework and a lot of the detail on how GDL is to be implemented. The provisions in the 2016 Act were fully scrutinised by the Assembly and its Environment Committee as part of its passage as a Bill, including the usual clause by clause scrutiny. There has been no departure in policy direction since the 2016 Act was enacted.

In her appearance before the Infrastructure Committee in June 2025, Minister Kimmins confirmed her commitment to implement GDL in accordance with the 2016 Act as soon as was practicable.

The Department has not previously engaged with the Infrastructure Committee on the operational measures, Commencement Order or Regulations needed to implement GDL as envisioned by the 2016 Act.

Consultations

The main measures of GDL were widely consulted on in 2011/12 and amended and approved by the NI Assembly through the passage of the 2016 Act.

Consultation that was subsequently carried out in relation to the Regulations required to fully implement GDL is set out in the SL1s covering those respective proposals.

There is no requirement to consult on the proposed operational date specified in the Commencement Order.

Equality Impact

An Equality Impact Assessment is not required as the Commencement Order merely commences provisions in the 2016 Act.

However, Section 75 category impacts were considered when developing the legislative framework for GDL as part of the passage of the 2016 Act, and where possible, mitigations and exemptions have been put in place.

Regulatory Impact

Not required in relation to a Commencement Order.

Rural Needs Impact

Not required in relation to a Commencement Order.

Data Protection Impact

Not required in relation to a Commencement Order.

Child Rights Impact

Not required in relation to a Commencement Order.

Position in Great Britain (if appropriate)

N/A

Any Other Information

None. Officials remain available to provide any additional information that the Committee may require.

Financial Implications

N/A

Compliance with Section 24 of the Northern Ireland Act 1998

The Department is satisfied that the sections of the 2016 Act being commenced remain compatible with section 24 of the Northern Ireland Act 1998 and Article 2(1) of the Windsor Framework.

Consideration by the Executive

Not required.

Proposed Timing of Consideration of the SL1

This SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe, and the Department proposes that the Committee consider the SL1 on Wednesday 18 March 2026.

Proposed Operational Date

It is proposed that this Commencement Order will come into operation on 1 October 2026

The draft of the proposed Commencement Order is attached, and you will wish to bring this matter to the attention of the Committee for Infrastructure.

Yours sincerely,



JOSPEH HEATH
Departmental Assembly Liaison Officer
Signed for The Department for Infrastructure

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Date: 17 February 2026

cc: Human Rights Commission
Equality Commission