

2010 No. 372

CRIMINAL PROCEDURE

**The Road Traffic Fixed Penalty (Procedure) (Vehicle
Examiners) Regulations (Northern Ireland) 2010**

Made - - - - - *9th November 2010*

Coming into operation - - - - - *14th December 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Articles 62(3)(a) and 88(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(a).

The Department has consulted with such representative organisations as it thinks fit in accordance with Article 91(1)(b) of that Order.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic Fixed Penalty (Procedure) (Vehicle Examiners) Regulations (Northern Ireland) 2010 and shall come into operation on 14th December 2010.

(2) In these Regulations “the Order” means the Road Traffic Offenders (Northern Ireland) Order 1996.

Application

2. These Regulations apply in cases where a fixed penalty notice is given by a vehicle examiner in accordance with Article 60 (notices on-the-spot etc.) of the Order(b).

Documents or information to be provided

3. The documents described in column 1 of the Schedule (as referred to in the provisions of the Order specified in column 2 of the Schedule) shall contain the information, or, as the case may be, further information prescribed in column 3 of the Schedule.

Remittance

4. If payment of the fixed penalty is made by a person otherwise than as required by the fixed penalty notice, the Department shall return the remittance to that person.

(a) S.I. 1996/1320 (N.I. 10); see Article 2(2) for the definition of “Department”; this definition was inserted by S.I. 2007/916 (N.I. 10), Schedule 7, paragraph 15(a); Article 88 was amended by S.I. 2007/916 (N.I. 10), Schedule 2, paragraph 22, and Schedule 4, paragraph 26

(b) Article 60 was amended by S.I. 2007/916 (N.I. 10), Article 39(4), Schedule 2, paragraph 4, Schedule 4, paragraph 13, and Schedule 8, Part III

Return of driving licence (if so held)

5. Where—

- (a) the person to whom the fixed penalty notice was given holds a driving licence;
- (b) the suspended enforcement period has expired;
- (c) the fixed penalty has not been paid; and
- (d) either that person has requested a hearing under Article 61(2) or no registration certificate has been issued under Article 75(2) of the Order,

the Department shall, in the case of an endorsable offence, return the driving licence to that person.

Notification of registration of sum

6. Where, in a case involving an endorsable offence, any sum is registered under Article 76 of the Order for enforcement against that person as a fine, the clerk of petty sessions for the court where the sum is registered shall notify the Department that the sum has been registered.

Receipt for payment

7. Where a fixed penalty is paid within the suspended enforcement period the Department shall send a receipt for the payment, if requested, to the payer.

Licence receipts

8. For the purposes of Article 62(3)(a) of the Order, there is prescribed a period of two months beginning with the same date of issue.

Sealed with the Official Seal of the Department of the Environment on 9th November 2010.



Deirdre Kenny
A senior officer of the Department of the Environment

SCHEDULE

Regulation 3

Information or further information to be provided in certain documents mentioned in Part IV of the Order

<i>Document</i>	<i>Provisions of the Order</i>	<i>Information or further information to be provided</i>
1. Fixed Penalty Notice	Article 58(a)	(i) the name of the vehicle examiner giving the notice; (ii) the serial number of the fixed penalty notice; (iii) whether the notice relates to an endorsable offence; (iv) the name, date of birth and address of the person to whom the notice is given; (v) the date, time and place of the alleged offence; (vi) the details of the vehicle including the registration number; (vii) the documents, if any, to be provided to the Department and the period within which they must be provided and the address to which they must be sent; (viii) an explanation of the action to be taken by the driver where— (a) the driver has not, or (b) the driver has, surrendered the licence, if the driver holds such a licence; (ix) the fact that the person to whom the notice is given may opt for a trial; (x) the method of paying the fixed penalty; and (xi) guidance to the driver as to the legal consequences of a fixed penalty notice.
2. Receipt for driving licence (if the offender holds a driving licence)	Article 62(b)	(i) whether the driving licence is full or provisional; (ii) the driver number as shown on the licence; (iii) the groups of vehicles which the driver is entitled to

(a) Article 58 was amended by S.I. 2007/916 (N.I. 10), Schedule 2, paragraph 3

(b) Article 62 was amended by S.I. 2007/916 (N.I. 10), Schedule 2, paragraph 5

		<p>drive;</p> <p>(iv) the expiry date of the licence;</p> <p>(v) the duration of the validity of the licence receipt;</p> <p>(vi) the method of obtaining a new receipt on expiry of an old receipt; and</p> <p>(vii) the name of the vehicle examiner issuing the fixed penalty notice.</p>
3. Registration certificate	Article 75(a)	<p>(i) the serial number and date, time and place of issue of the fixed penalty notice;</p> <p>(ii) the vehicle registration number;</p> <p>(iii) the driver number (either as shown on the licence or as allocated by the Department);</p> <p>(iv) the amount of the appropriate fixed penalty; and</p> <p>(v) the sum to be registered in default of payment of the fixed penalty.</p>

(a) Article 75 was amended by S.I. 2007/916 (N.I. 10), Schedule 2, paragraph 13

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the changes to the fixed penalty regime under Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996 effected by Article 16 of, and Schedule 2 to, the Road Traffic (Northern Ireland) Order 2007 which permits vehicle examiners to issue fixed penalties for fixed penalty offences in respect of a vehicle.

Regulation 3, together with the Schedule, prescribes certain information or further information to be included in the fixed penalty notice, the receipt for a driving licence (if held), and the registration certificate in the case or non-payment of the fixed penalty.

Regulation 4 relates to payments made by a person otherwise than as required by the fixed penalty notice.

Regulation 5 provides for the return of driving licences (if so held) to the licence-holder if the period in which no enforcement proceedings can be brought (“the suspended enforcement period”) has expired, the fixed penalty has not been paid, and the recipient of the notice has either requested a hearing or the fixed penalty has not been registered under Article 75(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 for enforcement.

Regulation 6 provides, in cases in which sums are registered for enforcement, for the clerk of petty sessions to notify the Department of the Environment.

Regulations 7 and 8 deal with the receipts for payment and licence receipts respectively.

While these Regulations will have no significant impact on the costs of business and the voluntary sector, a Regulatory Impact Assessment has been prepared for the Graduated Fixed Penalties, Financial Penalty Deposit and Immobilisation Schemes of which they are part. A copy is available from Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or the Department of the Environment website at www.roadsafetyni.gov.uk.

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