

*Status: This version of this provision is prospective.*  
**Changes to legislation:** There are currently no known outstanding effects for the Road Traffic (Amendment) Act (Northern Ireland) 2016, Section 9. (See end of Document for details)



## 2016 CHAPTER 11

### PART 2

#### Drink-driving

##### *Fixed penalty offences*

PROSPECTIVE

#### **Approved course: completion and failure to complete**

**9.—(1)** After Article 59 of the Offenders Order (amount of fixed penalty for fixed penalty offence), insert—

#### **“Certificate of completion of approved course**

**59A.—(1)** This Article and Articles 59B and 59C apply where—

- (a) the amount of fixed penalty for a fixed penalty offence, by virtue of an order under Article 59(1) (and pursuant to Article 59(2A)) is dependent on whether, by the relevant date, the offender satisfactorily completes an approved course, or
- (b) the number of penalty points attributable to such an offence, by virtue of an order under Article 30(3A) (and pursuant to Article 64B(1)) is so dependent.

(2) An offender shall be regarded as having completed an approved course satisfactorily only if a certificate that the offender has done so, given by the course provider, is received by the Chief Constable not later than 28 days after the relevant date.

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(3) The course provider shall give a certificate referred to in paragraph(2) to the offender not later than 14 days after the relevant date unless the offender—

- (a) fails to make due payment of fees for the course,
- (b) fails to attend the course in accordance with the course provider's reasonable instructions, or
- (c) fails to comply with any other reasonable requirement of the course provider.

(4) Where the course provider decides not to give a certificate referred to in paragraph (2) to the offender, the provider shall give written notice of the decision to the offender as soon as possible, and in any event not later than 14 days after the relevant date.

(5) An offender to whom notice is given under paragraph (4) may, not later than 21 days after the date of the notice, apply to the Chief Constable for a declaration that the course provider's decision not to give a certificate referred to in paragraph (2) was contrary to paragraph (3).

(6) If the Chief Constable grants an application under paragraph (5), the certificate referred to in paragraph (2) shall be treated for the purposes of that paragraph as having been duly received by the Chief Constable.

(7) If, 14 days after the relevant date, the course provider has given neither—

- (a) a certificate referred to in paragraph (2), nor
- (b) notice under paragraph (4),

the offender may, not later than 21 days after the 14th day, apply to the Chief Constable for a declaration that the course provider is in default.

(8) If the Chief Constable grants an application under paragraph (7), the certificate referred to in paragraph (2) shall be treated for the purposes of that paragraph as having been duly received by the Chief Constable.

(9) Where the Chief Constable receives a certificate under paragraph(2), or grants an application under paragraph (5) or (7), notice of that fact must be sent by or on behalf of the Chief Constable to the Department.

(10) In—

- (a) this Article, “an approved course” and “the relevant date” have the same meanings as in Article 59(4),
- (b) this Article and Article 59B, “course provider” means the person by whom the course is, or is to be, provided.

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### **Approved course completion: further provision**

**59B.**—(1) A certificate referred to in paragraph (2) of Article 59A is to be in such form and to contain such particulars as may be determined by the Department.

(2) Notice by a course provider under paragraph (4) of that Article shall specify the ground on which it is given and be in such form as may be determined by the Department.

(3) Notice under that paragraph shall, for the purposes of that paragraph, be treated as given to the offender if it was sent by registered post or recorded delivery service addressed to the offender at his last known address, notwithstanding that it was returned as undelivered or was for any other reason not received by the offender.

(4) In the application of section 24 of the Interpretation Act (Northern Ireland) 1954 (service of documents) to giving notice under paragraph (4) of Article 59A, in subsection (1) the word “registering” is omitted.

(5) In determining, for the purposes of paragraph (5) or (7) of that Article, whether any instruction or requirement of a course provider was reasonable, the Chief Constable shall have regard to any guidance given to the provider under Article 38(1).

(6) Notice under paragraph (9) of Article 59A must be sent in such manner and to such address, and must contain such particulars, as the Department may determine.

### **Failure to complete course: consequences**

**59C.**—(1) Paragraph (2) applies where a certificate referred to in paragraph (2) of Article 59A that the offender has completed an approved course satisfactorily is neither—

- (a) received by the Chief Constable in accordance with that paragraph, nor
- (b) treated by virtue of paragraph (6) or (8) of that Article as having been duly received by the Chief Constable.

(2) Notice shall be given to the offender by or on behalf of the Chief Constable—

- (a) specifying—
  - (i) the amount of fixed penalty to be paid in consequence of the offender's failure by the relevant date satisfactorily to complete an approved course,
  - (ii) the date by which the fixed penalty must be paid, and

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(iii) the clerk of petty sessions to whom, and the address at which, it may be paid, and

(b) requiring the offender to deliver, in accordance with paragraph (3), the notice and (if the offender is the holder of a licence and the offence to which the notice relates is an offence involving obligatory endorsement) the offender's licence.

(3) The notice and (as the case may be) licence must be delivered by the offender—

(a) in person,

(b) before the expiry of 14 days after the date of the notice,

(c) to a constable or authorised person at the police station specified in the notice.

(4) Notice must be given by or on behalf of the Chief Constable to the fixed penalty clerk of the giving of notice under paragraph (2) and the terms of any such notice.

(5) A licence surrendered in accordance with notice under paragraph (2) shall be sent to the fixed penalty clerk.

(6) An offender who fails to comply with notice under paragraph (2) commits an offence.

(7) Notice under paragraph (2) must be in such form as may be determined by the Department.

(8) Where, on the expiry of the period specified in any notice given under paragraph (2), the amount of fixed penalty specified in the notice has not been paid, the fixed penalty clerk must notify the Chief Constable.

(9) In this Article, “authorised person” has the same meaning as in relation to a fixed penalty notice given at a police station (see Article 60(8)).”

(2) In paragraph (1) of Article 62 of the Offenders Order (receipt for licence on its surrender), after “Article 60” insert “ or (as the case may be) notice under Article 59C(2) ”.

(3) In Part 1 of Schedule 1 to that Order (prosecution and punishment of offences under the Road Traffic Orders), after the entry relating to offences under Article 38A(12) of that Order insert—

“Article 59C(6)	Failure to comply with notice under Article 59C(2) requiring	Summarily.	Level 3 on the standard scale.”.
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