
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Giving notices to suspected offenders

Notices on-the-spot ^{F1}etc.]

60.—(1) This Article applies where on any occasion a constable in uniform ^{F2}, or a vehicle examiner who produces his authority,] has reason to believe that a person he finds is committing or has on that occasion committed a fixed penalty offence.

(2) Subject to ^{F3}the following provisions of this Article], the constable ^{F4}or vehicle examiner] may give him a fixed penalty notice in respect of the offence.

(3) Where the offence appears to the constable ^{F5}or vehicle examiner] to involve obligatory endorsement ^{F6}, and the person is the holder of a licence], the constable ^{F5}or vehicle examiner] may only give him a fixed penalty notice under paragraph (2) in respect of the offence if—

- (a) he produces his licence and its counterpart for inspection by the constable ^{F5}or vehicle examiner],
- (b) the constable ^{F5}or vehicle examiner] is satisfied, on inspecting the licence and its counterpart, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence, and
- (c) he surrenders his licence and its counterpart to the constable ^{F5}or vehicle examiner] to be retained and dealt with in accordance with this Part.

(4) Where—

- (a) the offence appears to the constable ^{F7}or vehicle examiner] to involve obligatory endorsement,

^{F8}(aa) the person concerned is the holder of a licence, and]

- (b) ^{F9}he] does not produce his licence and its counterpart for inspection by the constable ^{F7}or vehicle examiner],

the constable ^{F7}or vehicle examiner] may give him a notice stating that if ^{F10}he delivers] the notice together with his licence and its counterpart in ^{F11}accordance with paragraph (4A) and the requirements of paragraph (5)(a) and (b) are met he will then be given a fixed penalty notice in respect of the offence.

^{F12}(4A) Delivery must—

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- (a) if the notice is given by a constable, be made in person, within 7 days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
 - (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within 14 days after the notice is given, to the Department at the place specified in the notice.]
- (5) If a person to whom a notice has been given under paragraph (4) [^{F13}delivers] the notice together with his licence and its counterpart in [^{F14}accordance with paragraph (4A)] and the following requirements are met, that is—

- (a) the [^{F15}person to whom the notice under paragraph (4) is delivered] is satisfied, on inspecting the licence and its counterpart, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence, and
- (b) ^{F16}. . . his licence and its counterpart [^{F17}are delivered] to be retained and dealt with in accordance with this Part,

the [^{F18}person to whom the notice under paragraph (4) is delivered] must give him a fixed penalty notice in respect of the offence to which the notice under paragraph (4) relates.

[^{F19}(5A) Where the offence appears to the constable or vehicle examiner to involve obligatory endorsement, and the person is not the holder of a licence, the constable or vehicle examiner may only give him a fixed penalty notice under paragraph (2) in respect of the offence if the constable or vehicle examiner is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence.

(5B) Paragraph (5C) applies where—

- (a) the offence appears to the constable or vehicle examiner to involve obligatory endorsement,
- (b) the person concerned is not the holder of a licence, and
- (c) the constable or vehicle examiner is unable to satisfy himself, by accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of that offence.

(5C) Where this paragraph applies, the constable or vehicle examiner may give the person a notice stating that if—

- (a) he delivers the notice in accordance with paragraph (5D), and
- (b) the person to whom it is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence,

he will then be given a fixed penalty in respect of the offence.

(5D) Delivery must—

- (a) if the notice is given by a constable, be made in person, within 7 days after the notice is given, to a constable or authorised person at the police station specified in the notice (being a police station chosen by the person concerned), or
- (b) if the notice is given by a vehicle examiner, be made (either by post or in person), within 14 days after the notice is given, to the Department, at the place specified in the notice.

(5E) If a person to whom a notice has been given under paragraph (5C) delivers the notice in accordance with paragraph (5D), and the person to whom it is delivered is satisfied, on accessing information held on his driving record, that he would not be liable to be disqualified under Article 40 if he were convicted of the offence, that person must give him a fixed penalty notice in respect of the offence to which the notice under paragraph (5C) relates.]

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(6) A notice under paragraph (4) [^{F20}or (5C)] shall give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence.

(7) A licence and a counterpart of a licence surrendered [^{F21}or delivered] in accordance with this Article must be sent to the fixed penalty clerk [^{F22}if the fixed penalty notice was given by a constable or authorised person].

(8) In this Part “authorised person”, in relation to a fixed penalty notice given at a police station, means a person authorised for the purposes of this Article by or on behalf of the Chief Constable.

(9) In determining for the purposes of [^{F23}this Article] whether a person convicted of an offence would be liable to disqualification under Article 40, it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I or Part II of Schedule 1, that the number of penalty points to be attributed to the offence would be the lowest in the range.

- F1** Words in art. 60 heading substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F2** Words in art. 60(1) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F3** Words in art. 60(2) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F4** Words in art. 60(2) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F5** Words in art. 60(3) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(d)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F6** Words in art. 60(3) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F7** Words in art. 60(4) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(e)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F8** Art. 60(4)(aa) substituted (14.12.2010) for the word "and" at the end of sub-paragraph (a) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(c)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F9** Word in art. 60(4)(b) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(c)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F10** Words in art. 60(4) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(e)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F11** Words in art. 60(4) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(e)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F12** Art. 60(4A) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(f)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F13** Word in art. 60(5) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F14** Words in art. 60(5) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F15** Words in art. 60(5)(a) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F16** Words in art. 60(5)(b) repealed (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, 86(2), Sch. 2 para. 4(g)(iv), **Sch. 8 Pt. III**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F17** Words in art. 60(5)(b) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(v)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F18** Words in art. 60(5) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(g)(iii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

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- F19** Art. 60(5A)-(5E) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **39(4)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F20** Words in art. 60(6) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(d)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F21** Words in art. 60(7) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, **Sch. 2 para. 4(h)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F22** Words in art. 60(7) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 2 para. 4(h)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F23** Words in art. 60(9) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 13(e)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

Modifications etc. (not altering text)

- C1** [Art. 60](#) extended by 2003 (c. 6), Sch. 2A para. 1 (as inserted (22.4.2007 for specified purposes otherwise prosp.) by Policing (Miscellaneous Provisions) (Northern Ireland) Order 2007 (S.I. 2007/912 (N.I. 6)), arts. 1(2)(d)(3), 7(8), **Sch. 5**)

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Changes and effects yet to be applied to :

- art. 60(1) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(b\)](#)
- art. 60(2) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(c\)](#)
- art. 60(2) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 13\(a\)](#)
- art. 60(3) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(d\)](#)
- art. 60(3) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 13\(b\)](#)
- art. 60(4) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(e\)\(i\)](#)
- art. 60(4) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(e\)\(ii\)](#)
- art. 60(4) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(e\)\(iii\)](#)
- art. 60(4)(b) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 13\(c\)\(ii\)](#)
- art. 60(4)(aa) s. 60(4)(aa) substituted for word by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 13\(c\)\(i\)](#)
- art. 60(4A) inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(f\)](#)
- art. 60(5) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(g\)\(i\)](#)
- art. 60(5) words repealed by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(g\)\(iv\) Sch. 8 Pt. 3](#)
- art. 60(5) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(g\)\(ii\)](#)
- art. 60(5) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(g\)\(iii\)](#)
- art. 60(5) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(g\)\(v\)](#)
- art. 60(5)(a) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(g\)\(iii\)](#)
- art. 60(5A)-(5E) inserted by [S.I. 2007/916 \(N.I.\) art. 39\(4\)](#)
- art. 60(6) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 13\(d\)](#)
- art. 60(7) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(h\)\(i\)](#)
- art. 60(7) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 4\(h\)\(ii\)](#)
- art. 60(9) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 13\(e\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Order transfer of functions by [S.R. 2016/76 Sch. 5 Pt. 2](#)
- Order transfer of functions by [S.I. 2010/976 Sch. 17 para. 46](#)

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Pt. 4A inserted by [S.I. 2007/916 \(N.I.\) art. 12\(1\)](#)
- Pt. 4B inserted by [2022 c. 32 s. 89\(2\)](#)
- s. 40A40B inserted by [2009 c. 25 Sch. 16 para. 4](#)
- art. 15(1) power to apply conferred by [S.I. 2007/916 \(N.I.\) Sch. 1 para. 8](#)
- art. 15(1) power to apply conferred by [SI 1981/154 \(N.I. 1\) Sch. 2A para. 7](#) (as inserted) by [S.I. 2007/916 \(N.I.\) Sch. 3](#)
- art. 23(2)(g) added by [S.R. 2014/230 art. 2](#)
- art. 35(1ZA)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- art. 35(3A) inserted by [2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- art. 36(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- art. 36(4A) inserted by [2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- art. 37(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- art. 38A(5A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)

- art. 38A(6A) inserted by 2009 c. 25 Sch. 21 para. 92(5)(e)
- art. 42(2A) inserted by 2009 c. 25 Sch. 21 para. 92(7)(c)
- art. 42(5) added by S.R. 2016/135 reg. 2(2)
- art. 47(3A) inserted by 2009 c. 25 Sch. 21 para. 92(8)(b)
- art. 47(3B) inserted by 2009 c. 25 Sch. 21 para. 92(8)(c)
- art. 52(2ZA) inserted by 2009 c. 25 Sch. 21 para. 92(9)(b)
- art. 54A inserted by 2016 c. 11 (N.I.) s. 15
- art. 59(2A) inserted by 2016 c. 11 (N.I.) s. 8(2)
- art. 59(4) added by 2016 c. 11 (N.I.) s. 8(3)
- art. 59A-59C inserted by 2016 c. 11 (N.I.) s. 9(1)
- art. 63A(7) added by 2016 c. 11 (N.I.) s. 11(1)(d)
- art. 64B inserted by 2016 c. 11 (N.I.) s. 8(5)
- art. 76(3A)(3B) inserted by 2016 c. 21 (N.I.) Sch. 2 para. 5(3)

Commencement Orders yet to be applied to the The Road Traffic Offenders (Northern Ireland) Order 1996

Commencement Orders bringing legislation that affects this Order into force:

- S.R. 2010/226 art. 2Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2010/370 art. 2Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2011/286 art. 2Sch. commences (S.I. 2007/916 (N.I.))
- S.R. 2012/16 art. 2 commences (S.I. 1996/1320 (N.I.))
- S.R. 2012/262 art. 2-6 commences (2010 c. 2 (N.I.))
- S.R. 2012/313 art. 2Sch. commences (2008 c. 4)
- S.R. 2014/238 art. 2Sch. commences (2008 c. 4 (N.I.))
- S.R. 2015/284 art. 2Sch. commences (2011 c. 11 (N.I.))
- S.R. 2015/389 art. 2(3)Sch. Pt. 3 commences (2008 c. 4 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2017/34 art. 2 commences (2010 c. 14 (N.I.))
- S.R. 2018/99 art. 2(a)-(c) commences (2016 c. 21 (N.I.))