STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Notices fixed to vehicles

Service of notice to owner if penalty not paid

68.—(1) This Article applies where a fixed penalty notice relating to an offence has been fixed to a vehicle under Article 67.

(2) Subject to paragraph (3), if at the end of the suspended enforcement period the fixed penalty has not been paid in accordance with this Part, a notice under this Article may be served by or on behalf of the **[**[F1]relevant person**]** on any person who appears to him (or to any person authorised to act on his behalf for the purposes of this Article) to be the owner of the vehicle.
Such a notice is referred to in this Part as a "notice to owner".

[[F2](2A) In this Article "the relevant person" means–

(a) if the fixed penalty notice was fixed by a constable, the Chief Constable; and

(b) if it was fixed by a vehicle examiner, the Department.**]**

(3) Paragraph (2) does not apply where before the end of the suspended enforcement period—

(a) any person has given notice requesting a hearing in respect of the offence in the manner specified in the fixed penalty notice, and

(b) the notice so given contains a statement by that person to the effect that he was the driver of the vehicle at the time when the offence is alleged to have been committed.

That time is referred to in this Part as the "time of the alleged offence".

(4) A notice to owner—

(a) must give particulars of the alleged offence and of the fixed penalty concerned,

(b) must state the period allowed for response to the notice, and

(c) must indicate that, if the fixed penalty is not paid before the end of that period, the person on whom the notice is served is asked to provide before the end of that period to the **[**[F3]relevant person**]** a statutory statement of ownership (as defined in Part I of Schedule 2).

(5) For the purposes of this Part, the period allowed for response to a notice to owner is the period of 21 days from the date on which the notice is served, or such longer period (if any) as may be specified in the notice.

(6) A notice to owner relating to any offence must indicate that the person on whom it is served may, before the end of the period allowed for response to the notice, either—

(a) give notice requesting a hearing in respect of the offence in the manner indicated by the notice, or

(b) if—

(i) he was not the driver of the vehicle at the time of the alleged offence, and

(ii) a person purporting to be the driver wishes to give notice requesting a hearing in respect of the offence,

provide, together with a statutory statement of ownership provided as requested in that notice, a statutory statement of facts (as defined by Part II of Schedule 2) having the effect referred to in paragraph 3(2) of that Schedule (that is, as a notice requesting a hearing in respect of the offence given by the driver).

(7) In any case where a person on whom a notice to owner relating to any offence has been served provides a statutory statement of facts in pursuance of paragraph (6)(b)—

(a) any notice requesting a hearing in respect of the offence that he purports to give on his own account shall be of no effect, and

(b) no sum may be registered for enforcement against him as a fine in respect of the offence unless, within the period of 2 months immediately following the period allowed for response to the notice to owner, no summons in respect of the offence in question is served on the person identified in the statement as the driver.

F1 Words in art. 68(2) 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. 9(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F2 Art. 68(2A) 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. 9(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F3 Words in art. 68(4)(c) 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. 9(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

Changes to legislation:
The Road Traffic Offenders (Northern Ireland) Order 1996, Section 68 is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- 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. 31(3) inserted by S.I. 2007/916 (N.I.) art. 10(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. 36(9)(b) word inserted by 2016 c. 11 (N.I.) s. 14(5)(a)
- art. 36(9)(c) word repealed by 2016 c. 11 (N.I.) s. 14(5)(b)Sch. 2
- art. 36(9)(d) repealed by 2016 c. 11 (N.I.) s. 14(5)(c)Sch. 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. 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)