
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Notices fixed to vehicles

Hired vehicles

71.—(1) This Article applies where—

- (a) a notice to owner has been served on a vehicle-hire firm,
- (b) at the time of the alleged offence the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this Article applies, and
- (c) within the period allowed for response to the notice the firm provides the [^{F1}relevant person] with the documents mentioned in paragraph (2).

(2) Those documents are a statement on an official form, signed by or on behalf of the firm, stating that at the time of the alleged offence the vehicle concerned was hired under a hiring agreement to which this Article applies, together with—

- (a) a copy of that hiring agreement, and
- (b) a copy of a statement of liability signed by the hirer under that hiring agreement.

(3) In this Article a “statement of liability” means a statement made by the hirer under a hiring agreement to which this Article applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any fixed penalty offence which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed.

(4) In any case where this Article applies, Articles 68, 69 and 70 shall have effect as if—

- (a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and
- (b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring,

and accordingly references in this Part (with the exceptions mentioned below) to a notice to owner include references to a notice served under Article 68 as it applies by virtue of this Article.

This paragraph does not apply to references to a notice to owner in this Article or in Article 86(2) (b) or in Part I of Schedule 2.

(5) In any case where this Article applies, a person authorised in that behalf by the [^{F2}person] may, at any reasonable time within 6 months after service of the notice to owner (and on the production of his authority) require the firm to produce the originals of the hiring agreement and statement of liability in question.

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(6) If a vehicle-hire firm fails to produce the original of a document when required to do so under paragraph (5), this Article shall thereupon cease to apply (and Article 69 shall apply accordingly in any such case after that time as it applies in a case where the person on whom the notice to owner was served has failed to provide a statutory statement of ownership in response to the notice within the period allowed).

(7) This Article applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this Article to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(8) In this Article—

“hiring agreement” refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the Consumer Credit Act 1974,

[^{F3}“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,]

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

F1 Words in art. 71(1)(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. 10(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F2 Words in art. 71(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. 10(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

F3 Art. 71(8): definition of "relevant person" 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. 10(c)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

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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):

- [s. 40A40B](#) inserted by [2009 c. 25 Sch. 16 para. 4](#)
- [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.I. 2008/2504 art. 2](#) commences [\(2007 c. 27\)](#)
- [S.I. 2009/1604 art. 2](#) commences [\(2005 c. 4\)](#)
- [S.R. 2008/293 art. 2Sch.](#) commences [\(S.I. 2008/1216 \(N.I.\)\)](#)
- [S.R. 2009/352 art. 2Sch.](#) commences [\(2008 c. 4 \(N.I.\)\)](#)
- [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 \(N.I.\)\)](#)