
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

PART IV

FIXED PENALTIES

Conditional offer of fixed penalty

Issue of conditional offer

80.—(1) Where—

- (a) a constable has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under Article 60 or fixed to a vehicle under Article 67,

a notice under this Article may be sent to the alleged offender by or on behalf of the Chief Constable.

[^{F1}(1A) Where—

- (a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under Article 60 or fixed to a vehicle under Article 67,

a notice under this Article may be sent to the alleged offender by the Department.]

(2) A notice under this Article is referred to in this Article and in Articles 81 [^{F2},82 and 82A] as a “conditional offer”.

(3) Where a [^{F3}conditional offer is issued by a person under paragraph (1)], he must notify such clerk of petty sessions as may be specified in the conditional offer of its issue and its terms; and that clerk is referred to in this Article and in Articles 81 [^{F4}, 82 and 82A] as “the fixed penalty clerk”.

(4) A conditional offer must—

- (a) 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,
- (b) state the amount of the fixed penalty for that offence, and
- (c) state that proceedings against the alleged offender cannot be commenced in respect of that offence until the end of the period of 28 days following the date on which the conditional offer was issued or such longer period as may be specified in the conditional offer.

(5) A conditional offer [^{F5}sent to an alleged offender who is the holder of a licence] must indicate that if the following conditions are fulfilled, that is—

- (a) within the period of 28 days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender—
 - (i) makes payment of the fixed penalty to [^{F6}the appropriate person], and

Status: Prospective version(s) available.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Traffic Offenders (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (ii) where the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence and its counterpart to [^{F7}the appropriate person], and
 - (b) where his licence and its counterpart are so delivered, [^{F8}the appropriate person] is satisfied on inspecting them that, if the alleged offender were convicted of the offence, he would not be liable to be disqualified under Article 40,
- any liability to conviction of the offence shall be discharged.

[^{F9}(5A) A conditional offer sent to an alleged offender who is not the holder of a licence must indicate that if the following conditions are fulfilled, that is—

- (a) within the period of 28 days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender makes payment of the fixed penalty to the appropriate person, and
- (b) the appropriate person is satisfied, on accessing information held on the driving record of the alleged offender, that if he were convicted of the offence, he would not be liable to be disqualified under Article 40,

any liability to conviction of the offence shall be discharged.]

(6) For the purposes of the [^{F10}conditions] set out in paragraph (5)(b) [^{F11}and (5A)(b)], 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.

[^{F12}(7) In this Article and Articles 81 [^{F13}, 82 and 82A]“the appropriate person” means—

- (a) where the conditional offer was issued under paragraph (1), the fixed penalty clerk, and
- (b) where the conditional offer was issued under paragraph (1A), the Department.]

- F1** Art. 80(1A) 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. 16(a)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F2** Words in art. 80(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. 21(a)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F3** Words in art. 80(3) 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. 16(b)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F4** Words in art. 80(3) 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. 21(b)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F5** Words in art. 80(5) 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. 21(c)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F6** Words in art. 80(5)(a)(i) 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. 16(c)(i)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F7** Words in art. 80(5)(a)(ii) 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. 16(c)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F8** Words in art. 80(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. 16(c)(ii)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1
- F9** Art. 80(5A) 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. 21(d)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F10** Word in art. 80(6) 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. 21(e)(i)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F11** Words in art. 80(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. 21(e)(ii)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II
- F12** Art. 80(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. 16(d)**; S.R. 2010/370, **art. 2(1)**, Sch. Pt. 1

Status: Prospective version(s) available.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Traffic Offenders (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

F13 Words in [art. 80\(7\)](#) 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. 21\(f\)](#); S.R. 2010/370, [art. 2\(2\)](#), Sch. Pt. II

Status:

Prospective version(s) available.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Road Traffic Offenders (Northern Ireland) Order 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- art. 80(1A) inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 16\(a\)](#)
- art. 80(2) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(a\)](#)
- art. 80(3) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 16\(b\)](#)
- art. 80(3) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(b\)](#)
- art. 80(5) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(c\)](#)
- art. 80(5) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 16\(c\)\(i\)](#)
- art. 80(5) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 16\(c\)\(ii\)](#)
- art. 80(5A) inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(d\)](#)
- art. 80(6) word substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(e\)\(i\)](#)
- art. 80(6) words inserted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(e\)\(ii\)](#)
- art. 80(7) inserted by [S.I. 2007/916 \(N.I.\) Sch. 2 para. 16\(d\)](#)
- art. 80(7) words substituted by [S.I. 2007/916 \(N.I.\) Sch. 4 para. 21\(f\)](#)

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.))