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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Penalty charges*

**Issue of penalty charge notice by traffic attendant or Department**

5.—(1) Where a traffic attendant has reason to believe that a penalty charge is payable with respect to a stationary vehicle on a public road or in a parking place, he may—

- (a) fix a penalty charge notice to the vehicle; or
- (b) give a penalty charge notice to the person appearing to him to be in charge of the vehicle.

(2) Where a traffic attendant—

- (a) has reason to believe that a penalty charge is payable with respect to a moving vehicle on a public road; or
- (b) is prevented from issuing a penalty charge notice under paragraph (1),

the Department may issue a penalty charge notice produced by the traffic attendant.

(3) A penalty charge notice under this Article must state—

- (a) the grounds on which the traffic attendant believes that a penalty charge is payable with respect to the vehicle;
- (b) the amount of the penalty charge which is payable;
- (c) that the penalty charge must be paid within 28 days;
- (d) that if the penalty charge is paid within 14 days, the amount of the penalty charge will be reduced by a specified percentage;
- (e) that if the penalty charge is not paid within 28 days, a notice to owner may be served by the Department on the person who appears to it to be the owner of the vehicle;
- (f) how payment of the penalty charge may be made; and
- (g) such additional matters as the Department may determine.

(4) In paragraph (3)—

“specified” means specified in regulations under Article 4(4);

“within 14 days” and “within 28 days” mean before the end of the period of 14 days or, as the case may be, 28 days from the date of the penalty charge notice.

(5) A penalty charge notice under paragraph (2) must be—

- (a) accompanied by a supplementary notice from the Department stating—
  - (i) the effect of paragraph (6); and
  - (ii) where paragraph (2)(b) applies, that the traffic attendant was prevented from issuing a penalty charge notice under paragraph (1); and
- (b) served, before the end of the period of 28 days from the date on which the alleged contravention occurred, on the person appearing to the Department to be the owner of the vehicle.

(6) Where the Department issues a penalty charge notice under paragraph (2), any statements made under paragraph (3)(c), (d) or (e) shall have effect as if references to the date of the penalty charge notice were references to the date of the supplementary notice under paragraph (5).

(7) A penalty charge notice fixed to a vehicle in accordance with this Article shall not be removed or interfered with except by or under the authority of—

- (a) the owner, or person in charge, of the vehicle;
- (b) the Department; or
- (c) a constable.

(8) A person who contravenes paragraph (7) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.