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STATUTORY INSTRUMENTS

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**2008 No. 1216**

**The Criminal Justice (Northern Ireland) Order 2008**

**PART 5**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Purchase and consumption of alcohol*

**Fixed penalty notice for offence under Article 68**

**69.**—(1) A constable who has reason to believe that a person aged 16 or over has committed an offence under Article 68 may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty in accordance with this Article.

- (2) A notice under paragraph (1) may not be given by a constable unless—
  - (a) in the case of a notice given at a police station, the constable is authorised by the Chief Constable to give notices under this Article;
  - (b) in the case of a notice given elsewhere, the constable is in uniform.
- (3) The Secretary of State may by order—
  - (a) amend paragraph (1) by substituting for the age for the time being specified in that paragraph a different age which is not lower than 10; and
  - (b) if that different age is lower than 16 make provision as follows—
    - (i) where a person whose age is lower than 16 is given a notice, for a parent or guardian of that person to be notified of the giving of the notice; and
    - (ii) for that parent or guardian to be liable to pay the penalty under the notice;and an order under sub-paragraph (b) may amend or apply (with or without modification) any statutory provision (including this Part).
- (4) Where a person is given a notice under this Article in respect of an offence—
  - (a) no proceedings may be instituted for that offence before the expiration of the period of 21 days following the date of the notice or such longer period as may be specified in the notice; and
  - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period (or that longer period)
- (5) A notice under this Article must—
  - (a) be in such form as the Secretary of State may by regulations prescribe;
  - (b) give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence;
  - (c) state the period during which, by virtue of paragraph (4), proceedings will not be taken for the offence;

- (d) state the amount of the fixed penalty; and
  - (e) state the person to whom and the address at which the fixed penalty may be paid.
- (6) The fixed penalty payable in respect of a notice under this Article is such amount (not exceeding one quarter of level 2 on the standard scale) as the Secretary of State may specify by order; and different amounts may be specified for persons of different ages.
- (7) Payment of a fixed penalty shall be made to, or at the office of, the clerk of petty sessions specified in the notice under this Article, or to such other person or to or at such other office as the Secretary of State may by order direct.
- (8) Sums paid by way of a fixed penalty for any offence shall be treated as if they were fines imposed on summary conviction of that offence.
- (9) In any proceedings a certificate that payment of a fixed penalty was or was not made by a date specified in the certificate to or at the office of the appropriate clerk of petty sessions, or to such other person or to or at such other office as the Secretary of State has directed under paragraph (7), shall, if the certificate purports to be signed by the clerk of petty sessions or such other person as the Secretary of State has directed under paragraph (7), be sufficient evidence of the facts stated unless the contrary is proved.
- (10) The Secretary of State may by regulations prescribe—
- (a) the duties under this Article of persons or offices specified by an order made under paragraph (7); and
  - (b) the information to be supplied to or by clerks of petty sessions and to such other persons or offices.
- (11) In any proceedings for an offence under Article 68, no reference shall be made to the giving of any notice under this Article, or to the payment or non-payment of a fixed penalty under this Article, unless in the course of the proceedings, or in some document which is before the court in connection with the proceedings, reference has been made by or on behalf of the accused to the giving of such notice or, as the case may be, to such payment or non-payment.