

1993 No. 261

ROAD TRAFFIC AND VEHICLES

**The Road Traffic (Fixed Penalty) (Extension) Order
(Northern Ireland) 1993**

Made 2nd June 1993

Coming into operation 19th July 1993

*To be laid before Parliament under paragraph 3(3) of
Schedule 1 to the Northern Ireland Act 1974*

The Department of the Environment, in exercise of the powers conferred on it by Article 198(2) of the Road Traffic (Northern Ireland) Order 1981(a) (in this Order referred to as "the Order") and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1993 and shall come into operation on 19th July 1993.

Additional specified offence

2. For the purposes of Article 198(2) of the Order, the following offence, namely — wrongful use of a disabled person's badge in contravention of Article 174A of the Order(b), is specified as an offence to which Articles 199 to 204 of the Order (offences which are punishable without prosecution) apply.

Sealed with the Official Seal of the Department of the Environment on 2nd June 1993.

(L.S.)

Trevor Pearson

Assistant Secretary

(a) S.I. 1981/154 (N.I. 1); see Art 2(2) for definition of "Department"

(b) Article 174A of the Order was inserted by Article 4(1)(d) of S.I. 1982/1535 (N.I. 18)

EXPLANATORY NOTE

(This note is not part of the Order.)

Articles 198 to 204 of the Road Traffic (Northern Ireland) Order 1981 ("the 1981 Order") provide for the punishment without prosecution of certain offences. Those offences are set out in Article 198(1) of the 1981 Order and other offences are specified by—

- (a) the Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1988 (S.R. 1988 No. 308);
- (b) the Road Traffic (Fixed Penalty) (Extension No. 2) Order (Northern Ireland) 1988 (S.R. 1988 No. 309);
- (c) the Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1991 (S.R. 1991 No. 342);
- (d) the Road Traffic (Fixed Penalty) (Extension No. 2) Order (Northern Ireland) 1991 (S.R. 1991 No. 343); and
- (e) the Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1992 (S.R. 1992 No. 56).

Article 2 of this Order specifies contravention of Article 174A of the 1981 Order as another offence to which Articles 198 to 204 shall apply. The offence is the wrongful use of a disabled person's badge by a person who is guilty of an offence in relation to a motor vehicle under a provision of the 1981 Order ("the first offence") where the conditions specified in Article 174A(2) are satisfied.

The conditions specified in Article 174A(2) are that at the time of the commission of the first offence—

- (a) a disabled person's badge was displayed on the motor vehicle;
- (b) the person concerned was using the motor vehicle in circumstances where a disabled person's concession would be available to a disabled person's vehicle; and
- (c) the vehicle was not being used either by the person to whom the badge was issued or under section 14(4) (institutional use of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978).

Any liability to conviction for this offence may be discharged by payment of a fixed penalty which, at the date of coming into operation of this Order, is £20, by virtue of the Road Traffic (Fixed Penalty) (Increase) Order (Northern Ireland) 1992 (S.R. 1992 No. 55).