
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 369

ROAD TRAFFIC AND VEHICLES

**Road Traffic (Fixed Penalty) (Offences)
Order (Northern Ireland) 1997**

Made - - - - *14th August 1997*
Coming into operation *1st October 1997*

The Department of the Environment, in exercise of the powers conferred on it by Article 57(2) of the Road Traffic Offenders (Northern Ireland) Order 1996⁽¹⁾ and of every other power enabling it in that behalf, and after consultation with such representative organisations as it thinks fit in accordance with Article 91(1) of that Order, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

Specified Offences

2. Any offence in respect of a vehicle, being an offence created under a statutory provision specified in column 2 of Schedule 1 (the general nature of which is described in column 3 thereof) is a fixed penalty offence for the purposes of Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996.

Revocation

3. The Orders specified in Schedule 2 are hereby revoked.

Status: *This is the original version (as it was originally made). Northern Ireland Statutory Rules are not carried in their revised form on this site.*

Sealed with the Official Seal of the Department of the Environment on 1

4th August 1997.

J. Ritchie
Assistant Secretary

SCHEDULE 1

Article 2

Fixed Penalty Offences

Column (1) Item No.	Column (2) Provision creating offence	Column (3) General nature of offence
<i>Offences under the Road Traffic (Northern Ireland) Order 1981(2)</i>		
1.	Article 3(1)	Driving without a licence.
2.	Article 13	Failure to comply with any conditions prescribed for driving under provisional licence.
3.	Article 15(7)	Driving licence holder failing, when his licence is revoked, to surrender it and its counterpart or, when particulars cease to be correct, to surrender the licence and counterpart and give particulars.
4.	Articles 56 and 63	Driving a goods vehicle or a public service vehicle in excess of prescribed hours.
5.	Article 60	Public service vehicle plying for hire when not licensed under Article 61.
6.	Article 62(2)	Permitting overcrowding on a public service vehicle.
7.	Article 72(1)	Failure to comply with conditions of LGV or PCV licence.
8.	Article 81(1)	Driving a motor vehicle in contravention of applicable Community rules as to periods of driving, etc.
9.	Article 81(2)	Contravention of requirement of applicable Community rules as to books, records or documents.
10.	Article 154(1)	Driving with uncorrected defective eyesight.
11.	Article 154(2)	Refusal to submit to test to ascertain whether offence committed under Article 154(1).

(2) S.I. 1981/154 (N.I. 1); relevant amending instrument is S.I. 1991/197 (N.I. 3)

Column (1) Item No.	Column (2) Provision creating offence	Column (3) General nature of offence
12.	Article 174B in relation to Regulation 7(4) of the Motor Vehicles (Taxi Drivers' Licences) Regulations (Northern Ireland) 1991(3)	Failure by a taxi driver to wear badge supplied by the Department.
<i>Offences under the Roads (Northern Ireland) Order 1993(4)</i>		
13.	Article 20(4)	Wrongful use of a special road.
14.	Article 95(1)	Depositing solid matter on the carriageway of a road.
<i>Offences under the Vehicle Excise and Registration Act 1994(5)</i>		
15.	Section 33(1)	Using or keeping a vehicle on public road without vehicle licence, trade licence or nil licence being exhibited in the prescribed manner.
16.	Section 34(1)	Misuse of trade licences.
17.	Section 42(1)	Registration mark not fixed on vehicle as required by section 23.
18.	Section 43(1)	Driving or keeping a vehicle with registration mark obscured, etc.
19.	Section 59(1), in relation to regulation 18 of the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973(6)	Failure to display the correct size, shape and character of registration mark.
<i>Offences under the Road Traffic (Northern Ireland) Order 1995(7)</i>		
20.	Article 23	Driving or riding in a motor vehicle in contravention of regulations requiring the wearing of seat belts.
21.	Article 24(2)	Driving motor vehicle with child in front not wearing seat belt.
22.	Article 24(5)	Driving motor vehicle with child in rear not wearing seat belt.
23.	Article 27	Driving or riding motorcycles in contravention of regulations

(3) S.R. 1991 No. 454, to which there are amendments not relevant to these Regulations

(4) S.I. 1993/3160 (N.I. 15)

(5) 1994 c. 22

(6) S.R. & O. 1973 No. 490, to which there are amendments not relevant to these Regulations

(7) S.I. 1995/2994 (N.I. 18)

Column (1) Item No.	Column (2) Provision creating offence	Column (3) General nature of offence
		requiring wearing of protective headgear.
24.	Article 30	Prohibition of parking of heavy commercial vehicles on verges, etc.
25.	Article 32	Leaving vehicles in dangerous positions.
26.	Article 34 except when the offence is committed by the holder of a temporarily restricted licence during a period of restriction ⁽⁸⁾	Carrying of passengers on motor bicycles contrary to Article 34.
27.	Article 37	Holding or getting on to vehicle, etc., in order to be towed or carried.
28.	Article 38	Pedestrian endangering own safety or other's safety.
29.	Article 42	Dangerous cycling.
30.	Article 48	Driving mechanically propelled vehicles elsewhere than on roads.
31.	Article 49	Failing to comply with traffic directions.
32.	Article 50	Failing to comply with traffic signs.
33.	Article 54	Using vehicle in dangerous condition, etc.
34.	Article 56	Breach of requirement as to brakes, steering-gear or tyres.
35.	Article 57	Breach of requirement as to weight: goods and passenger vehicles.
36.	Article 58	Breach of other construction and use requirements.
37.	Article 63	Using, etc., a motor vehicle without required test certificate being in force.
38.	Article 69(2)	Using, etc., a goods vehicle without required goods vehicle test certificate being in force.

⁽⁸⁾ See Article 19A(6)(bb)(iv) of the Road Traffic (Northern Ireland) Order 1981 as substituted by S.I. 1991/197 (N.I. 3) Sch. 1 and amended by S.I. 1995/2994 (N.I. 18) Sch. 3

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Column (1) Item No.	Column (2) Provision creating offence	Column (3) General nature of offence
39.	Article 71	Driver of goods vehicle allowing unauthorised persons to be carried in vehicle; unauthorised persons being carried in goods vehicle.
<i>Offences under the Road Traffic Regulation (Northern Ireland) Order 1997(9)</i>		
40.	Article 3	Contravention of rule of road or overtaking incorrectly.
41.	Article 4	Contravention of traffic regulation order.
42.	Article 5	Contravention of an experimental traffic control scheme.
43.	Article 7	Contravention of a temporary prohibition or restriction.
44.	Article 14(1)	Contravention of order as to use of a parking place on a road.
45.	Article 19(1)	Certain contraventions of order relating to designated parking place by driver.
46.	Article 19(3)	Other contraventions of order relating to designated parking place by driver or person.
47.	Article 43 except when the offence is committed by the holder of a temporarily restricted licence during a period of restriction(10)	Contravening speed limit.
48.	Article 56	Wrongful use of disabled person's badge.
49.	Article 57	Failure to produce disabled person's badge.
50.	Article 59	Contravention of regulations relating to pedestrian crossings.
<i>Offences against Regulations made under the Road Traffic (Northern Ireland) Order 1981(11)</i>		
51.	Article 174B in relation to regulation 3 of the Road	Endangering other vehicles and pedestrians without

(9) S.I. 1997/276 (N.I. 2)

(10) See: Article 19A(6)(bb)(iv) of the Road Traffic (Northern Ireland) Order 1981 as substituted by S.I. 1991/197 (N.I. 3) Sch. 1 and amended by S.I. 1995/2994 (N.I. 18) Sch. 3

(11) Article 174B was inserted by S.I. 1995/2994 (N.I. 18) Art. 97

Column (1) Item No.	Column (2) Provision creating offence	Column (3) General nature of offence
	Vehicles (Traffic) Regulations 1933(12)	reasonable cause by slowing down, stopping or turning to the right without having previously signalled intention to do so.

SCHEDULE 2

Article 3

Orders Revoked

Title	Year and Number
The Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1988	S.R. 1988 No. 308
The Road Traffic (Fixed Penalty) (Extension No. 2) Order (Northern Ireland) 1988	S.R. 1988 No. 309
The Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1991	S.R. 1991 No. 342
The Road Traffic (Fixed Penalty) (Extension No. 2) Order (Northern Ireland) 1991	S.R. 1991 No. 343
The Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1992	S.R. 1992 No. 56
The Road Traffic (Fixed Penalty) (Extension) Order (Northern Ireland) 1993	S.R. 1993 No. 261

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- (12) [S.R. & O. \(N.I.\) 1933 No. 42](#), to which there is an amendment not relevant to this item
- (2) [S.I. 1981/154](#) (N.I. 1); relevant amending instrument is [S.I. 1991/197](#) (N.I. 3)
- (3) [S.R. 1991 No. 454](#), to which there are amendments not relevant to these Regulations
- (4) [S.I. 1993/3160](#) (N.I. 15)
- (5) [1994 c. 22](#)
- (6) [S.R. & O. 1973 No. 490](#), to which there are amendments not relevant to these Regulations
- (7) [S.I. 1995/2994](#) (N.I. 18)
- (8) *See* Article 19A(6)(bb)(iv) of the Road Traffic (Northern Ireland) Order 1981 as substituted by [S.I. 1991/197](#) (N.I. 3) Sch. 1 and amended by [S.I. 1995/2994](#) (N.I. 18) Sch. 3
- (9) [S.I. 1997/276](#) (N.I. 2)
- (10) *See:* Article 19A(6)(bb)(iv) of the Road Traffic (Northern Ireland) Order 1981 as substituted by [S.I. 1991/197](#) (N.I. 3) Sch. 1 and amended by [S.I. 1995/2994](#) (N.I. 18) Sch. 3
- (11) Article 174B was inserted by [S.I. 1995/2994](#) (N.I. 18) Art. 97
- (12) [S.R. & O. \(N.I.\) 1933 No. 42](#), to which there is an amendment not relevant to this item

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order specifies the offences committed in respect of a vehicle under the various statutory provisions detailed in the Order, which are fixed penalty offences for the purposes of Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996. Any liability to conviction of these offences may be discharged by the payment of a fixed penalty which at the coming into operation of this Order is—

- (a) £20 for a fixed penalty offence which does not involve obligatory endorsement; and
- (b) £40 for a fixed penalty offence involving obligatory endorsement,

by virtue of the Road Traffic (Fixed Penalty) Order (Northern Ireland) 1997 (S.R. 1997 No. 368).

By virtue of Article 57(3) of the Road Traffic Offenders (Northern Ireland) Order 1996, an offence specified by this Order is not a fixed penalty offence where it is committed by—

- (a) causing or permitting a vehicle to be used by another person in contravention of any provision made or restriction or prohibition imposed by or under any statutory provision; or
- (b) the holder of a temporarily restricted licence during a period of restriction and a court on convicting him of the offence would be obliged to order (by virtue of Article 19A(6) of the Road Traffic (Northern Ireland) Order 1981) that the period of restriction be extended for a further period.

Consequential revocations are also made (Article 3 and Schedule 2).