
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 374

CRIMINAL PROCEDURE

**Road Traffic Fixed Penalty (Procedure)
Regulations (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 Articles 62(3), 71(8) and 88(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(1), and after consultation with the organisations mentioned in Article 91(1) of that Order, hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic Fixed Penalty (Procedure) Regulations (Northern Ireland) 1997 and shall come into operation on 1st October 1997.

(2) In these Regulations “the Order” means the Road Traffic Offenders (Northern Ireland) Order 1996.

Information to be provided in documents

2.—(1) Subject to paragraph (2), in the documents described in column 1 of Schedule 1 and referred to in the provisions of the Order specified in column 2 there shall be provided the information or, as the case may be, further information prescribed in column 3.

(2) The information prescribed in Schedule 1 in relation to a fixed penalty notice need not be provided if the offender’s driving licence would not be subject to endorsement on conviction of the offence in respect of which the notice was given.

Procedure where fixed penalty given to person or affixed to vehicle

3.—(1) A copy of any fixed penalty notice given or affixed under Article 60 or 67 of the Order shall be forwarded by or on behalf of the constable or traffic warden giving or affixing the notice to the fixed penalty clerk unless the fixed penalty clerk has notified the Chief Constable that he does not wish to receive a copy of any such notice.

(1) [S.I. 1996/1320 \(N.I. 10\)](#); see Article 2(3) of [S.I. 1996/1320 \(N.I. 10\)](#) and Article 2(2) of [S.I. 1995/2994 \(N.I. 18\)](#) for the definition of “the Department” and, in relation to Article 71(8) of [S.I. 1996/1320 \(N.I. 10\)](#), the definition of “prescribed”

(2) Where a fixed penalty notice has been given to a person under Article 60 of the Order and that person has surrendered his driving licence in accordance with that Article the driving licence shall be forwarded by or on behalf of the constable to the fixed penalty clerk.

4.—(1) Where a constable or authorised person has issued a fixed penalty notice to a person under Article 60(5) of the Order, he shall send a notice indicating that fact to the Chief Constable together with that person's driving licence.

(2) Subject to paragraph (3), on receipt of the documents referred to in paragraph (1) the Chief Constable or a person authorised by him to act in that behalf shall send the driving licence and a copy of the notice issued under Article 60(4) of the Order to the fixed penalty clerk and notify him that a fixed penalty notice has been issued under Article 60(5).

(3) The Chief Constable or a person authorised by him to act in that behalf shall not send a copy of the notice issued under Article 60(4) of the Order to the fixed penalty clerk under paragraph (2) if the fixed penalty clerk has notified the Chief Constable that he does not wish to receive a copy of any such notice.

Payment of fixed penalties

5.—(1) On receipt of the remittance in respect of a fixed penalty the fixed penalty clerk shall notify the Chief Constable that the remittance has been received.

(2) If payment of the fixed penalty is made by a person otherwise than as required by the fixed penalty notice the fixed penalty clerk shall return the remittance to that person.

(3) Where a remittance in respect of a fixed penalty is sent by a person to a clerk of petty sessions who is not the fixed penalty clerk specified in the fixed penalty notice, the clerk of petty sessions shall return the remittance to that person.

Where payment of fixed penalty not made

6. Where—

- (a) the suspended enforcement period has expired; and
- (b) the fixed penalty has not been paid; and
- (c) either the person to whom the fixed penalty notice was given has requested a hearing under Article 61(2) or 68(3) or no registration certificate has been issued under Article 75(2),

the Chief Constable or a person authorised by him in that behalf shall notify the fixed penalty clerk accordingly and the fixed penalty clerk shall, where an offence involves obligatory endorsement, return the driving licence to the person to whom the fixed penalty notice was given.

Where payment not made and registration certificate issued

7. Where—

- (a) the suspended enforcement period has expired; and
- (b) the fixed penalty has not been paid; and
- (c) a registration certificate has been issued under Article 75(2),

the Chief Constable or a person authorised by him in that behalf shall notify the fixed penalty clerk accordingly.

Payment not be accepted following suspended enforcement period

8. Where a fixed penalty notice is issued under Article 60(2) or 60(5) of the Order the fixed penalty clerk shall not accept payment of the fixed penalty after the expiry of the suspended enforcement period.

Receipt of fixed penalty

9. Where a fixed penalty is paid within the suspended enforcement period the fixed penalty clerk shall send a receipt for the payment, if requested, to the payer.

Duration of licence receipt

10. For the purposes of Article 62(3)(a) of the Order (which provides that a licence receipt issued by a constable is to cease to have effect on the expiration of the period of one month beginning with the date of issue) there shall be prescribed the longer period of two months beginning with the same date.

Hiring agreements

11. The particulars contained in Schedule 2 are hereby prescribed for the purpose of Article 71(8) of the Order (particulars to be contained in hiring agreements).

Revocation

12. The Road Traffic (Fixed Penalty) (Procedure) Regulations (Northern Ireland) 1966(2) and the Road Traffic (Fixed Penalty) (Procedure) (Amendment) Regulations (Northern Ireland) 1990(3) are hereby revoked.

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

L.S.

14th August 1997.

J. Ritchie
Assistant Secretary

(2) S.R. 1966 No. 116
(3) S.R. 1990 No. 154

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 2

Information or further information to be provided in certain Documents mentioned in Part IV of The Road Traffic Offenders (Northern Ireland) Order 1996

Document	Provision of Order	Information or further information to be provided
1. Fixed penalty notice	Article 58(1)	<ul style="list-style-type: none"> (i) The name of the police force of which the constable giving the notice is a member. (ii) The serial number of the fixed penalty notice. (iii) Whether the notice relates to an endorsable offence. (iv) The name, date of birth and address of the person to whom the notice is given. (v) The date, time and place of the alleged offence. (vi) The details of the vehicle including the registration number. (vii) The documents, if any, to be produced at a police station and the period within which they must be produced. (viii) An explanation of the action to be taken by the driver where (a) he has not or (b) he has surrendered the licence. (ix) The fact that the person to whom the notice is given may opt for trial. (x) The method of paying the fixed penalty. (xi) The name, rank and number of the constable issuing the fixed penalty notice. (xii) Guidance to the driver as to the legal consequences of a fixed penalty notice.

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Document	Provision of Order	Information or further information to be provided
2. Receipt for driving licence	Article 62(1)	<ul style="list-style-type: none"> (i) Whether the driving licence is full or provisional. (ii) The driver number as shown on the licence. (iii) The classes of vehicles which the driver is entitled to drive. (iv) The expiry date of the license. (v) The duration of the validity of the licence receipt. (vi) The method of obtaining a new receipt on the expiry of an old receipt. (vii) The name, rank and number of the constable issuing the fixed penalty notice.
3. Receipt for driving licence	Article 62(2)	<ul style="list-style-type: none"> (i) The date of issue of receipt. (ii) The code of the magistrates' court issuing receipt. (iii) The name, address and date of birth of driver. (iv) Whether the driving licence is full or provisional. (v) The driver number as shown on the licence. (vi) The classes of vehicles which the driver is entitled to drive. (vii) The expiry date of the licence. (viii) The duration of the validity of the licence receipt.
4. Statement of liability	Article 71(2)	<ul style="list-style-type: none"> (i) The name, date of birth and address of hirer.

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Document	Provision of Order	Information or further information to be provided
5. Registration certificate	Article 75(2)	<ul style="list-style-type: none"> (ii) The duration of the hiring agreement. (i) The serial number and date, time and place of issue of the notice to owner, notice to hirer or fixed penalty notice (as the case may be). (ii) The vehicle registration number. (iii) The driver number. (iv) The date of birth of driver (v) The amount of the appropriate fixed penalty. (vi) The sum to be registered in default of payment of the fixed penalty.
6. Notice requesting new statutory statement	Article 78(4)(b)	<ul style="list-style-type: none"> (i) The particulars of the statutory declaration. (ii) The details of the alleged fixed penalty offence. (iii) A request to furnish a statutory statement of ownership. (iv) The period allowed for a response to the notice. (v) The consequences of providing, or, as the case may be, not providing the statutory statement of ownership.

SCHEDULE 2

Regulation 11

Particulars required in a Hiring Agreement to comply with Article 71(8) of the Order

A. Particulars of person signing a statement of liability

1. Full name.
2. Date of birth.
3. Permanent address.

4. Address at time of hiring (if different from 3 above).
5. Details of driving licence:
 - (a) serial number or driver's number,
 - (b) issuing authority,
 - (c) date of expiry.

B. Particulars of hiring arrangements

1. Registration mark of vehicle hired under the hiring agreement.
2. Make
3. Registration mark of any other vehicle substituted for the above
4. Make during the currency of the hiring agreement.
5. Time and date of any change of vehicle.
6. Time and date of commencement of original hiring period.
7. Time and date of expiry of original hiring period.
8. Time and date of commencement of authorised extension of hiring period.
9. Time and date of expiry of authorised extension of hiring period.

EXPLANATORY NOTE

(This note is not part of the Order.)

Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996 ("the Order" makes provision for a new system of fixed penalties which comes into force on 1st October 1997.

These Regulations make provision for the procedure to be followed under the new system additional to that already set out in the Order. The Regulations for the most part concern the sending of certain documents between the police and the courts. In addition, Regulation 2 and Schedule 1 to the Regulations prescribe the information to be provided in the documents issued under Part IV of the Order. Regulation 5(2) and (3) provide that a remittance in respect of a fixed penalty is to be returned to the payer if it is made otherwise than as required by the fixed penalty notice or to the wrong court. Regulation 8 provides that the fixed penalty clerk shall not accept payment of the fixed penalty after the expiry of the period allowed for payment by the fixed penalty notice. Regulation 10 provides that a driving licence receipt issued by a constable shall be valid for a period of two months instead of the period of one month specified in Article 62(3)(a) of the Order. Regulation 11 and Schedule 2 to the Regulations prescribe the particulars to be contained in hiring agreements.