

EXPLANATORY MEMORANDUM TO
The Penalty Charges (Exemption from Criminal Proceedings) (Amendment)
Regulations Northern Ireland) 2010

S. R. 2010 No. 183

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department for Regional Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 4(7) of the Traffic Management (Northern Ireland) Order 2005 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Rule is to amend the Penalty Charges (Exemption from Criminal Proceedings) Regulations (Northern Ireland) 2006 ("the 2006 Regulations") by substituting a new offence provision relating to contravention of a taxi regulation order.

3. Background

- 3.1. The Traffic Management (Northern Ireland) Order 2005 ("the 2005 Order") makes provision for the civil enforcement of certain road traffic offences. A penalty charge is payable with respect to the contraventions specified in Schedule 1 to the 2005 Order.
- 3.2. Article 4(7) of the 2005 Order provides that criminal proceedings shall not be brought, and a fixed penalty notice shall not be issued, in respect of any prescribed description of conduct for which a penalty charge may be imposed. The Department has already prescribed a number of contraventions for the purposes of Article 4(7) – the 2006 Regulations refer. The net result is that these contraventions are no longer subject to criminal proceedings and are not enforceable by the PSNI.
- 3.3. The contraventions prescribed in the 2006 Regulations include an offence of contravening a prohibition or restriction relating to the use of a taxi stand. However, this general offence provision has been superseded by a new offence provision of contravening a taxi regulation order.
- 3.4. The Statutory Rule amends the 2006 Regulations by substituting the new offence of contravening a taxi regulation order for the existing offence of contravening a prohibition or restriction relating to the use of a taxi stand.

4. Consultation

- 4.1. The PSNI was consulted about the introduction of the power to make taxi regulation orders and has requested that the offence provision be decriminalised.

5. Equality Impact

5.1. The Department has carried out an Equality Impact Screening Analysis and no equality issues were identified.

6. Regulatory Impact

6.1. The Department does not consider that there is a need for a Regulatory Impact Assessment.

7. Financial Implications

7.1. None

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department has carried out a Human Rights Act Screening Analysis and no human rights issues were identified.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.