

2010 No. 371

CRIMINAL PROCEDURE

**The Road Traffic Fixed Penalty (Procedure) (Amendment)
Regulations (Northern Ireland) 2010**

Made - - - - - *9th November 2010*

Coming into operation - *14th December 2010*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by Article 88(1) of the Road Traffic Offenders (Northern Ireland) Order 1996(a).

The Department has consulted with such representative organisations as it thinks fit in accordance with Article 91(1)(b) of that Order.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Road Traffic Fixed Penalty (Procedure) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 14th December 2010.

(2) In these Regulations “the principal Regulations” means the Road Traffic Fixed Penalty (Procedure) Regulations (Northern Ireland) 1997(b).

Amendment to regulation 1 (citation, commencement and interpretation)

2. In regulation 1 of the principal Regulations, after paragraph (2) add—

“(3) These Regulations shall not apply if the fixed penalty notice is given or affixed by a vehicle examiner in accordance with the Order.”.

Amendment to regulation 2 (information to be provided in documents)

3. In regulation 2(2) of the principal Regulations, after “driving licence” insert “(if the offender holds a driving licence) or driving record (if the offender does not hold a driving licence)”.

Amendment to regulation 3 (procedure where fixed penalty given to person or affixed to vehicle)

4. In regulation 3(2) of the principal Regulations, after the words “driving licence”, where they first appear, insert “(if held)”.

(a) S.I. 1996/1320 (N.I. 10); *see* Article 2(2) for the definition of “Department”; this definition was inserted by S.I. 2007/916 (N.I. 10), Schedule 7, paragraph 15(a); Article 88 was amended by S.I. 2007/916 (N.I. 10), Schedule 2, paragraph 22, and Schedule 4, paragraph 26

(b) S.R. 1997 No. 374

Amendment to regulation 4 (procedure where fixed penalty given to person or affixed to vehicle)

5. In regulation 4(1) of the principal Regulations, after “driving licence” insert “(if that person is a holder of a licence which has been surrendered or delivered)”.

Amendment to regulation 6 (where payment of fixed penalty not made)

6. In regulation 6 of the principal Regulations, after the words “notice was given”, where they appear for the second time, insert “, if that person holds a driving licence”.

Amendment of Schedule 1 (information or further information to be provided in certain documents mentioned in Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996)

7. In Schedule 1 to the principal Regulations—

- (a) in column 3 of item 1 (fixed penalty notice), in the entry marked (viii), after “surrendered the licence” insert “, if he holds such a licence”; and
- (b) in column 1 of items 2 and 3 (receipt for driving licence), after “driving licence add “if the offender holds a driving licence”.

Sealed with the Official Seal of the Department of the Environment on 9th November 2010.



Deirdre Kenny

A senior officer of the Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic Fixed Penalty (Procedure) Regulations (Northern Ireland) 1997 (“the principal Regulations”) to take account of the changes to the fixed penalty regime under Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996 effected by the Road Traffic (Northern Ireland) Order 2007.

Regulation 2 amends regulation 1 of the principal Regulations to exclude fixed penalties issued by vehicle examiners from the scope of the principal Regulations. The Road Traffic Fixed Penalty (Procedure) (Vehicle Examiners) Regulations (Northern Ireland) 2010 will apply to such notices.

Regulations 3 to 6 amend references in regulations 2(2), 3(2), 4(1) and 6 of the principal Regulations to driving licences if the recipient of the fixed penalty notice does not hold a driving licence. Articles 38 and 39 of the Road Traffic (Northern Ireland) Order 2007 amend the Road Traffic Offenders (Northern Ireland) Order 1996 so that fixed penalties with penalty points can be issued to drivers without a Northern Ireland licence.

Regulation 7 amends Schedule 1 to the principal Regulations concerning the information or further information to be contained in certain documents mentioned in Part IV of the Road Traffic Offenders (Northern Ireland) Order 1996.

While these Regulations will have no significant impact on the costs of business and the voluntary sector, a Regulatory Impact Assessment has been prepared for the Graduated Fixed Penalties, Financial Penalty Deposit and Immobilisation Schemes of which they are part. A copy is available from Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or the Department of the Environment website at www.roadsafetyni.gov.uk.

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