

2011. No. 242

ROAD TRAFFIC

**The Road Traffic Fixed Penalties (Enforcement of Fines)
(Amendment) Regulations (Northern Ireland) 2011**

Made - - - - - *24th June 2011*

Coming into operation - *1st August 2011*

The Department of Justice, in exercise of the powers conferred by Article 76(4) of the Road Traffic Offenders (Northern Ireland) Order 1996(a), hereby makes the following Regulations:-

Citation and Commencement

1. These Regulations may be cited as the Road Traffic Fixed Penalties (Enforcement of Fines) (Amendment) Regulations (Northern Ireland) 2011 and shall come into operation on 1st August 2011.

Amendment to the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997

2. The Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997(b) are amended as follows —

(1) in Regulation 2, after the entry for “petty sessions district” insert “ “relevant person” has the same meaning as in Article 75(2A) of the Offenders Order;”;

(2) in Regulation 3(1), for “Chief Constable” substitute “relevant person”;

(3) in Regulation 3(3), after “in accordance with Regulations 4,” insert “4A,”;

(4) for the heading to Regulation 4, substitute “Enforcement where defaulter appears to reside in Northern Ireland and fails to pay by due date”;

(5) in Regulation 4(1), after “a defaulter” insert “who appears to the relevant person to reside in Northern Ireland”;

(6) after Regulation 4, insert —

“Enforcement where defaulter appears to reside in England, Wales or Scotland and fails to pay by due date

4A.—(1) This Regulation is subject to Regulation 6 and applies where a defaulter, who appears to the relevant person to reside in England, Wales or Scotland, has failed to pay a sum payable in default by the due date.

(a) S.I.1996/1320 (NI.10)
(b) S.R. 1997 No.344

(2) On the registration of any sum payable in default against a defaulter who appears to the relevant person to reside in England, Wales or Scotland, a complaint in accordance with Regulation 4 shall not be necessary.

(3) Where paragraph (2) applies, the court may, on the application of the clerk of petty sessions for the petty sessions district in which the sum payable in default is registered, make such order under the provisions of the Magistrates' Courts (Northern Ireland) Order 1981 (as modified by Regulation 8) relating to the satisfaction and enforcement of sums adjudged to be paid by conviction.”; and

(7) in the Schedule –

(a) after each reference to “Chief Constable” insert “/DOE official*”; and

(b) in the warning to the Form, after paragraph 2 , insert –

“3. Where it appears that the defaulter resides in England, Wales or Scotland, this fine may be transferred to the relevant local justice area or court of summary jurisdiction in that jurisdiction for enforcement.”.

Sealed with the Official Seal of the Department of Justice on 24th June 2011



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 (“the Regulations”) (S.R.1997 No.344) to:

- make specific provision for the enforcement of an unpaid fixed penalty notice against a defaulter who appears to reside in England, Wales or Scotland;
- substitute references to “Chief Constable” with “relevant person” to reflect current practice which allows either the Chief Constable or the Department of the Environment to register an unpaid fixed penalty for enforcement; and
- make a number of amendments to the Form to reflect the amendments made in the body of the Regulations.

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