

2011 No. 287

ROAD TRAFFIC AND VEHICLES

**The Road Traffic (Fixed Penalty) (Offences) (Amendment)
Order (Northern Ireland) 2011**

Made - - - - *28th July 2011*

Coming into operation - *12th September 2011*

The Department of the Environment makes the following Order in exercise of the powers conferred by Article 57(2) of the Road Traffic Offenders (Northern Ireland) Order 1996(a).

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

Citation and Commencement

1. This Order may be cited as the Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2011 and shall come into operation on 12th September 2011.

Amendment of the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997

2. Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997(b) (fixed penalty offences) is amended as follows—

(a) before item 1 (offences under the Road Traffic (Northern Ireland) Order 1981) insert

**“Offences under the
Transport Act
(Northern Ireland)
1967(c)**

A1	Article 4(4) (d)	Using motor vehicle on road except under Road Service’ licence.
A2	Article 17(3)	Using goods vehicle on road for carriage of goods except under vehicle licence.”;

(b) after item 4 (offences under the Road Traffic (Northern Ireland) Order 1981) insert—

“4A Article 56(3) Contravention of any requirement of

(a) S.I. 1996/1320 (NI 10)

(b) S.R. 1997 No. 369; relevant amending Regulations are S.R. 2007 No. 318

(c) 1967 C.37

(d) As amended by SRO (NI) 1972/359 and S.I. 1984/703 (NI 3)

- domestic drivers' hours code.”;
- (c) for items item 8 and 9 (offences under the Road Traffic (Northern Ireland) Order 1981) substitute—
- | | | |
|----|------------|--|
| “8 | Article 81 | <p>Contravention of requirement of applicable Community rules as to books, records or documents.</p> <p>Contravention of any requirement of applicable Community rules as to periods of driving, etc.</p> <p>Any person who makes or causes to be made any entry in a book, record or document kept for the purposes of applicable Community rules which he knows to be false or, with intent to deceive, alters or causes to be altered any such entry.</p> |
| 9 | Article 86 | <p>Failure to comply with prohibition or direction in relation to driving vehicle.</p> <p>Driving, etc., foreign goods vehicle or foreign public service vehicle in contravention of prohibition etc.”;</p> |
- (d) for item 16 (offences under the Vehicle Excise and Registration Act 1994) substitute—
- | | | |
|-----|------------|--|
| “16 | Section 34 | <p>Misuse of trade licences.</p> <p>Using trade licence for unauthorised purposes or in unauthorised circumstances, etc.”;</p> |
|-----|------------|--|
- (e) after item 39 (offences under the Road Traffic (Northern Ireland) Order 1995) insert—
- | | | |
|------|---------------|---|
| “39A | Article 80(1) | <p>Driving, etc., vehicle in contravention of prohibition on driving it as being unfit for service or overloaded, or failing to comply with direction to remove a vehicle found overloaded.</p> |
|------|---------------|---|

Offences under the

**Road Traffic
Offenders
(Northern Ireland)
Order 1996**

39B	Article 91E (a)	Driving, etc., vehicle in contravention of prohibition on driving, or failing to comply with direction to remove vehicle on failure to make a financial penalty deposit payment. ”;
-----	-----------------	---

- (f) after item 51 (offences against regulations made under the Road Traffic (Northern Ireland) Order 1981) insert—

**“Offences under the
European
Communities
(International
Passenger Services)
Regulations
(Northern Ireland)
1987(b)**

52	Regulation 19(1)	Using vehicle for Community regulated carriage of passengers by road otherwise than in accordance with authorisation or certificate, etc.
----	------------------	---

53	Regulation 19(2)	Using vehicle for ASOR regulated or Community regulated carriage of passengers by road without having correctly completed passenger waybill or without carrying top copy of waybill on vehicle throughout journey.
----	------------------	--

**Offences under the
Goods Vehicles
(Community
Authorisations)
Regulations 1992(c)**

54	Regulation 3	Using goods vehicle without Community authorisation
55	Regulation 7	Using vehicle under Community authorisation in contravention of

(a) Article 91E is inserted by Article 12 of S.I. 2007 No. 916
(b) S.R. 1987 No. 383
(c) S.I. 1992 No. 3077

		conditions governing authorisation.
<p>Offences under the Passenger and Goods Vehicles (Recording Equipment) Regulations (Northern Ireland) 1996(a)</p>		
56	Regulation 3	Using vehicle in contravention of requirements relating to installation, use or repair of recording equipment in accordance with Community Recording Equipment Regulation
57	Regulations 6A and 7(3)	Failing to comply with requirements relating to inspection of records or obstructing an constable or vehicle examiner , but only insofar as the offence relates to— (i) failing to comply with any requirement under regulation 6A; or (ii) obstructing an officer in exercise of powers under regulation 7.
58	Regulations 7D and 7F	Failing to comply with requirements relating to inspection of recording equipment or records (whether electronic or hard copy) made by or stored on recording equipment except where that offence is committed by— (i) failing to sign a hard copy of downloaded data when required to do so under regulation 7D); or (ii) obstructing an officer in exercise of powers under regulation 7F.

(a) S.R. 1996 No. 145

**Offences under the
Road Service
Licensing
(Community
Licences)
Regulations
(Northern Ireland)
2002(a)**

59	Regulation 2	Using vehicle on road without Community licence.
60	Regulation 6	Using vehicle under Community licence in contravention of conditions governing use of licence.

**Offences under the
Road Transport
(Passenger Vehicles
Cabotage) (Northern
Ireland) Regulations
2005(b)**

61	Regulation 2	Using vehicle on road for UK cabotage operations without Community licence.
62	Regulation 3	Using vehicle on road for UK cabotage operations without control document.
63	Regulation 6(1)	Driver failing to produce Community licence on request when vehicle required to have licence on board.
64	Regulation 6(3)	Driver failing to produce control document on request when vehicle required to have control document on board.

**Offences under the
Vehicle Drivers
(Certificates of
Professional
Competence)
Regulations 2007(c)**

65	Regulation 11(7)	Driver of relevant vehicle failing to produce on request evidence or
----	------------------	--

(a) S.R. 2002 No. 116
(b) S.R. 2005 No. 212
(c) S.I. 2007 No. 605

document required to be
carried under regulation
11(1), (3) or (5).”.

Sealed with the Official Seal of the Department of the Environment on 28th July 2011



Deirdre Kenny
A senior officer of the
Department of the Environment

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 1997 by specifying additional offences to be fixed penalty offences for the purposes of the Road Traffic Offenders (Northern Ireland) Order 1996. The offences relate to drivers' hours, bus, coach and goods vehicles' authorisations, certificates of professional competence and trade licences.

An Explanatory Memorandum and a Regulatory Impact Assessment has been produced and is available from Road Safety Division, Department of the Environment, Clarence Court, 10-18 Adelaide Street, Belfast BT2 8GB or viewed online at <http://www.legislation.gov.uk/nisr>.

© Crown Copyright 2011

Printed in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office being the Government Printer for Northern Ireland and the Officer appointed to print the Acts of the Assembly

2011 No. 287

ROAD TRAFFIC AND VEHICLES

The Road Traffic (Fixed Penalty) (Offences) (Amendment)
Order (Northern Ireland) 2011

£5.75