

EXPLANATORY MEMORANDUM TO

The Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2015

S.R. 2015 No. 349

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of the Environment to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 57(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. This Order amends Schedule 1 to the Road Traffic (Fixed Penalty) (Offences) Order (Northern Ireland) 2015 as follows.
- 2.2. Insert the offence under the Road (Restriction of Waiting) Order (Northern Ireland) 1982 (offence to wait in such a position as to obstruct access to any premises).
- 2.3. Amend offences under item 41 to 44 to insert the term “for which a penalty charge cannot be issued” after the definition of the offence.
- 2.4. Omit items 45 and 46.

3. Background

- 3.1. Where there are parking restrictions on the adjacent carriageway, as indicated by road markings and/or traffic signs, the restrictions will generally also apply to the footway and are enforced by Transport NI traffic attendants.
- 3.2. Elsewhere, in areas where there are no marked or signed parking restrictions on the carriageway, and parking on footways is creating an obstruction, the matter can be referred to the PSNI which has the powers to deal with it. Under Article 88 of the Roads (NI) Order and Article 5(c) of the Roads (Restriction of Waiting) Order (NI) 1982 the parking offences are dealt with by summary conviction which require the police to issue the driver of the vehicle with a summons. A criminal case is then taken, the driver taken to court and if found guilty then fined. The PSNI, DRD and DOE feel that the effort needed to prohibit footway parking in this way and indeed the offence handed down to the errant driver are both disproportionate considering the offence in question.
- 3.3. This proposal is to add the offence under Article 5(c) of the Roads (Restriction of Waiting) Order (Northern Ireland) 1982 to the Schedule of offences in the Road Traffic (Fixed Penalty)(Offences) Order (Northern Ireland) 1997 whereby the police witnessing a vehicle obstructing access to premises can issue a fixed penalty notice to the driver of the vehicle.

4. Consultation

- 4.1. Consultation took place from from 31st January 2014 until 31st March 2014. 11 responses were received 9 were supportive and the remaining 2 were neutral and offered no comment.

5. Equality Impact

- 5.1. The proposals were subject to Equality Impact Assessment (EQIA) screening. An EQIA was carried out and indicated that the indicated proposal did not impact negatively on any of the groupings identified by section 75 of the Northern Ireland Act 1998

6. Regulatory Impact

- 6.1. The Statutory Rule will not place burden on business therefore an RIA was not deemed necessary.

7. Financial Implications

- 7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. No matters of concern.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.