

EXPLANATORY MEMORANDUM TO

The Road Traffic (Fixed Penalty) (Amendment) Order (Northern Ireland) 2016

S.R. 2016 No. 182

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 59(1) of the Road Traffic Offenders (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The purpose of the Order is to amend Schedule 1 to the Road Traffic (Fixed Penalty) Order (Northern Ireland) 2007 to prescribe the amount of fixed penalties for certain offences which have been specified as such by Article 2 of the Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2016.

3. Background

- 3.1. The Taxis Act (Northern Ireland) 2008 provides powers enabling the Department to develop a taxi reform programme. In December 2015 the Department made Statutory Rules in relation to Taxi Licensing, Taxi Operators Licensing, Taxi Accessibility and Taximeters, Devices and Maximum Fares which will come into effect on 31 May 2016. Accordingly, a modernised legislative framework for the Taxi industry will be established from that date.
- 3.2. Following the making of those Regulations, the Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2016 introduced, also from 31 May 2016, fixed penalties for related offences under the Taxis Act (Northern Ireland) 2008.
- 3.3. Accordingly, this Order prescribes the amount applicable for each of the fixed penalty offences which have been specified as such by Article 2 of the Road Traffic (Fixed Penalty) (Offences) (Amendment) Order (Northern Ireland) 2016.

4. Consultation

- 4.1. The Department consulted on proposals to introduce fixed penalties for offences created by the Taxis Act (Northern Ireland) 2008 between 22 May and 19 June 2015. Overall, respondents were in support of the introduction of fixed penalties although many disagreed with some of the amounts being proposed. As a result of the concerns raised, the Department revised some of the proposed levels of fines.

5. Equality Impact

- 5.1. Consideration was given to compliance with Section 75 of the Northern Ireland Act 1998 and there were no positive or negative implications for promotion of equality of opportunity.

6. Regulatory Impact

- 6.1. Regulatory Impact Assessments (RIAs) were completed prior to the primary Taxi powers being taken and the relevant subordinate Regulations being made. It was therefore deemed unnecessary to undertake a RIA for this consequential Statutory Rule.

7. Financial Implications

- 7.1. None

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered the matter of convention rights and community law and is satisfied that there are 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.