
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 420

**The Railways Infrastructure (Access, Management
and Licensing of Railway Undertakings)
Regulations (Northern Ireland) 2016**

PART 7

ENFORCEMENT BY THE REGULATORY BODY

Procedural requirements for penalties

40.—(1) Before it imposes a penalty on a relevant operator, the Office of Rail and Road shall give notice—

- (a) stating that it proposes to impose a penalty on the relevant operator and the amount of the penalty proposed,
- (b) setting out the relevant condition or requirement or direction in question,
- (c) specifying the acts or omissions which, in its opinion, constitute contraventions of that condition or requirement or direction and the other facts which, in its opinion, justify the imposition of a penalty and the amount of the penalty proposed,
- (d) specifying the manner in which, and place at which, it is proposed to require the penalty to be paid, and
- (e) specifying the period (not being less than 21 days from the date of publication of the notice) within which representations or objections with respect to the proposed penalty may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(2) A notice under paragraph (1) above shall be given—

- (a) by publishing the notice in such manner as the Office of Rail and Road considers appropriate; and
- (b) by serving a copy of the notice on the relevant operator.

(3) Where the Office of Rail and Road serves a copy of a notice under paragraph (1) above on a licence holder, he shall also serve a copy on the Department.

(4) The Office of Rail and Road shall not modify a proposal to impose a penalty except—

- (a) with the consent of the relevant operator;
- (b) where the modifications consist of a reduction of the amount of the penalty or a deferral of the date by which it is to be paid; or
- (c) after complying with the requirements of paragraph (5) below.

(5) The requirements mentioned in subparagraph (4)(c) above are that the Office of Rail and Road shall—

- (a) give to the relevant operator such notice as appears to it requisite of its modified proposal;
 - (b) unless the proposed modifications are trivial, in that notice specify a period (not being less than seven days from the date of service of the notice) within which representations or objections with respect to the proposed modifications may be made; and
 - (c) consider any representations or objections which are duly made and not withdrawn.
- (6) As soon as practicable after imposing a penalty, the Office of Rail and Road shall give notice—
- (a) stating that it has imposed a penalty on the relevant operator and its amount;
 - (b) setting out the relevant condition or requirement or direction in question;
 - (c) specifying the acts or omissions which, in its opinion, constitute contraventions of that condition or requirement or direction and the other facts which, in its opinion, justify the imposition of the penalty and its amount;
 - (d) specifying the manner in which, and place at which, the penalty is to be paid; and
 - (e) specifying the date (not being less than fourteen days from the date of publication of the notice) by which the penalty is to be paid.
- (7) A notice under paragraph (6) above shall be given—
- (a) by publishing the notice in such manner as the Office of Rail and Road considers appropriate; and
 - (b) by serving a copy of the notice on the relevant operator.
- (8) The relevant operator may, within 21 days of the date of service on him of the notice under paragraph (6) above, make an application to the Office of Rail and Road for it to specify different dates by which different portions of the penalty are to be paid.