
EXPLANATORY NOTE

(This note is not part of the Order)

Part 1, Chapter 1 of the Justice Act (Northern Ireland) 2011 (c.24) (“the 2011 Act”) provides for the offender levy (“the levy”). The levy involves the imposition of a financial amount by the court on specified court disposals, or the attachment of a financial amount on certain fixed penalties issued by the police or a vehicle examiner. Some provisions for the levy came into operation on 6th June 2012.

The provisions set out in Article 2 come into operation on 8th December 2016, and will allow for a levy to be attached to road traffic fixed penalties.

Section 5 (1)(a) allows the levy to be attached to a fixed penalty payable in respect of a notice issued by a police officer or a vehicle examiner under Article 60 of the Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10) – “the 1996 Order” – relating to an offence involving obligatory endorsement (within the meaning of Article 3 of that Order), and a fixed penalty payable in respect of a conditional offer issued under Article 80 of the 1996 Order relating to such an offence.

Section 5(4) provides that a penalty is increased by the amount of the levy in section 6 where the person is over 18.

Section 5(5) inserts a new paragraph (3) into Article 59 of the 1996 Order (amount of fixed penalty) to ensure provision for the levy on fixed penalties issued under Articles 60 and 80 of the 1996 Order.

Section 5(6) provides that where a penalty is increased under section 62(5) of the 2011 Act or Article 69(2) of the 1996 Order for the purposes of registering an amount for enforcement as a fine, the levy shall be treated as having been increased by the same amount.

Section 6(2) sets the levy amount for a road traffic fixed penalty at £5.