



2011 CHAPTER 24

PART 1

VICTIMS AND WITNESSES

CHAPTER 1

THE OFFENDER LEVY

*Offender levy on certain penalties*

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5.—(1) This section applies to—

(a) a fixed penalty payable in respect of—

(i) a notice under Article 60 of the [Road Traffic Offenders \(Northern Ireland\) Order 1996 \(NI 10\)](#) relating to an offence involving obligatory endorsement (within the meaning of Article 3 of that Order),

(ii) a conditional offer under Article 80 of that Order relating to such an offence;

(b) a penalty payable in respect of a penalty notice under section 60;

(c) a penalty specified by order made by the Department.

(2) The Department may not specify a penalty under subsection (1)(c) unless the penalty—

(a) is payable in respect of a notice issued to a person by, or on behalf of, a Northern Ireland department under a statutory provision; and

- (b) payment of the penalty in pursuance of the notice discharges the person from liability to conviction for an offence to which the notice relates.
- (3) An order under subsection (1)(c)—
  - (a) may amend the statutory provision under which any penalty specified by the order is payable;
  - (b) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly.
- (4) Where the person liable to pay a penalty to which this section applies is over the age of 18, the penalty is increased by an amount (“the offender levy”) determined under section 6.
- (5) Accordingly in Article 59 of the Road Traffic Offenders (Northern Ireland) Order 1996 (amount of fixed penalty) at the end insert—
  - “(3) Where—
    - (a) the fixed penalty is in respect of—
      - (i) a notice under Article 60 relating to an offence involving obligatory endorsement; or
      - (ii) a conditional offer under Article 80 relating to such an offence; and
    - (b) the person liable to pay the fixed penalty is over the age of 18, the fixed penalty is increased by the amount of the offender levy determined under section 6 of the Justice Act (Northern Ireland) 2011.”.
- (6) Where the amount of a penalty is increased under section 62(5) or Article 69(2) of the [Road Traffic Offenders \(Northern Ireland\) Order 1996 \(NI 10\)](#) for the purposes of registering an amount for enforcement as a fine, so much of that penalty as consists of the offender levy shall be treated as having been increased by the same proportion.