
STATUTORY INSTRUMENTS

1996 No. 1320

The Road Traffic Offenders (Northern Ireland) Order 1996

[^{F1}PART 4B

Courses offered as alternative to prosecution

F1 Pt. 4B inserted (26.10.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 89\(2\), 208\(1\); S.I. 2022/1075, reg. 3\(f\)](#)

Power to charge fees

91G.—(1) The Chief Constable may charge a fee for enrolment on an approved course offered as an alternative to prosecution for a specified fixed penalty offence.

(2) A fee may be set at a level that exceeds the cost of an approved course and related administrative expenses, but any excess must be used for the purpose of promoting road safety.

(3) The power in paragraph (1) may be exercised only with the approval in writing of the Policing Board.

Such approval may be given—

- (a) generally or specifically, and
- (b) subject to conditions.

(4) The Department of Justice may by regulations make further provision about—

- (a) how fees, or components of fees, are to be calculated;
- (b) the level of fees or components of fees;
- (c) the use of fee income.

(5) The regulations may include provision as to the amount, or maximum amount, of a fee or component of a fee.

(6) In this Article—

“approved course” means a course approved (whether before or after this Article comes into operation) by a body specified in regulations under paragraph (7);

“fixed penalty offence” means an offence that is a fixed penalty offence for the purposes of Part 4 (see Article 57);

“promoting road safety” includes the prevention, detection or enforcement of offences relating to vehicles;

“prosecution”, in relation to an offence, includes any alternative way of being dealt with for the offence (other than attending an approved course);

“specified fixed penalty offence” means an offence specified under paragraph (7).

(7) The Department of Justice may by regulations—

- (a) specify fixed penalty offences for the purposes of this Article;

Changes to legislation: The Road Traffic Offenders (Northern Ireland) Order 1996, PART 4B is up to date with all changes known to be in force on or before 21 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) specify a body to approve courses for the purposes of this Article.
- (8) Nothing in this Article limits any power to charge fees apart from this Article.

Power to prevent courses being offered for repeat offences

91H.—(1) The Department of Justice may by regulations prohibit the Chief Constable from offering an approved course to a person as an alternative to prosecution for a specified fixed penalty offence where—

- (a) there is a course fee, and
- (b) the person has, within a period specified in the regulations, satisfactorily completed a similar approved course in respect of an earlier specified fixed penalty offence.

(2) The regulations must include provision for the purpose of identifying what counts as a “similar” course; and that provision may, in particular, confer power on a person to determine what courses count as similar.

- (3) In this Article the following terms have the meaning given by Article 91G(6)—
 - “approved course”;
 - “prosecution”;
 - “specified fixed penalty offence”.

Further provision about regulations under this Part

91I.—(1) Regulations under this Part are subject to negative resolution.

(2) Regulations under Article 91G(4) may be made only with the consent of the Department of Finance.

(3) Regulations under this Part may include such incidental or supplementary provision as appears to the Department of Justice to be necessary or expedient.]

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(1) power to apply conferred by SI 1981/154 (N.I. 1) Sch. 2A para. 7 (as inserted) by [S.I. 2007/916 \(N.I.\) Sch. 3](#)
- art. 31(3) inserted by [S.I. 2007/916 \(N.I.\) art. 10\(2\)](#)
- art. 35(1ZA)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- art. 35(3A) inserted by [2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- art. 36(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- art. 36(4A) inserted by [2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- art. 36(9)(b) word inserted by [2016 c. 11 \(N.I.\) s. 14\(5\)\(a\)](#)
- art. 36(9)(c) word repealed by [2016 c. 11 \(N.I.\) s. 14\(5\)\(b\)Sch. 2](#)
- art. 36(9)(d) repealed by [2016 c. 11 \(N.I.\) s. 14\(5\)\(c\)Sch. 2](#)
- art. 37(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- art. 38A(5A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)
- art. 38A(6A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(e\)](#)
- art. 42(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(7\)\(c\)](#)
- art. 47(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(b\)](#)
- art. 47(3B) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(c\)](#)
- art. 52(2ZA) inserted by [2009 c. 25 Sch. 21 para. 92\(9\)\(b\)](#)
- art. 54A inserted by [2016 c. 11 \(N.I.\) s. 15](#)
- art. 59(2A) inserted by [2016 c. 11 \(N.I.\) s. 8\(2\)](#)
- art. 59(4) added by [2016 c. 11 \(N.I.\) s. 8\(3\)](#)
- art. 59A-59C inserted by [2016 c. 11 \(N.I.\) s. 9\(1\)](#)
- art. 63A(7) added by [2016 c. 11 \(N.I.\) s. 11\(1\)\(d\)](#)
- art. 64B inserted by [2016 c. 11 \(N.I.\) s. 8\(5\)](#)