

## STATUTORY INSTRUMENTS

# 2005 No. 1964

## The Traffic Management (Northern Ireland) Order 2005

### *Penalty charges*

#### **Penalty charges**

4.—(1) A penalty charge is payable with respect to a vehicle involved in a contravention specified in Schedule 1—

- (a) by the owner of the vehicle; or
- (b) by such other person as may be prescribed.

(2) Schedule 1 (which specifies the contraventions for which a penalty charge is payable) shall have effect.

(3) The Department may by regulations amend Schedule 1 and regulations under this paragraph may in particular add any contravention of a statutory provision involving a vehicle, whether stationary or not.

(4) The Department may by regulations specify—

- (a) the amounts of any specified penalty charges;
- (b) the contraventions in relation to which any specified penalty charge is payable; and
- (c) the percentages by which any penalty charges may be reduced or increased.

(5) A penalty charge shall not be payable except on the basis of—

- (a) information given by a traffic attendant as to conduct observed by him; or
- (b) a record produced by a prescribed device.

(6) A penalty charge shall not be payable (or if paid shall be refunded) where the conduct in respect of which it was imposed is the subject of—

- (a) criminal proceedings; or
- (b) a fixed penalty notice.

(7) Criminal proceedings shall not be brought, and a fixed penalty notice shall not be issued, in respect of any prescribed description of conduct for which a penalty charge may be imposed.

#### **Modifications etc. (not altering text)**

**C1** Arts. 3-28: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), [arts. 1\(3\)\(8\)](#) (with [art. 1\(5\)](#))

#### **Commencement Information**

**II** [Art. 4](#) wholly in force at 30.10.2006; [art. 4\(3\)\(4\)\(7\)](#) in force at 20.8.2005 see [art. 1\(2\)](#); [art. 4\(1\)\(2\)\(5\)\(6\)](#) in force at 30.10.2006 by [S.R. 2006/347](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 4.