

ROAD TRAFFIC (NORTHERN IRELAND) ORDER 2007

S.I. 2007 No. 916 (N.I. 10)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Offences and Enforcement

10. Part II includes a number of amendments to existing legislation that revise the penalties for a number of existing offences. They also include the introduction of new measures to extend the enforcement powers of the police and vehicle examiners.
11. [Articles 3 to 6](#) introduce penalty points for non-wearing of a seatbelt, breaching a temporary speed limit, not having proper control of a vehicle and using a hand-held mobile telephone while driving.
12. [Articles 10 and 11](#) provide for certain road traffic offenders to be given the opportunity to attend, at their own cost, a driver retraining course and if they successfully complete the course, they will be entitled to a reduction in the number of penalty points or period of disqualification that would otherwise have been attributed to them. Article 11 also revises the existing Drink-Drive Rehabilitation Scheme to address a number of administrative problems relating to the courts and payment arrangements and allows provision of the course to continue.
13. Under Article 12 the police and vehicle examiners will be able to require the payment of a deposit by a person they believe to have committed an offence in relation to a motor vehicle and who does not provide a satisfactory address in the UK. These provisions, in effect, provide a means of enforcement against foreign drivers who avoid payment of fixed penalties and prosecution by simply leaving the country. It will be open for drivers to contest in court the charge of committing the offence and the deposit may be refunded.
14. [Article 13](#) and Schedule 1 makes provision for the immobilisation, removal and disposal of vehicles where the driving of the vehicle has been prohibited in certain circumstances.
15. [Article 14](#) enables the police to require a person they suspect of having driven whilst under the influence of drugs to undertake a preliminary impairment test
16. [Article 16](#) and Schedule 2 give vehicle examiners the power to issue fixed penalty notices.
17. [Article 21](#) gives the police power to seize vehicles driven without insurance.
18. [Articles 22 to 24](#) introduce the concept of graduated fixed penalties and penalty points. They give the Department power to prescribe graduated penalties and penalty points for offences. The graduations may take account of the circumstances of the offence including the nature of the offence, its severity, the location, and whether the offender appears to have committed other prescribed offences during a prescribed period.

*This Explanatory Memorandum refers to the Road
Traffic (Northern Ireland) Order 2007No. 916 (N.I. 10)*

19. [Article 25](#), with certain exceptions, makes it an offence to keep a registered vehicle which does not meet insurance requirements. When such an offence has occurred Schedule 3 makes provision for the immobilisation, removal and disposal of the vehicle.