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STATUTORY INSTRUMENTS

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**2007 No. 916**

**The Road Traffic (Northern Ireland) Order 2007**

**PART II**

**OFFENCES AND ENFORCEMENT**

*Graduated fixed penalties*

**Graduated fixed penalties**

**22.** Article 59 of the Offenders Order (amount of fixed penalty) shall be renumbered as paragraph (1) of that Article and after that paragraph insert—

“(2) Any order made under paragraph (1) in relation to an offence may make provision for the fixed penalty for the offence to be different depending on the circumstances, including (in particular)—

- (a) the nature of the contravention constituting the offence;
- (b) how serious it is;
- (c) the area, or sort of place, where it takes place; and
- (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.”.

**Graduated fixed penalty points**

**23.—**(1) Article 30 of the Offenders Order (penalty points to be attributed to an offence) is amended as follows.

(2) For paragraph (3) substitute—

“(3) For the purposes of Articles 63(5) and 82(4), the number of penalty points to be attributed to an offence is—

- (a) where a range of numbers is shown in the last column of Part I or Part II of Schedule 1 in relation to an offence, the lowest number in the range, or
- (b) where a range of numbers followed by the words “or appropriate penalty points (graduated fixed penalty)” is shown there in relation to the offence, the appropriate number of penalty points for the offence.

(3A) For the purposes of paragraph (3)(b) the appropriate number of penalty points for an offence is such number of penalty points as the Department may by order prescribe.

(3B) An order made under paragraph (3A) in relation to an offence may make provision for the appropriate number of penalty points for the offence to be different depending on the circumstances, including (in particular)—

- (a) the nature of the contravention constituting the offence;
- (b) how serious it is;

- (c) the area, or sort of place, where it takes place; and
- (d) whether the offender appears to have committed any offence or offences of a description specified in the order during a period so specified.”.
- (3) After paragraph (7)(a) insert—
  - “(ab) add or delete the words “or appropriate penalty points (graduated fixed penalty)” in relation to an offence in the last column of Part I or Part II of Schedule 1.”.
- (4) After paragraph (7) insert—
  - “(7A) Before making an order under paragraph (3A) the Department must consult with such representative organisations as it thinks fit.”.
- (5) In paragraph (8) for “paragraph (7)” substitute “this Article”.

### **Graduated fixed penalty points for speeding offences**

- 24.** In Schedule 1 to the Offenders Order (prosecution and punishment of offences)—
- (a) in Part I, in column (7), for the entry relating to Article 7 of the [Road Traffic Regulation \(Northern Ireland\) Order 1997 \(NI 2\)](#) (temporary traffic regulation) substitute “2-6 or appropriate penalty points (graduated fixed penalty) if as described in column 5.”;
  - (b) in Part I, in column (7), for the entry relating to Article 43 of the Road Traffic Regulation (Northern Ireland) Order 1997 (contravening speed limit) substitute “2-6 or appropriate penalty points (graduated fixed penalty) if as described in column 5.”;
  - (c) in Part II, in column (4), for the entry relating to Article 20 of the [Roads \(Northern Ireland\) Order 1993 \(NI 15\)](#) (restriction on use of special roads) substitute “2-6 or appropriate penalty points (graduated fixed penalty) if committed in respect of a speed restriction, 3 in any other case.”.