
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART II

OFFENCES AND ENFORCEMENT

Graduated fixed penalties

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”.