
DRAFT STATUTORY INSTRUMENTS

2007 No.

The Road Traffic (Northern Ireland) Order 2007

PART II

OFFENCES AND ENFORCEMENT

Miscellaneous

Offence of keeping vehicle which does not meet insurance requirements

25.—(1) In the Order of 1981, after Article 91 insert—

“Offence of keeping vehicle which does not meet insurance requirements

91A.—(1) If a motor vehicle registered under the Vehicle Excise and Registration Act 1994 does not meet the insurance requirements, the person in whose name the vehicle is registered is guilty of an offence.

(2) For the purposes of this Article a vehicle meets the insurance requirements if—

- (a) it is covered by a such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part, and
- (b) either of the following conditions is satisfied.

(3) The first condition is that the policy or security, or the certificate of insurance or security which relates to it, identifies the vehicle by its registration mark as a vehicle which is covered by the policy or security.

(4) The second condition is that the vehicle is covered by the policy or security because—

- (a) the policy or security covers any vehicle, or any vehicle of a particular description, the owner of which is a person named in the policy or security or in the certificate of insurance or security which relates to it, and
- (b) the vehicle is owned by that person.

(5) For the purposes of this Article a vehicle is covered by a policy of insurance or security if the policy of insurance or security is in force in relation to the use of the vehicle.

Exceptions to Article 91A offence

91B.—(1) A person (“the registered keeper”) in whose name a vehicle which does not meet the insurance requirements is registered at any particular time (“the relevant time”) does not commit an offence under Article 91A at that time if any of the following conditions are satisfied.

(2) The first condition is that at the relevant time the vehicle is owned as described in paragraph (2) or (2A) of Article 90 (whether or not at the relevant time it is being driven as described in that provision).

- (3) The second condition is that the registered keeper—
 - (a) is not at the relevant time the person keeping the vehicle, and
 - (b) if previously he was the person keeping the vehicle, he has by the relevant time complied with any requirements under paragraph (6)(a) that he is required to have complied with by the relevant or any earlier time.
- (4) The third condition is that—
 - (a) the registered keeper is at the relevant time the person keeping the vehicle,
 - (b) at the relevant time the vehicle is not used on a road or other public place, and
 - (c) the registered keeper has by the relevant time complied with any requirements under paragraph (6)(a) that he is required to have complied with by the relevant or any earlier time.
- (5) The fourth condition is that—
 - (a) the vehicle has been stolen before the relevant time,
 - (b) the vehicle has not been recovered by the relevant time, and
 - (c) any requirements under paragraph (6)(b) that, in connection with the theft, are required to have been complied with by the relevant or any earlier time have been complied with by the relevant time.
- (6) Regulations may make provision—
 - (a) for the purposes of paragraph (3)(b) and (4)(c), requiring a person in whose name a vehicle is registered to furnish such particulars and make such declarations as may be prescribed, and to do so at such times and in such manner as may be prescribed, and
 - (b) for the purposes of paragraph (5)(c), as to the persons to whom, the times at which and the manner in which the theft of a vehicle is to be notified.
- (7) Regulations may make provision amending this Article for the purpose of providing for further exceptions to Article 91A (or varying or revoking any such further exceptions).
- (8) A person accused of an offence under Article 91A is not entitled to the benefit of an exception conferred by or under this Article unless evidence is adduced that is sufficient to raise an issue with respect to that exception; but where evidence is so adduced it is for the prosecution to prove beyond reasonable doubt that the exception does not apply.

Fixed penalty notices

91C.—(1) Where on any occasion the Department has reason to believe that a person has committed an offence under Article 91A, the Department may give the person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty to the Department.

(2) Where a person is given a notice under this Article in respect of an offence under Article 91A—

- (a) no proceedings may be instituted for that offence before the end of the period of 21 days following the date of the notice, and
 - (b) he may not be convicted of that offence if he pays the fixed penalty before the end of that period.
- (3) A notice under this Article must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence.
- (4) A notice under this Article must also state—

- (a) the period during which, by virtue of paragraph (2), proceedings will not be taken for the offence,
- (b) the amount of the fixed penalty, and
- (c) the person to whom and the address at which the fixed penalty may be paid.

(5) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty to the person mentioned in paragraph (4)(c) at the address so mentioned.

(6) Where a letter is sent in accordance with paragraph (5) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

(7) Regulations may make provision as to any matter incidental to the operation of this Article, and in particular—

- (a) as to the form of a notice under this Article,
- (b) as to the information to be provided in such a notice by virtue of this Article, and
- (c) as to any further information to be provided in a such notice.

(8) The fixed penalty payable under this Article is, subject to paragraph (9), £100.

(9) Regulations may substitute a different amount for the amount for the time being specified in paragraph (8).

(10) Regulations may make provision for treating a fixed penalty payable under this Article as having been paid if a lesser amount is paid before the end of a prescribed period.

(11) In any proceedings a certificate which—

- (a) purports to be signed on behalf of the Department, and
- (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,

is evidence of the facts stated.

Article 91A offence: supplementary

91D.—(1) Schedule 2A makes provision about the immobilisation of vehicles as regards which it appears that an offence under Article 91A is being committed and about their removal and disposal.

(2) A person authorised by the Department for the purposes of this paragraph may on behalf of the Department conduct and appear in any proceedings by or against the Department in any court of summary jurisdiction in connection with the enforcement of an offence under Article 91A or under regulations made under Article 103 by virtue of Schedule 2A.”.

(2) In the Order of 1981, after Article 102 insert—

“Disclosure of information

102A.—(1) Regulations may make provision for an in connection with requiring MIIC to make information available to any prescribed person for the purposes of the exercise of any of that person’s functions in connection with the enforcement of an offence under this Part or under regulations made under Article 103.

(2) In this Article—

“information” means information held in any form;

“MIIC” means the Motor Insurers' Information Centre (a company limited by guarantee and incorporated under the Companies Act 1985 (c. 6) on 8th December 1998).”.

(3) After Schedule 2 to the Order of 1981 insert the Schedule 2A set out in Schedule 3 to this Order.

(4) In Article 92(a) of the Offenders Order (penalty for breach of regulations under Order of 1981) for “of that Order” substitute “or under Article 103 of that Order by virtue of Schedule 2A”.

(5) Part 1 of Schedule 1 to the Offenders Order (prosecution and punishment of offences) is amended as follows.

(6) After the entry relating to Article 90 of the Order of 1981 insert—

“Article 91A	Keeping vehicle which does not meet insurance requirements.	Summarily.	Level 3 on the standard scale.”.
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(7) After the entry relating to Article 97 of the Order of 1981 insert—

“Regulations under Article 103 made by virtue of paragraph 2(1) of Schedule 2A.	Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting removal of or interference with immobilisation notice.	Summarily.	Level 2 on the standard scale.
Regulations under Article 103 made by virtue of paragraph 2(2) of Schedule 2A.	Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting removal or attempted removal of immobilisation device	Summarily.	Level 3 on the standard scale.
Regulations under Article 103 made by virtue of paragraph 2(3) of Schedule 2A.	Contravention of provision of regulations (which is declared by regulations to be an offence) about display of disabled person’s badge.	Summarily.	Level 3 on the standard scale.
Regulations under Article 103 made by virtue of paragraph 2(4) of Schedule 2A.	Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting making of false or misleading declaration to secure release of vehicle from immobilisation device.	(a) Summarily. (b) On indictment	(a) The statutory maximum. (b) 2 years or a fine or both

Regulations under Article 103 made by virtue of paragraph 4 of Schedule 2A.	Contravention of provision of regulations (which is declared by regulations to be an offence) prohibiting making of false or misleading declaration to secure possession of vehicle in person's custody.	(a) Summarily. (b) On indictment.	(a) The statutory maximum. (b) 2 years or a fine or both.".
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