

SCHEDULES

SCHEDULE 2

GIVING OF FIXED PENALTY NOTICES BY VEHICLE EXAMINERS ETC.

The Road Traffic Offenders (Northern Ireland) Order 1996 (NI 10)

17. In Article 81 (effect of offer and payment of penalty)—
- (a) in paragraph (1), for “sent” substitute “issued”;
 - (b) for paragraphs (2) to (5) substitute—
 - “(2) Where the alleged offender makes payment of the fixed penalty in accordance with the conditional offer, no proceedings shall be brought against him for the offence to which the offer relates unless paragraph (3) applies.
 - (3) This paragraph applies where—
 - (a) it appears to the appropriate person, on inspecting the licence and its counterpart, that the alleged offender would be liable to be disqualified under Article 40 if he were convicted of the offence to which the conditional offer relates;
 - (b) the appropriate person returns the payment to the alleged offender together with his licence and its counterpart; and
 - (c) where the appropriate person is not the Department, the appropriate person gives notice that he has done so to the Chief Constable.
 - (4) Where the requirements specified in the conditional offer in accordance with heads (i) and (ii) of Article 80(5)(a) have not been fulfilled, no proceedings shall be brought against the alleged offender for the offence to which the offer relates—
 - (a) until the end of the period of 28 days following the date on which the conditional offer was made, or such longer period as may be specified in the offer, and
 - (b) where the appropriate person is not the Department, unless the appropriate person notifies the Chief Constable that proceedings may be brought by virtue of this paragraph.”;
 - (c) in paragraph (6), for “(4)(b)” substitute “(3)(a)”;
 - (d) in paragraph (7), for—
 - (i) “the fixed penalty clerk”; and
 - (ii) “that clerk”,substitute “the appropriate person”;