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STATUTORY INSTRUMENTS

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**1996 No. 1320**

**The Road Traffic Offenders (Northern Ireland) Order 1996**

**PART IV**

**FIXED PENALTIES**

*The fixed penalty procedure*

**Notices on-the-spot or at a police station: when registration and endorsement invalid**

77.—(1) This Article applies where—

- (a) a person who has received notice of the registration, by virtue of Article 61(3), of a sum under Article 76 for enforcement against him as a fine makes a statutory declaration to the effect mentioned in paragraph (2), and
- (b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the clerk of petty sessions.

(2) The statutory declaration must state—

- (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
- (b) that he gave notice requesting a hearing in respect of the alleged offence as permitted by the fixed penalty notice before the end of the suspended enforcement period.

(3) In any case within paragraph (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered shall be void.

(4) Where in any case within paragraph (2)(a) the person to whom the relevant fixed penalty notice was given surrendered a licence and its counterpart held by the person making the declaration, any endorsement of that counterpart made under Article 63 in respect of the offence in respect of which that notice was given shall be void.

(5) In any case within paragraph (2)(b)—

- (a) the registration, any proceedings taken before the declaration was served for enforcing payment of the sum registered, and any endorsement, in respect of the offence in respect of which the relevant fixed penalty notice was given, made under Article 63 before the declaration was served, shall be void, and
- (b) the case shall be treated after the declaration is served as if the person making the declaration had given notice requesting a hearing in respect of the alleged offence as stated in the declaration.

(6) The clerk of petty sessions must—

- (a) cancel an endorsement of the counterpart of a licence under Article 63 that is void by virtue of this Article on production of the licence and its counterpart to him for that purpose, and
- (b) send notice of the cancellation to the Department.

(7) References in this Article to the relevant fixed penalty notice are to the fixed penalty notice relating to the fixed penalty concerned.