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## STATUTORY INSTRUMENTS

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# 1996 No. 1320

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

### PART IV **N.I.**

#### FIXED PENALTIES

##### *Conditional offer of fixed penalty*

#### **Issue of conditional offer** **N.I.**

**80.**—(1) Where—

- (a) a constable has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under Article 60 or fixed to a vehicle under Article 67,

a notice under this Article may be sent to the alleged offender by or on behalf of the Chief Constable.

[<sup>F1</sup>(1A) Where—

- (a) a vehicle examiner has reason to believe that a fixed penalty offence has been committed, and
- (b) no fixed penalty notice in respect of the offence has been given under Article 60 or fixed to a vehicle under Article 67,

a notice under this Article may be sent to the alleged offender by the Department.]

(2) A notice under this Article is referred to in this Article and in Articles 81 [<sup>F2</sup>,82 and 82A] as a “conditional offer”.

(3) Where a [<sup>F3</sup>conditional offer is issued by a person under paragraph (1)], he must notify such clerk of petty sessions as may be specified in the conditional offer of its issue and its terms; and that clerk is referred to in this Article and in Articles 81 [<sup>F4</sup>, 82 and 82A] as “the fixed penalty clerk”.

(4) A conditional offer must—

- (a) give such particulars of the circumstances alleged to constitute the offence to which it relates as are necessary for giving reasonable information about the alleged offence,
- (b) state the amount of the fixed penalty for that offence, and
- (c) state that proceedings against the alleged offender cannot be commenced in respect of that offence until the end of the period of 28 days following the date on which the conditional offer was issued or such longer period as may be specified in the conditional offer.

(5) A conditional offer [<sup>F5</sup>sent to an alleged offender who is the holder of a licence] must indicate that if the following conditions are fulfilled, that is—

- (a) within the period of 28 days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender—
  - (i) makes payment of the fixed penalty to [<sup>F6</sup>the appropriate person], and

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(ii) where the offence to which the offer relates is an offence involving obligatory endorsement, at the same time delivers his licence and its counterpart to [<sup>F7</sup>the appropriate person], and

(b) where his licence and its counterpart are so delivered, [<sup>F8</sup>the appropriate person] is satisfied on inspecting them that, if the alleged offender were convicted of the offence, he would not be liable to be disqualified under Article 40,

any liability to conviction of the offence shall be discharged.

[<sup>F9</sup>(5A) A conditional offer sent to an alleged offender who is not the holder of a licence must indicate that if the following conditions are fulfilled, that is—

(a) within the period of 28 days following the date on which the offer was issued, or such longer period as may be specified in the offer, the alleged offender makes payment of the fixed penalty to the appropriate person, and

(b) the appropriate person is satisfied, on accessing information held on the driving record of the alleged offender, that if he were convicted of the offence, he would not be liable to be disqualified under Article 40,

any liability to conviction of the offence shall be discharged.]

(6) For the purposes of the [<sup>F10</sup>conditions] set out in paragraph (5)(b) [<sup>F11</sup>and (5A)(b)], it shall be assumed, in the case of an offence in relation to which a range of numbers is shown in the last column of Part I or Part II of Schedule 1, that the number of penalty points to be attributed to the offence would be the lowest in the range.

[<sup>F12</sup>(7) In this Article and Articles 81 [<sup>F13</sup>, 82 and 82A]“the appropriate person” means—

- (a) where the conditional offer was issued under paragraph (1), the fixed penalty clerk, and
- (b) where the conditional offer was issued under paragraph (1A), the Department.]

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| <b>F1</b>  | Art. 80(1A) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, <b>Sch. 2 para. 16(a)</b> ; S.R. 2010/370, <b>art. 2(1)</b> , Sch. Pt. 1                       |
| <b>F2</b>  | Words in art. 80(2) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), <b>Sch. 4 para. 21(a)</b> ; S.R. 2010/370, <b>art. 2(2)</b> , Sch. Pt. II        |
| <b>F3</b>  | Words in art. 80(3) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, <b>Sch. 2 para. 16(b)</b> ; S.R. 2010/370, <b>art. 2(1)</b> , Sch. Pt. 1            |
| <b>F4</b>  | Words in art. 80(3) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), <b>Sch. 4 para. 21(b)</b> ; S.R. 2010/370, <b>art. 2(2)</b> , Sch. Pt. II        |
| <b>F5</b>  | Words in art. 80(5) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), <b>Sch. 4 para. 21(c)</b> ; S.R. 2010/370, <b>art. 2(2)</b> , Sch. Pt. II           |
| <b>F6</b>  | Words in art. 80(5)(a)(i) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, <b>Sch. 2 para. 16(c)(i)</b> ; S.R. 2010/370, <b>art. 2(1)</b> , Sch. Pt. 1   |
| <b>F7</b>  | Words in art. 80(5)(a)(ii) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, <b>Sch. 2 para. 16(c)(ii)</b> ; S.R. 2010/370, <b>art. 2(1)</b> , Sch. Pt. 1 |
| <b>F8</b>  | Words in art. 80(5)(b) substituted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, <b>Sch. 2 para. 16(c)(ii)</b> ; S.R. 2010/370, <b>art. 2(1)</b> , Sch. Pt. 1     |
| <b>F9</b>  | Art. 80(5A) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), <b>Sch. 4 para. 21(d)</b> ; S.R. 2010/370, <b>art. 2(2)</b> , Sch. Pt. II                   |
| <b>F10</b> | Word in art. 80(6) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), <b>Sch. 4 para. 21(e)(i)</b> ; S.R. 2010/370, <b>art. 2(2)</b> , Sch. Pt. II      |
| <b>F11</b> | Words in art. 80(6) inserted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), <b>Sch. 4 para. 21(e)(ii)</b> ; S.R. 2010/370, <b>art. 2(2)</b> , Sch. Pt. II       |
| <b>F12</b> | Art. 80(7) inserted (13.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 16, <b>Sch. 2 para. 16(d)</b> ; S.R. 2010/370, <b>art. 2(1)</b> , Sch. Pt. 1                        |

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**F13** Words in art. 80(7) substituted (14.12.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), 39(6), **Sch. 4 para. 21(f)**; S.R. 2010/370, **art. 2(2)**, Sch. Pt. II

**Changes to legislation:**

The Road Traffic Offenders (Northern Ireland) Order 1996, Section 80 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(1) power to apply conferred by SI 1981/154 (N.I. 1) Sch. 2A para. 7 (as inserted) by [S.I. 2007/916 \(N.I.\) Sch. 3](#)
- art. 31(3) inserted by [S.I. 2007/916 \(N.I.\) art. 10\(2\)](#)
- art. 35(1ZA)-(1ZC) inserted by [2016 c. 11 \(N.I.\) s. 12\(2\)](#)
- art. 35(3A) inserted by [2016 c. 11 \(N.I.\) s. 13\(2\)](#)
- art. 36(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(3\)\(d\)](#)
- art. 36(4A) inserted by [2016 c. 11 \(N.I.\) s. 14\(2\)](#)
- art. 36(9)(b) word inserted by [2016 c. 11 \(N.I.\) s. 14\(5\)\(a\)](#)
- art. 36(9)(c) word repealed by [2016 c. 11 \(N.I.\) s. 14\(5\)\(b\)Sch. 2](#)
- art. 36(9)(d) repealed by [2016 c. 11 \(N.I.\) s. 14\(5\)\(c\)Sch. 2](#)
- art. 37(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(4\)\(c\)](#)
- art. 38A(5A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(c\)](#)
- art. 38A(6A) inserted by [2009 c. 25 Sch. 21 para. 92\(5\)\(e\)](#)
- art. 42(2A) inserted by [2009 c. 25 Sch. 21 para. 92\(7\)\(c\)](#)
- art. 47(3A) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(b\)](#)
- art. 47(3B) inserted by [2009 c. 25 Sch. 21 para. 92\(8\)\(c\)](#)
- art. 52(2ZA) inserted by [2009 c. 25 Sch. 21 para. 92\(9\)\(b\)](#)
- art. 54A inserted by [2016 c. 11 \(N.I.\) s. 15](#)
- art. 59(2A) inserted by [2016 c. 11 \(N.I.\) s. 8\(2\)](#)
- art. 59(4) added by [2016 c. 11 \(N.I.\) s. 8\(3\)](#)
- art. 59A-59C inserted by [2016 c. 11 \(N.I.\) s. 9\(1\)](#)
- art. 63A(7) added by [2016 c. 11 \(N.I.\) s. 11\(1\)\(d\)](#)
- art. 64B inserted by [2016 c. 11 \(N.I.\) s. 8\(5\)](#)